
OBSERVATIONS ON BEHALF OF
PETER FRANCIS RE
PRELIMINARY DRAFT MODULE 2b ISSUES LIST

1. We note the proposals for the list of issues for Module 2b. We propose the following additions to the draft list:

Training and Guidance

2. The following question is proposed in addition to the issues examined at 17. Proposed new question 17.2:

How did any training or guidance provided compare with that provided for other police units carrying out long-term undercover work (e.g. SO10)?

Whistleblowing

3. As the Inquiry knows from his opening in October 2020, one of PF's major concerns is the tension between the provisions of the Official Secrets Act 1989 ('OSA') and the contemporary acceptance that the disclosure of wrongdoing by employees can be in the public interest. It is respectfully submitted that questions 69 and 70 are valueless without specific reference to the OSA which effectively criminalises whistleblowing for serving and retired police officers and other Crown servants.
4. Proposed new question 69A:

What, if any, consideration was given to the Official Secrets Act 1989 in the context of whistleblowing?

The welfare of undercover officers and their families

5. It is respectfully submitted that questions put to senior officers about the adequacy or otherwise of psychological and psychiatric support for UCOs in the SDS should not be answered in a vacuum, and a comparator would be more illuminating.

6. Proposed new question 81.3:

How did any provision made compare to that made for other police units carrying out long-term undercover work (e.g. SO10)?

Interaction with the Security Service

7. It is submitted that to properly understand the relationship between senior SDS managers and the Security Service, it is important to explore what happened to SDS senior managers once they retired.

8. Proposed new questions 93A and B:

Were SDS senior managers encouraged to join the Security Service (or Home Office) after their retirement from the police?

If so, what roles were they offered? And did they still have access to SDS intelligence/decisions once so employed?

Senior management knowledge of and attitudes towards participation in, or encouragement of, crime by undercover officers

9. This sub-heading and related questions do not appear in the Module 2b draft- this is different from '**Senior management knowledge of and attitudes towards undercover officers' involvement in criminal proceedings'** set out at question 49 onwards. We consider that it is of paramount importance to understand whether more senior managers were aware of the commission or facilitation or encouragement of crime by UCOs, and any authorisation of it, as opposed to the subsequent proceedings. We therefore propose the inclusion of part of the subject matter covered by Module 2a questions 128 to 134, and in particular question 131. As such we propose the following questions be added at 94A (**Disbandment**):

94A: Were senior managers aware of undercover officers committing, participating in, facilitating, or encouraging crime?

94A.1: If so, what was their response upon learning of such events?

94A.2: If not, should they have been made aware?

10. Finally, we also propose the following as new question 94.2:

How, if at all, were lessons learned from the operation of the SDS used to inform the establishment and workings of its successors?

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