

Email received by the Inquiry from MPS/DL on 22 July 2022

RE:DRAFT MODULE 2(C) ISSUES LIST FOR THE TRANCHE 1 ERA DATED 30 JUNE 2022

Please find below written submissions on behalf of the Designated Lawyer officer core participant group in relation to the above made by reference to the numbering used therein.

These submissions have been prepared on the basis that what matters for present purposes is whether an issue is sufficiently significant and relevant to the inquiry's terms of reference, not whether documents or evidence relating to that issue are likely to be available from a particular body or from surviving witnesses.

- (1) Issue 1: It is submitted that "the remit" of the SDS should be added to the list of matters referred to here.
- (2) Issues 1-2: It is submitted that the scope of these issues should be widened by adding the following to the end of both, "and to what extent was this consistent with or different to the role the Home Office played more generally in relation to other units or sub-units within the Metropolitan Police Service, its Special Branch or any other police force or special branch".
- (3) Issue 3: It is submitted that it would assist to break down and set out the different ways in which the Home Office may have played a role in relation to the SDS by expanding this to read: "What role, if any, did the Home Office play in relation to the way in which the SDS operated, its operational aims and objectives and any related obligations or requirements of secrecy and to what extent was this consistent with or different to the role the Home Office played more generally in relation to other units or sub-units within the Metropolitan Police Service, its Special Branch or any other police force or special branch".
- (4) Issue 4A: Following on from issue 4, it is submitted that it would assist to explore the way in which the Home Office's national responsibilities in relation to policing, public order and MI5 and its regional responsibilities as the Police Authority for the MPS may have factored into its role and involvement. The following additional issue is proposed: "In what ways and to what extent, if at all, did the Home Office consider the SDS to be or treat it as a national function or resource and in what ways and to what extent, if at all, was the role it played in relation to the SDS influenced by its national responsibilities in relation to policing, public order, [MI5] or the functions of special branches or its regional responsibilities as the Police Authority for the Metropolitan Police Service".
- (5) Issue 7: The submissions set out in part 2 of the DL's T1P3 opening statement dated 22 April 2022 "Modules 2(b)-(c) and further MPS / MI5 evidence" are repeated and, for those reasons, it is submitted that this issue should be broken down into two limbs and expanded as follows:
 - (a) First, as well as investigate the direct working relationship between MI5 and the SDS, it is submitted that the inquiry should also investigate its working relationship with MPSB more generally as this clearly had an indirect impact on the SDS, particularly at the senior management and Squad level. In this regard, MI5 submitted intelligence requests, requirements and priorities to and had other communications with MPSB and its Squads which were (a) fed down to the SDS in various ways and/or (b) responded to using intelligence

emanating from the SDS. It is therefore submitted that the following should be added to the end of what is currently issue 7, “and, insofar as related to subjects reported on by the SDS, what was the wider working relationship between the Metropolitan Police Special Branch and [MI5]”.

(b) Secondly, it is submitted that it would assist to break down and set out the different aspects of the relationships between MI5, MPSB and the SDS. The following is proposed: “To what extent did those relationships involve advice, assistance, support, or information being offered, provided, requested or received in relation to (a) operational processes, procedures, tradecraft or training generally, (b) the creation or maintenance of undercover identities, (c) specific operations or targets, (d) briefs, debriefs or intelligence, (e) the identification of subversive or potentially subversive individuals or groups, (f) the identification of possible sources of intelligence or (g) vetting”.

(6) Issue 8A: For the reasons set out in part 4 of the DL’s T1P3 opening statement dated 22 April 2022 “Cover identities”, it is submitted that an important issue for the inquiry to investigate is: “To what extent, if at all, was [MI5] aware of or involved in the SDS’s use of deceased children’s identities in the creation of undercover identities and to what extent, if at all, did it devise, advise upon, discuss or itself use that practice and/or put in place a system for checking its use by others through monitoring of applications for birth and death certificates”.

(7) Issue 8: The reference to the SDS’s “role in relation to [MI5]” is obscure and it is submitted that it would make more sense to refer to “its interactions or relationship with [MI5]” and, following on from the above, also to include “or the wider interactions or relationship between [MI5] and the Metropolitan Police Special Branch more generally”.

(8) Issue 11: It is submitted that this issue should be expanded to say, “What was the role of the Interdepartmental Committee or Working Group on Subversion in Public Life, what were its terms of reference and functions and to what extent, if at all, did its work have an influence on or benefit from the operation of the SDS”.

(9) General: It is submitted that a further sub-heading “Subversion” should be added to this list asking:

(a) “What role did the Home Office, [MI5], Cabinet Office or any other government minister, department or body have in defining ‘subversion’ as a matter of national security concern or importance”.

(b) “To what extent, if at all, did assessments of the Home Office, [MI5], Cabinet Office or any other government minister, department or body as to the identification of subversive or potentially subversive individuals or groups guide, influence or correspond with the individuals or groups reported on by the SDS”.