

Explanatory note

Module 2(b) Special Demonstration Squad Issues List

Responses to consultation

1. This explanatory note accompanies the publication by the Inquiry of its List of Issues for Module 2(b) insofar as it concerns the Special Demonstration Squad, and of the substantive responses received by the Inquiry to the draft list on which the Inquiry consulted. The Inquiry received:
 - 1.1. Submissions on the draft List of Issues on behalf of the non-state non-police core participants [NPSCPs];
 - 1.2. Observations on the draft List of Issues on behalf of Peter Francis;
 - 1.3. Submissions on the draft List of Issues on behalf of the Metropolitan Police Service (Commissioner's Legal Team);
 - 1.4. Representations on the draft List of Issues on behalf of the 'Designated Lawyer officers' of the Metropolitan Police Service.

The Issues List

2. The Chairman has considered the submissions, observations and proposed amendments listed at paragraph 1, above, and has amended the draft list.
3. Whilst the submissions and proposals made were constructive and gratefully received, those reading the final List of Issues alongside the submissions will note that many of the proposed changes have not been incorporated within the final list.
4. The List of Issues is intended to act as a guide and framework for the work of the Inquiry and is not intended to include every individual issue about which evidence might be sought and/or heard; so, whilst the Inquiry agreed that many (but not all) of the proposed issues were relevant, most have not been included. There are various reasons why not, for example:
 - 4.1. A significant number of the proposals made were, in the view of the Inquiry, already adequately covered by an issue contained in the list;
 - 4.2. A further number were considered to be too detailed to warrant inclusion as free-standing issues (although the proposals made, where relevant, will be taken into account when questions are asked of witnesses under rule 9 of the Inquiry Rules 2006);

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- 4.3. Some suggestions made were considered to be more relevant to Module 2(c) than Module 2(b) – such as the extent of any influence on SDS procedures etc. from organisations outside of the Metropolitan Police Service - and fall to be considered for inclusion in a later list of issues. It does not follow that evidence will not be sought and adduced in Module 2(b) that may be relevant to Module 2(c) and vice versa.
5. It should be borne in mind that the List of Issues is a tool to assist the Inquiry to fulfil its Terms of Reference and is not intended to fetter its work. As set out in the introduction to the draft list, the list can and will be amended should the ongoing investigation uncover matters which require the current list to be revisited. Nothing in it should be understood as indicating that the inquiry has reached conclusions on issues about which it has yet to receive or hear evidence.

Points of detail

6. The NPSCPs' submissions appeared to misunderstand, in part, paragraph 2 of the introduction to the draft list, which said that the Inquiry would be likely to focus on “the role of senior managers in relation to particular episodes or incidents of significance revealed by evidence gathered as part of Modules 1 & 2a, gathering evidence in relation to systemic senior management issues as part and parcel of that approach.” That wording was not intended to convey that the focus would be confined to episodes or incidents of *public disorder*. The inquiry does not intend to confine its approach in that manner.
7. References to the Security Service do not include MI6 or the Foreign and Commonwealth Office.

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