

## Preliminary Module 2(b) Issues List - Special Demonstration Squad

### **The establishment of the SDS and its continuation**

1. Why was the SDS created?
2. Who within senior management knew about and/or was involved in its creation, funding, remit, intended activities, and continued existence and what part did they play?
3. What provision was made for the direction, management and supervision of the SDS by senior managers?
4. What was the role of senior management in the continued existence and funding of the SDS after its creation?

### **Senior management and supervisory structure and function - general**

5. To what extent and how were the activities of the SDS overseen within the Metropolitan Police Service?
6. To what extent were the SDS's procedures, targeting, operations, tactics, techniques and reporting methods directed, controlled, or in any other way influenced by the chain of command above the unit itself?
7. What were the ranks and roles of senior managers in the supervisory chain or chain of command?
8. What was the extent of the contact between undercover officers and managers in the SDS and senior managers in the Special Branch chain of command?
9. To what extent did SDS managers or undercover officers share information with senior management about the activities of SDS undercover officers?
10. What if any part did senior management play in the day-to-day supervision and care of SDS undercover officers and managers?
11. What if any role did senior management play in praising, commending, criticising, or disciplining SDS undercover officers or managers?
12. Did previous service as an undercover officer within the SDS influence the role played by individual senior managers?

### **Selection and Recruitment**

13. What role, if any, did senior managers play in devising, implementing, running and/or reviewing the selection and recruitment process(es) for undercover officers for the SDS?
14. How effective in practice were those arrangements and their implementation?

## UNDERCOVER POLICING INQUIRY

15. What if any role did senior officers play in the recruitment of personnel into the SDS, including the selection of the managers who served within the unit?

### Training and Guidance

16. To what extent did senior managers play a role in the training and guidance of those serving within the SDS?
  - 16.1. If they did, what role(s) did they play and with what result(s)?
17. What was the legal and regulatory framework in which the SDS operated?
  - 17.1. What part did senior management play, if any, in ensuring that the legal and regulatory framework was acknowledged and understood by those who served within the SDS?
18. What guidance or advice, if any, was given by or on behalf of senior managers to those serving within the SDS on any ethical limitations applicable to the behaviour of undercover officers during deployments?

### Legend building and the use of deceased children's identities

19. What role, if any, did senior managers play in the adoption, use and discontinuance of the practice of using deceased children's identities, or aspects thereof, in the creation of undercover identities for SDS officers?
20. What knowledge, if any, did senior managers have of the use of deceased children's identities, or aspects thereof, by the SDS?
21. What, if any, thought was given by senior managers to the impact on the surviving family of a deceased child of the use for police purposes of their identity?

### Targeting and authorisation

22. Which ranks and roles within senior management were involved in selecting the groups or individuals to be targeted by the SDS, and/or authorised such targeting? On what basis did they do so?

In particular:

- 22.1. Did senior management authorise the targeting or infiltration of, or gathering of intelligence about **social justice campaigns and/or campaigners**? If so, what was the stated purpose of doing so?
- 22.2. If intelligence on social justice campaigns or campaigners was gathered without authorisation, did senior managers become aware of this, and if so, how? What was their response?
- 22.3. What if any consideration was given by senior managers to the possible impact of gathering intelligence in this way on lawful and legitimate social justice campaigning and campaigners?

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- 22.4. Did senior management authorise the targeting or infiltration of, or gathering of intelligence about **Stephen Lawrence's family, the Stephen Lawrence campaign, and/or Duwayne Brooks OBE (including any of their legal advisers)**? If so, what was the stated purpose of doing so?
- 22.5. If intelligence on Stephen Lawrence's family, the Stephen Lawrence campaign, and/or Duwayne Brooks OBE (including any of their legal advisers) was gathered without authorisation, did senior managers become aware of this, and if so, how? What was their response?
- 22.6. Did any senior manager give consideration to informing the Macpherson Inquiry of SDS activities in relation to the Stephen Lawrence campaign, the Movement for Justice or other campaigns that were, or were perceived to be linked with campaigns arising from the murder of Stephen Lawrence or the attack on Duwayne Brooks OBE and/or the Macpherson Inquiry? If so, who, and what, if anything, was done about it?
- 22.7. Did senior management authorise the targeting or infiltration of, or gathering of intelligence about **elected politicians, political organisations and political activists**? If so, what was the stated purpose of doing so?
- 22.8. If intelligence on elected politicians, political organisations and/or political activists was gathered without authorisation, did senior managers become aware of this, and if so, how? What was their response?
- 22.9. What, if any, consideration was given by senior management to the potential impact such activities could have on the political and democratic process?
- 22.10. Did senior management authorise the targeting or infiltration of, or gathering of intelligence about **trade unions and/or trade union members**? If so, what was the stated purpose of doing so?
- 22.11. If intelligence on trade unions and/or trade union members was gathered without authorisation, which senior managers became aware of this, and how? What was their response?
- 22.12. What if any consideration was given by senior managers to the possible impact of gathering intelligence in this way on lawful and legitimate trade union activity?
- 22.13. Did senior management authorise the targeting or infiltration of, or gathering of intelligence about **social and environmental activists**? If so, what was the stated purpose of doing so?
- 22.14. If intelligence on social and environmental activists was gathered without authorisation, which senior managers became aware of this, and how? What was their response?

## UNDERCOVER POLICING INQUIRY

- 22.15. What if any consideration was given by senior managers to the possible impact of gathering intelligence in this way on lawful and legitimate social and environmental activism?
23. Did senior managers task undercover officers to gather particular information?
  - 23.1. If so, for what purpose(s)?
24. Was any aspect of senior management targeting or tasking influenced by either conscious or subconscious racism?
25. Was any aspect of senior management targeting or tasking influenced by either conscious or subconscious sexism?
26. To what extent were senior managers involved in any ongoing review of the purpose(s) and/or justification for SDS undercover deployments, after they had commenced?
27. What, if any, documentary records still exist to explain the reasons for any targeting and/or tasking decisions made by senior managers?
28. If and insofar as senior managers were involved in selecting and/or authorising targets and/or reviewing ongoing deployments, were their selections, authorisations and the deployments justified?
29. Were there deployments which senior managers could and should have stopped?

### **SDS Record Keeping**

30. What, if any, instructions were given by senior managers as to what should and should not be recorded in SDS intelligence reports, and by whom?
31. What policies, if any, were in place in relation to the collection, storage and retention of SDS reports by Special Branch?

### **Dissemination of SDS Reporting**

32. In what circumstances, by what means, and for what reason(s) was information gathered by SDS undercover officers disseminated to (a) others within the Metropolitan Police Service, (b) other police forces, (c) other individuals or organisations (including private sector organisations)?
33. To what extent was disseminated SDS intelligence used for legitimate policing purposes? For what other purpose(s) was it used?
34. Did the activities of the SDS contribute to the detection, prevention, and prosecution of crime, in particular serious crime?
35. Did the activities of the SDS facilitate the prevention and control of public disorder?
36. If so, and in any event, did those consequences justify its activities?

## UNDERCOVER POLICING INQUIRY

### **Senior Management knowledge of and attitudes towards relationships between undercover officers in their cover identities and those with whom they came into contact**

37. What, if any, policy, instruction, procedure or guidance existed concerning all relationships between undercover officers in their undercover identities and those with whom they came into contact?
  - 37.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure or guidance?
38. Were senior managers aware of relationships between undercover officers in their cover identities and those upon whom they were reporting, or with whom they came into contact in their undercover identities?
  - 38.1. If so, what were their attitudes to those relationships?
  - 38.2. If not, should they have been?
39. Were relationships between undercover officers and those whom they encountered in their undercover identities authorised and/or encouraged by senior managers?
  - 39.1. If so, who gave that authorisation and/or encouragement?
40. Were such relationships tolerated and/or condoned by senior managers?
  - 40.1. If not, what, if anything, was done to ensure that they did not occur, and how effective were any steps taken?
41. If senior managers were aware of such relationships, what, if any, consideration was given by them to the impact on those with whom relationships were formed of the deception implicit in them?
42. What, if any, consideration was given by senior managers to the impact on those with whom such relationships occurred about the consequences of them, for them?
43. What, if any, consideration was given by senior officers to the impact on the families of undercover officers who formed relationships with their targets/those upon whom they reported?
44. To what extent, if at all, was the occurrence of such relationships prompted by conscious or unconscious sexist attitudes on the part of senior managers?

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

45. What, if any, policy, instruction, procedure, or guidance existed concerning participation in, facilitation, or encouragement of crime by undercover officers?
  - 45.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?

## UNDERCOVER POLICING INQUIRY

46. Were senior managers aware of undercover officers committing, participating in, facilitating, or encouraging crime?
  - 46.1. If so, what was their response upon learning of such events?
  - 46.2. If not, should they have been?
47. Were undercover officers authorised or encouraged by senior managers to commit, facilitate or encourage others to commit criminal offences?
  - 47.1. If so, which criminal offences were they authorised to commit, facilitate or encourage others to commit, and why?
  - 47.2. Who gave that authorisation?
48. Was unauthorised participation in, facilitation and/or encouragement of crime tolerated or condoned by senior managers?
  - 48.1. If not, what, if anything, was done to ensure that it did not occur, and how effective were the steps taken?

### **Senior management knowledge of and attitudes towards undercover officers' involvement in criminal proceedings**

49. What, if any, policy, instruction, procedure, or guidance existed concerning an undercover officer being arrested, charged or summonsed in his or her cover identity, and/or appearing in court as a defendant?
  - 49.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?
50. Did senior managers become aware of undercover officers being arrested, charged, or summonsed, or appearing as defendants in their cover identities?
  - 50.1. If so, what was their response on learning of such events?
  - 50.2. If not, should they have been aware?
51. Did senior managers authorise or encourage undercover officers to maintain their cover identities upon arrest, charge, or summons, and/or when appearing in court as a defendant?
  - 51.1. If so, who authorised or encouraged this conduct?
52. In circumstances in which an undercover officer was arrested and/or charged or summonsed, and/or appeared in court as a defendant in his or her cover identity, what consideration was given by senior managers to whether or not the police investigating the offence(s), the prosecution, other parties to the proceedings, and the court, should be informed about their true identity?
53. What, if any, policy, instruction, procedure, or guidance existed concerning an undercover officer appearing in court as a defence witness in his/her cover identity?

## UNDERCOVER POLICING INQUIRY

- 53.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?
54. Did senior managers become aware of undercover officers appearing as defence witnesses in their cover identities?
  - 54.1. If so, what was their response on learning of such events?
  - 54.2. If not, should they have been aware?
55. Did senior managers authorise undercover officers to appear as defence witnesses in their cover identities?
  - 55.1. If so, who authorised this conduct?
56. In circumstances in which an undercover officer appeared as a defence witness in his/her cover identity, what consideration was given by senior managers to whether or not the court and parties to the proceedings should be informed about their true identity?
57. What consideration was given by senior managers to the potential impact upon the fairness of criminal trials in which undercover officers appeared as defence witnesses (including as co-defendants) in their cover identities?
58. What, if any, policy, instruction, procedure, or guidance existed concerning an undercover officer appearing in court in their undercover identity as a prosecution witness?
  - 58.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?
59. To what extent were senior managers involved in decisions about whether or not an undercover officer should give evidence as a prosecution witness in their undercover identity?
60. If any undercover officer gave evidence in court as a prosecution witness, what if any steps were taken by senior managers to ensure that the investigating officers and prosecution were aware that the person giving evidence was an undercover officer?
61. In any given case, does the participation of an undercover officer in proceedings before a court or in connection with proceedings before a court require referral to the panel considering miscarriages of justice?

### **Senior management knowledge of and attitudes towards undercover officers' involvement in civil proceedings**

62. What, if any, policy, instruction, procedure, or guidance existed concerning an undercover officer being involved in his or her cover identity in civil proceedings?
  - 62.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?

## UNDERCOVER POLICING INQUIRY

63. If undercover officers engaged in activities which became the subject of civil proceedings, were senior officers aware?
  - 63.1. If so, what was their response?
  - 63.2. If not, should they have been?
64. Did senior managers authorise or encourage undercover officers to engage in any activities which became the subject of civil proceedings?
  - 64.1. If so, who authorised or encouraged this conduct?

### **Senior management knowledge of and attitudes to infringement of legal professional privilege by undercover officers**

65. What, if any, policy, instruction, procedure, or guidance existed concerning an undercover officer coming into possession of legally privileged information?
  - 65.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?
66. Did senior managers become aware of undercover officers obtaining legally privileged information?
  - 66.1. If so, what was their response?
67. Were undercover officers authorised to obtain legally privileged information?
  - 67.1. If so, who authorised this?
68. What did senior managers do, or cause to be done, with any legally privileged information obtained by undercover officers?

### **Whistleblowing**

69. What, if any whistleblowing procedures were in place to facilitate the exposure of any wrongdoing within the SDS?
70. Was whistleblowing discouraged by senior managers?

### **Withdrawal from deployment**

71. What, if any, policy, instruction, procedure or guidance existed concerning the withdrawal of undercover officers from their deployments, and the length of those deployments?
  - 71.1. To what extent were senior managers involved in or aware of the creation and dissemination of any such policy, instruction, procedure, or guidance?
72. What involvement did senior managers have in the withdrawal of undercover officers from deployments?

### **Debriefing**

## UNDERCOVER POLICING INQUIRY

73. What was the extent of awareness of senior managers of the debriefing of undercover officers, whether during or at the end of their deployments?
74. What was the extent of awareness of senior managers of information received during debriefs of undercover officers?
75. What, if any, processes were in place amongst senior management to assess the outcome of deployments and inform future activity?

### **Management of post-deployment conduct**

76. What, if any, steps were taken by senior managers and/or the Metropolitan Police Service to prevent the continued use of undercover legends and/or techniques and/or information obtained whilst performing SDS duties after deployments had ended?
77. To the extent that undercover officers continued to use their legends and/or techniques, and/or used information obtained whilst performing SDS duties after their deployments had ended (including in the private sector), did senior managers and/or the Metropolitan Police Service know that they had done so?
  - 77.1. If so, what, if anything, did they do about it?

### **The welfare of undercover officers and their families**

78. What, if any, attempt was made by senior management to assess the impact that undercover deployments had on the health and welfare of undercover officers?
79. What, if any, attempt was made by senior management to assess the impact that undercover deployments had on the families of undercover officers?
80. What, if any, policies were in place to ensure the health and welfare of undercover officers and/or their families?
  - 80.1. Were any such policies adequate?
81. What support did senior management offer, or cause to be offered, to undercover officers and their families before, during, and after deployment – including any support from expert professionals, such as psychiatrists and psychologists?
  - 81.1. Was this support adequate?
  - 81.2. If not, in what way(s) was it inadequate?
82. What, if anything, was done by senior managers to alleviate the health and welfare consequences of deployment on former undercover officers?
83. What, if any, attempts were made by senior management to assess and/or to understand the impact that undercover deployment had on the subsequent police careers of undercover officers?

## UNDERCOVER POLICING INQUIRY

- 83.1. To what extent was any such impact taken into account by senior managers in relation to decisions about the withdrawal and post-deployment roles of undercover officers?

### **SDS interaction with senior police officers and oversight bodies**

84. Was the SDS visited or inspected by senior police officers?
- 84.1. If so, who visited, and how frequently did this occur?
85. On such visits, what was the extent of contact between senior officers and (a) undercover officers, (b) SDS Managers?
86. Were the activities of the SDS the subject of investigation and/or reporting by oversight bodies such as Her Majesty's Inspectorate of Constabulary and/or the Independent Office for Police Conduct or its predecessors and/or the Office of Surveillance Commissioners?
- 86.1. If so, what part did senior managers play in liaising with those bodies?

### **Interaction with the Security Service**

87. What contact did senior managers have with the Security Service in relation to the SDS and for what purpose/s?
88. Did the SDS have a counter subversion role? If so, what was the role and how was it discharged?
89. Did the SDS have any other role, formal or otherwise, connected, in any way, to the Security Service? If so, what was it and how was it discharged?
90. What influence, if any, did the Security Service have, either directly, or indirectly through the higher chain of command, on SDS procedures, targeting, operations, tactics, techniques, and reporting methods?
91. Did senior managers understand the definition of subversion?
92. Did senior managers do enough to ensure that SDS undercover police officers understood the definition of subversion?
93. Was the assistance which the SDS actually afforded to the Security Service appropriate? If not, could and should senior managers have done more to control it?
94. What contact did senior managers have with government departments, senior decision makers and politicians in relation to the Security Service and its relationship to the SDS and for what purpose?

### **Disbandment of the SDS**

95. How, and in what circumstances, did the SDS come to be disbanded?
- 95.1. Which senior managers were involved?

## UNDERCOVER POLICING INQUIRY

- 95.2. How, if at all, were lessons learned from the operation of the SDS used to inform the establishment and workings of its successors, if any, within the MPS?

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