

CLOSING STATEMENT ON BEHALF OF CATEGORY F CORE PARTICIPANTS

FRANCIS BENNETT AND HONOR ROBSON
FAITH MASON
MR LEWIS AND MRS LEWIS AND MS LEWIS
LIISA CROSSLAND AND MARK CROSSLAND
EMMA RICHARDSON
THE RESTRICTED FAMILY

FOR TRANCHE 1 EVIDENTIAL PHASE

INTRODUCTION

1. This closing statement is made on behalf of the Category F Core Participants (“**the families**”) each of whom were bereaved of a child. Common to the families are the precious memories they guard of the children they have lost.
2. A legal identity defines the basic characteristics of all individuals; their name, sex, place and date of birth. These characteristics are intrinsic to every person so that they may, through legal registration of their birth, be recognised in the world. Every birth registration is unique to that individual and the right of everyone to be recognised everywhere as a person before the law is enshrined in Article 6 of the Universal Declaration on Human Rights¹ and Article 16 of the International Covenant on Civil and Political Rights².
3. The children’s legal identities were a fundamental aspect of their short existences and will forever retain potency in each family’s memories of them.

¹ Adopted by the United Nations General Assembly in 1948.

² Ratified by the United Kingdom in 1976.

4. The families are the bereaved parents and siblings of children whose legal identities were appropriated by the Metropolitan Police:
- (a) Frank Bennett and Honor Robson are the bereaved brother and sister of Michael Hartley who died on 4 August 1968 at 18 years of age. HN12 “Mike Hartley” appropriated Michael’s identity for the purposes of his undercover deployment by the Special Demonstration Squad (“SDS”)³ between 1982 and 1985 to infiltrate the Socialist Workers Party and the Revolutionary Communist Group.
 - (b) Faith Mason is the bereaved mother of Neil Robin Martin who died on 15 October 1969 at 6 years of age. HN122 “Neil Robin Richardson”, appropriated aspects of Neil’s identity for the purposes of his undercover deployment by the SDS between 1989 and 1993 to infiltrate Class War and the Revolutionary Communist Party.
 - (c) Mr, Mrs and Ms Lewis are the father, mother and sister of Anthony Lewis who died on 31 July 1968 at 7 years of age. HN78 Trevor Morris “Anthony Bobby Lewis” appropriated Anthony Lewis’s identity for the purposes of his undercover deployment by the SDS between 1991 and 1995 to infiltrate the Anti-Nazi League and the International Socialists/Socialist Workers Party.
 - (d) Liisa Crossland and Mark Crossland are the bereaved stepmother and brother of Kevin John Crossland who died in a plane crash on 1 September 1966 at 5 years of age. HN16 James Thomson “Kevin Crossland / James Straven” appropriated Kevin’s identity for the purposes of his undercover deployment by the SDS between 1997 and 2002 to infiltrate the Animal Liberation Front and the Brixton and Croydon Hunt Saboteurs.
 - (e) Emma Richardson, the daughter of Barbara Shaw, is the sister of Rod Richardson who died on 7 January 1973 when he was two days old. Emma and Rod’s mother, Barbara Shaw passed away on 12 May 2021. EN32 “Rod Richardson” appropriated Rod’s identity for the purposes of his undercover deployment by the National Public Order Intelligence Unit (“**NPOIU**”) between 2000 and 2003 to infiltrate, among other groups, Class War and Movement Against the Monarchy.

³ All references to the SDS include references to the “Demo Squad” and the “Special Operations Squad”.

- (f) A family, who for the purposes of this Inquiry are to be referred to as “**the Restricted Family**” are the bereaved relatives of a child who died and whose name was appropriated by an officer deployed by the SDS. The Restricted Family have been required to participate in this Inquiry anonymously by reason of a Restriction Order covering their own identities as well as that of the deceased child and officer who appropriated the identity.
5. The Metropolitan Police had obvious legal, moral and ethical duties not to interfere with the identities of dead children absent strong and compelling justification; the burden to establish justification rests firmly with the Metropolitan Police Service (“**MPS**”). The Tranche 1 (“**T1**”) evidence has not revealed any good reason, justification or necessity for the adoption of the practice. Further, the children’s identities were used to infiltrate lawful organisations of civil society, to gather indiscriminate information about the private lives of individuals, to deceive women into entering into sexual relationships, and to interfere with the administration of justice. The appropriation of the identities of dead children should never have occurred as the SDS operations were in and of themselves undemocratic and unlawful⁴. The entire enterprise was characterised by a wilful disregard for ethics, morality and the rule of law.
6. In submissions made on behalf of the families in June 2016⁵ we foreshadowed the possibility that the mental suffering endured in consequence of the interference with the private lives of the bereaved might attain the minimum level of severity sufficient to engage the protections of Article 3 of the European Convention on Human Rights (“**ECHR**”). As the Inquiry will be acutely aware, the Restricted Family has submitted evidence, including expert psychiatric opinion, establishing that the appropriation of their loved one’s identity and the subsequent imposition of a restriction order covering that same subject matter, has caused members of the family to suffer inhuman and degrading treatment and that the psychiatric sequelae have been such as to pose a risk to the life of a member of this family. The experience of the Restricted Family, although not one that they are permitted to share in the public phases of this Inquiry despite their preferences, underlines the gravamen of the wrongdoing that the Inquiry is called upon to consider and provides a context that the families invite the Chairman to hold firmly in mind as he addresses this particular strand of the Inquiry’s work.

⁴ See further NPSCP Closing Statement for Tranche 1 at §51 and the Annex to the Category H Core Participants Opening Statement to Tranche 1 Phase 3.

⁵ Submissions on the principles applicable to disclosure of deceased children’s identities on behalf of Barbara Shaw, Gordon Peters and RDCA of 1 June 2016.

7. We address the following matters in this closing statement:
Section I: The conclusions the families invite the Chairman to make in summary.
Section II: The legal context.
Section III: Cover identity creation in the T1 period 1968 – 1982.
Section IV: Commentary and conclusions invited.

SECTION I: THE CONCLUSIONS THE FAMILIES INVITE THE CHAIR TO MAKE IN SUMMARY

8. The families invite the Chairman to draw the following summary conclusions from the T1 evidence:
 - (a) The appropriation of the children’s identities (i) was morally and ethically repugnant and caused real harm to the families; (ii) constituted an unlawful interference with the rights protected by Article 8 European Convention on Human Rights and by the common law, and (iii) was unconstitutional.
 - (b) There were egregious failures on the part of SDS managers and those above them in the chain of command: (i) in their wilful disregard for the legal, ethical, moral and constitutional implications of requiring deployed officers to adopt the identities of dead children; (ii) in failing to take any adequate steps to ensure that deployed officers maintained basic standards of professionalism in their deployed roles; and (iii) in failing to have any or any adequate regard to the operational limitations and risks of reliance upon the identities of dead children.
 - (c) Senior officers, reaching to at least the rank of Commander Watts, were responsible for instigating and/or continuing the practice of reliance on the practice of appropriating the identities of dead children in wilful disregard of the obvious risk of causing serious harm to the affected families and without any operational justification.
9. The families consider the wrong that has been done to them arose from heinous institutional failings on the part of the Metropolitan Police and that the responsibility lies with senior Metropolitan police officers who directed and/or condoned the wrong that was done to them.
10. If contrary to our primary submission - that sufficient evidence has emerged in **T1** to facilitate the Chairman to draw highly critical conclusions in the above respects - we submit that the

correct course is for the Chairman to record such factual findings as he considers can safely be derived from the T1 evidence and to postpone his evaluative conclusions until the entirety of the evidential phase of the Inquiry has been concluded. The Chairman will note that evidence as to the impact on bereaved families will be heard in future evidential tranches.

SECTION II: THE LEGAL CONTEXT

Section 2 Inquiries Act 2005

11. We respectfully concur with Counsel to the Inquiry's Submissions of 29 September 2022 regarding the proper interpretation of section 2 of the Inquiries Act 2005. As set out in that document the Chairman's responsibility is to arrive at factual conclusions, including conclusions of a judgmental nature, sufficient to fulfil the Inquiry's terms of reference.

The constitutional status of the police

12. In our opening statements on behalf of the families for T1 Phases 2 and 3 ("T1P2" and "T1P3") we placed emphasis upon the policing by consent model from which the Metropolitan Police has asserted legitimacy since its foundation in 1829 and specially, upon that model's recognition that the power of the police to fulfil their functions and duties is dependent on public approval of their actions and behaviour, and their ability to secure and maintain public respect⁶.
13. In this context, we rely upon a report of a Select Committee of the House of Commons dating from 1833 which offers a contemporaneous understanding of the parameters of public approval in relation to the deployment of undercover officers: *The Report from the Select Committee on the Petition of Frederick Young* (appended). The Report concerned allegations that an officer of the Metropolitan Police had infiltrated the Camberwell and Walworth branches of the National Political Union of the Working Classes, had become involved in political agitation (including encouraging members of the Union to become involved in criminal activity and to take up more extreme political positions), and had infiltrated the private lives of members of the Union. Those members raised strenuous objection to being compelled to "pay for the maintenance of spies, under pretence of their being persons employed for the preservation of the peace". The Committee concluded that the officer had in fact taken an active personal role in the

⁶ Report from the Select Committee on the Petition of Frederick Young and Others, (HC 627, 6 August 1833).

proceedings of the Union when “his duty only required him to observe” and that he had “carried Concealment and Deceit into the intercourse of private life”. The Committee further concluded that the “occasional diffuseness” of his reports should have prompted supervisory input including “warning him against having recourse to undue means for supplying them”. The Committee resolved that whereas there could be no objection to the occasional employment of policemen in plain clothes to detect breaches of the law and to prevent breaches of the peace, should those ends appear otherwise unattainable, it “strongly urge[d] the most cautious maintenance of those limits, and solemnly deprecate[d] any approach to the Employment of Spies, in the ordinary acceptance of the term, as a practice most abhorrent to the feelings of the People, and most alien to the spirit of the Constitution”⁷.

14. Similar sentiments were expressed by the Court of Appeal in a seminal case concerning the constitutional status of the police decided in the year that the SDS was founded: *R v Commissioner of Police of the Metropolis ex parte Blackburn* [1968] 2 QB 118. At [136A] Lord Denning MR held that “like every constable in the land, [the Commissioner of Police of the Metropolis] should be, and is, independent of the executive ... I hold it to be the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace”⁸. Salmon LJ observed at [138F]: “Constitutionally it is clearly impermissible for the Secretary of State for Home Affairs to issue any order to the police in respect of law enforcement”.
15. At common law and by reason of the terms of our unwritten constitution, the burden clearly rests with the Commissioner of Police of the Metropolis to justify the conduct of officers under his command including of materiality to this closing statement, the gross interference with the private lives of the families occasioned by the appropriation of their dead children’s identities.

Article 8

16. Counsel to the Inquiry have noted at §73 of their submissions of 29 September 2022 that the T1 era postdates the right of United Kingdom citizens to petition the European Court of Human Rights (“**ECtHR**”) and that compliance with the Convention was required by virtue of the United Kingdom’s membership of the Council of Europe. The rights protected by Article 8 of the European Conventions on Human Rights (“**ECHR**”) and the caselaw that has developed at the

⁷ *The Report* at p.3.

⁸ All emphasis added.

European and domestic level in relation to Article 8 is of particular assistance to the Inquiry in its consideration of the use of the identities of dead children: (i) in providing clarification as to the nature and scope of the police duty, recognised by Lord Denning MR in *ex parte Blackburn*, not to interfere with the private lives of citizens (this being an area in which European and domestic jurisprudence have marched in step); and (ii) in providing a valuable framework for the Inquiry's consideration as to whether the interference with the private lives of the families is capable of justification.

17. Article 8 of the ECHR provides:

“Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

18. The ECtHR has recognised that *“dealing appropriately with the dead out of respect for the feelings of ... deceased relatives falls within the scope of Article 8 of the Convention”* and that the identity and reputation of a deceased child forms part and parcel of a close relative's own private life: *ML v Slovakia*, 14 January 2022, App. no. 34159/17 at [23] and [48]. In his 14 July 2016 ruling Sir Christopher Pitchford concurred concluding that the rights protected by Article 8 included the use of the identities of the deceased children's identities in the construction of legends, the collateral intrusion upon the relatives' personal data and any surveillance of them⁹.

19. The primary purpose of Article 8 is to protect against arbitrary interference with private and family life by a public authority. Any such interference must be consistent with the requirements of Article 8(2), that is, in accordance with the law, in pursuit of a legitimate aim, and necessary in a democratic society¹⁰. The requirement that any such interference must be *“in accordance with law”* necessitates compliance with domestic law and compatibility with rule of law principles: *Halford v United Kingdom*, 1997 Application no. 20605/92 at [49]. Article 8 also imposes obligations to maintain and apply in practice an adequate legal framework to ensure protection from arbitrary interference with the rights enshrined by Article 8.

⁹ *Preliminary issue: Disclosure of deceased children's identities* at [35].

¹⁰ *Dudgeon v United Kingdom*, 1981 Application No 7525/75 at [51-53].

Common law

20. Similarly in domestic law, conduct amounts to a breach of privacy rights: (i) where the person in question had a reasonable expectation of privacy in relation to the material; and (ii) there is no competing consideration that outweighs this expectation¹¹. Put simply, in like manner to the position summarised in relation to Article 8 above, the absence of any operational necessity for the collation and use of the deceased children and their relatives' biographical details and the related intrusions are unlawful.

Criminal law

21. The extent of redaction in relation to the mechanisms by which SDS officers were provisioned with passports, driving licences and other documents to support their reliance upon the identity of the dead children (or aspects of those identities) prevents the families from receiving advice or arriving at meaningful conclusions as to whether the actions of SDS officers and/or those who were responsible for provisioning them with documents were in violation of the criminal law¹². In any event, it is material for the reasons we develop at §94-103 below, that there were several criminal law offences relevant to the creation and reliance upon false documents in the period with which T1 is concerned. The summary provided below is intended to identify the key criminal law provisions.
22. Section 36 of the Criminal Justice Act 1925 ("**the 1925 Act**") which has not, so far as material, been amended, provides that it is an offence for a person to make a statement for the purposes of an official application (such as for a passport) which s/he knows to be untrue and section 6 of the Forgery and Counterfeiting Act 1981 ("**the 1981 Act**") provides, among other things, that it is an offence to possess false identity document (such as a passport or driving licence) without reasonable excuse. The Chairman will recall that on 27 May 2021 the Crown Prosecution Service concluded that there was a realistic prospect of securing a conviction against an undercover

¹¹ *Campbell v MGN Ltd* [2004] 1 AC 457 HL.

¹² The families note the analysis at §§9.1 – 9.4 of the Operation Herne Report 1. It is stated there that the "*CPS appointed Mr Simon Ray QC (sic) to advise on the practise of using a deceased person's identity to form a covert one*" and that it was Mr Ray's opinion that "*birth certificates, passports and driving licences are not false instruments for the purposes of the Forgery and Counterfeiting Act 1981*". This conclusion is unexplained (or insufficiently explained) and on the face of it inconsistent with the statutory framework as summarised at §§22-25 of this Statement. It appears (see §9.2 of the Operation Herne Report 1) that Mr Ray was instructed to consider the potential - at the time of his instruction - to charge individuals with relevant criminal offences; a very different consideration to that which concerns the Chairman.

officer, EN32 “Rod Richardson”, in respect of an offence contrary to section 36 of the 1925 Act but that a prosecution was not considered to be in the public interest because his actions were in accordance with his training and the working practices of the National Public Order Intelligence Unit at the material time; a subject to which the Inquiry will return in Tranche 4.

23. Section 3 of the Forgery Act 1913 (“**the 1913 Act**”)¹³ provided, among other things, that it was an offence of forgery to create a false document of a public character with intent to deceive¹⁴ and section 6 provided that it was an offence to use¹⁵ a document knowing it to have been forged. Significantly section 1(2)(b) provided that a document is false if *“the whole or some material part of it purports to have been made by or on behalf of a fictitious or deceased person”*. The mental element of the offences under sections 3 and 6 of the 1913 Act involved no more than an intent to create a false document or to use a false document of a public character as genuine; the essence of both offences was creating or relying upon a document that told a lie about itself¹⁶.
24. The 1913 Act was repealed and the law with regard to forgery codified by the 1981 Act, section 1 of which provides that it is an offence, to make a false instrument upon proof of an intention *“to induce somebody to accept it as genuine, and by reason of so accepting it to do or not to do some act to his own or another person’s prejudice”*. Section 3 of the 1981 Act provides that it is an offence to rely upon a document, knowing or believing it to be false, with the intention of inducing another to accept it as genuine and by reason of so accepting it, to do or not to do some act to his own or any other person’s prejudice. Prior to amendment by the Identity Cards Act 2006¹⁷ it was an offence contrary to section 5(1) of the 1981 Act for a person to have in his possession a passport (or document that can be used instead of a passport), which he knew or believed to be false, with the intention that he or another would use it to induce somebody to accept it as genuine, and by reason of so accepting it to do some act to his own or any other person’s prejudice, and it was an offence contrary to section 5(2) of the 1981 Act for a person to have in his custody or under his control, without lawful excuse, an instrument (such as a passport) which was, and which he knew or believed to be, false. Prejudice for the purposes of sections 1, 3 and 5 of the 1981 Act includes inducing any person to accept the false instrument as genuine *“in connection with his performance of any duty”* (such as inducing a doorkeeper to

¹³ Repealed by the Forgery Act 1981.

¹⁴ See definitions set out at section 1. and discussion at §§28 - 33 of the Law Commission Report on Forgery and Counterfeit Currency, 1971

¹⁵ In the language of the Act to *“utter”*.

¹⁶ See discussion at §§28 - 33 of the Law Commission Report on Forgery and Counterfeit Currency, 1971.

¹⁷ C.15 Sch 2. Para.1 (June 7 2006).

permit an individual to enter premises).¹⁸ Section 8 of the 1982 defines an “instrument” as including “any document of a formal or informal character”. Section 9(1) of the 1981 Act sets out a series of circumstances in which an instrument is false for the purposes of the legislation. In *R v More* [1987] 1 WLR 1578 the House of Lords, in the context of considering one such circumstance – that set out in section 9(1)(h) of the 1981 Act¹⁹ - concluded that the relevant consideration, as with the 1913 Act, was whether the document “told a lie about itself”.

25. It is material that none of the offences referred to at §§22-24 above, save the offence under section 5(2) of the 1981 Act, provides an exclusion of criminal culpability based upon the presence of a “lawful excuse”.
26. We address the relevance of this framework of laws to the Category F issues at Section IV below.

SECTION III: COVER IDENTITIES IN THE TRANCHE 1 PERIOD 1968 - 1982

27. The T1 evidence has established that in the first six years of the SDS’ operations the deployed officers relied upon fictitious cover identities and that the practice of relying upon the real identities of dead children commenced in 1974 (“**the post-1974 practice**”). The identity of those who devised and/or authorised the post-1974 practice and the role played by senior managers in the adoption, use and continuance of that practice have been identified by the Inquiry as issues requiring investigation²⁰. It is regrettable that none of the surviving witnesses have accepted responsibility for the change in practice nor have they proven willing or able to assist the Inquiry with identifying the responsibility of colleague(s). We consider below the credibility of the evidence that HN3378 Derek Brice has offered to the Inquiry in this regard but aside from responsibility, the Inquiry has also identified the critical issues of *why* the post-1974 practice ever came to be adopted and what thought was given to the impact on the surviving families of relying upon it²¹. We therefore address in this section the operational practices of the SDS, the extent to which there were any operational drivers for the change in methodology, the consideration, if any, that was given to the impact on affected families of adopting the post-1974 practice, the lessons that ought to have been learned from the compromise of officers’ cover and the origins of the post-1974 practice.

¹⁸ Archbold at [2-22 - 2-24].

¹⁹ Which provides that an instrument is false if “it purports to have been made or altered by an existing person but he did not in fact exist”.

²⁰ Module 1 SDS Issues List at §20, Module 2(a) SDS Issues List at §53 and Module 2(b) SDS Issues List at §19.

²¹ Ibid at §19, §54 and §21 respectively.

Cover identities: 1968 - 1974

28. In November 1968, when seeking authorisation and funding to continue SDS operations, the leadership of the SDS represented to those higher up the chain of command that a careful process for the development of officers' cover was relied upon. By contrast, the evidence makes plain, that officers were in fact left to their own devices, and the approach to the development of the officers' cover was unprofessional, ad hoc and did not follow the described process.

The foundation and early continuance of the SDS

29. The SDS was established in August 1968 as a temporary unit with substantial discretion vested in Conrad Dixon who held the rank of Chief Inspector at that time. In a memorandum to Chief Superintendent Arthur Cunningham dated 8 November 1968²², Mr Dixon set out the "*basic requirements*" for continuance of SDS operations which were described as involving in depth penetration of "*extreme left wing political factions*". The focus of that document in terms of additional requirements was securing separate cover accommodation for the deployed officers. On 8 November 1968 Mr Cunningham forwarded Mr Dixon's memorandum to Commander Ferguson Smith seeking continuance of SDS operations²³. In a memorandum addressed to Assistant Commissioner "C" Peter Brodie dated 9 November 1968 Mr Smith supported continuance of the operations and noted that "*with good cover stories and cover addresses our officers have been able to pass scrutiny so far whenever enquiry has been made*" and "*the continuance of this policy of penetration over a long period, however, demands a more sophisticated technique than we have hitherto been able to effect. The requirements set out in Chief Inspector Dixon's memorandum have been carefully considered by Chief Inspector Cunningham and myself and we are agreed that they are absolutely necessary*"²⁴. The reference to "*more sophisticated technique*" was to Mr Dixon's proposal of 8 November 1969 that officers of the SDS be supplied with separate accommodation. The proposal was passed up the chain of command and approved by the Commissioner, Sir John Waldron on 13 November 1968²⁵.

²² {MPS-0724121/4}; the date is partially obscured but is clearly early November 1968.

²³ {MPS-0730219/1}

²⁴ {MPS-0730219/2}

²⁵ {MPS-0730219/3}

Home Office funding for the continuance of the SDS was approved by James Waddell, the Deputy Under Secretary of State for the Home Office on 13 December 1968²⁶.

30. Mr Dixon's paper "*Penetration of Extremist Groups*"²⁷ dated 26 November 1968 reflected upon SDS operations over the previous four months and sought to "*lay down basic principles for that type of operation*". He emphasised the importance of "*daily detailed supervision*" and purported to describe under the heading "*identity and background material*"²⁸ the means by which SDS officers went about establishing their cover identities: "*on joining the squad an officer has to supply an autobiography covering his new identity, and after the various inconsistencies have been eradicated he obtains the necessary papers to confirm it ... Warrant cards are never carried, and contact with uniform officers is discouraged*". Consistent with this approach are references elsewhere in the paper to the advantages of deployed constables being recent in service so that they "*can relate their cover stories to their pre-service life*", the benefits of regional accents, the arrangements for the deployed officers to be supported by "*uncommitted*" officers (especially female officers) who could step in where there is an indication that evidence as opposed to intelligence may be indicated, and to the taking of "*great care ... in creating a personality which is accepted by extremists without hesitation*". The impression given was of a careful and professional approach being taken to present a credible undercover persona. The emphasis is upon the protective measures taken to avoid coming under suspicion.
31. In a further memorandum dated 27 November 1968²⁹, Mr Cunningham supplied a copy of Mr Dixon's paper to Mr Smith emphasising that "*a very considerable proportion [of the information obtained by the SDS] would not have been obtained at all by our usual sources*". The document was acknowledged by Mr Smith on 28 November 1968³⁰.

The early cover identities

32. The first wave of undercover officers deployed for the temporary operation in Autumn 1968 used fictitious identities. An exception was HN322 who said that during his two-month

²⁶ {MPS-0724117}.

²⁷ {MPS-0724119/3-7}.

²⁸ Ibid, at /6}.

²⁹ {MPS-0730219/5} "9A" is a reference to the paper.

³⁰ Ibid.

deployment with the SDS he did not create a cover identity at all and simply attended public meetings in plain clothes³¹. Those who did adopt cover identities each describe being given little to no guidance on the formation of their cover identity. None of them adhered to the methods described in Mr Dixon's paper:

- (a) HN218 Barry Moss "Barry Morris/ Morse" said he plucked his cover name "*out of thin air*" and he did not develop a cover background³².
- (b) HN334 "Margaret White" and HN330 were instructed to act as girlfriend and boyfriend as part of their cover but HN334 "Margaret White" said that they were not given any guidance or instructions on the creation of a cover identity or background³³.
- (c) HN321 "William Lewis" said he made up his cover name and there was no guidance on how to create a false identity. He did not develop a cover background save in relation to a job³⁴.
- (d) HN326 "Douglas Edwards" stated that he received advice from HN68 "Sean Lynch" regarding "*getting a cover identity and a cover job, and things like that*"³⁵. In his statement³⁶ he explained that he was "*not given any guidance or instruction about the creation of a false identity ... I was just told to get an identity and to get a job*" and that the description set out in Mr Dixon's paper did not "*accord with how I created my cover identity*".
- (e) HN329 "John Graham" was given no guidance or instructions on choosing a cover name³⁷.
- (f) HN330 "Don De Freitas" said that he received no guidance or instruction as to how to create a false identity: "*on your first few enquiries you would just go out with a more*

³¹ {MPS-0740351/1}. See also HN328 Joan Hillier {MPS-0740760/6}.

³² {MPS-0740354/7}.

³³ {MPS-0746257/8}; {MPS-0740328/6}.

³⁴ {MPS-0747158/8}.

³⁵ T1P1 {Day10/106:18}– {Day10/107:5}.

³⁶ {MPS-0738584/9}.

³⁷ {MPS-0738576/7}.

experienced colleague and watch what they did".³⁸ There is a restriction in respect of the method he used for choosing his name³⁹.

33. The officers who were assigned in the second wave of deployments similarly did not rely on the stated methodologies:
- (a) HN333 joined the SDS in 1968 after the October 1968 Grosvenor Square demonstration⁴⁰. He described receiving limited guidance on the formation of a cover identity. His evidence in this respect is gisted but he confirms that the guidance he received was not consistent with the process set out in *"Penetration of Extremist Groups"*⁴¹.
 - (b) HN340 "Andy Bailey / Alan Nixon" was transferred to the SDS in late 1969⁴². It is his account that he was not given any training for his undercover role *"beyond a brief discussion with Mike Ferguson, who instructed me to create a cover name and get a cover address and cover job"*⁴³, he did not have a back story⁴⁴, and the only real advice he received from Mr Ferguson was *"to simply play it by ear"*⁴⁵.
 - (c) HN45 "Dave Robertson" joined the SDS in 1970.⁴⁶ He said that he chose his own cover name as he considered it important to have a name that he *"would respond to"*⁴⁷ and stated that he was given some advice on choosing a name but no other guidance. He did not develop *"much of a cover background"*⁴⁸.
 - (d) HN339 "Stewart Goodman" joined the SDS in 1970⁴⁹. He said he was *"just told to pick"* his name. The method he used is subject to a restriction order⁵⁰. He had a backstory that

³⁸ {MPS-0740328/3}.

³⁹ {MPS-0740328/6}.

⁴⁰ {MPS-0740329/3}

⁴¹ {MPS-0740329/6-7}

⁴² {MPS-0740414/4}.

⁴³ {MPS-0740414/6-7}.

⁴⁴ T1P1 {Day11/104:14-17}.

⁴⁵ T1P1 {Day11/109:11-15}; {MPS-0740414/6} at §16.

⁴⁶ {MPS-0741095/3}

⁴⁷ T1P2 {Day5/6:5-6}.

⁴⁸ {MPS-0741095/4}

⁴⁹ {MPS-0736910/2}.

⁵⁰ {MPS-0736910/6}.

he had been “bumming around Europe playing guitar and singing”⁵¹. He thinks he came up with his backstory himself but was not sure.

- (e) HN343 “John Clinton” joined the SDS in early 1971. He did not think he was asked to supply an “autobiography” or a process of “eradicating inconsistencies”. He thought his cover name would have been approved by SDS management but that appears to have been the extent of the supervisory involvement⁵².
- (f) HN345 “Peter Fredericks” joined in 1971⁵³. He does not refer to receiving any guidance or support from the SDS management in developing a cover name. Instead, he used a name he had been provided with by his previous manager for work he had done before he joined the SDS. He also said he had been provided with documents in that name which he went on to use⁵⁴. He did not develop a cover persona or background “beyond the one [he] had built up already from [redacted] and Special Branch days”⁵⁵.
- (g) HN348 “Sandra” was deployed in 1971. Her cover entailed stating that she was a student at Goldsmiths College, and she had a cover address in a shared house in Paddington but those were the limits of her cover background⁵⁶. It was her account that she had been advised to take off her wedding and engagement ring⁵⁷ and believed she would have received advice as to how to select her cover name⁵⁸, but she was not required to follow the methodology described in Mr Dixon’s paper and considered herself fortunate never to have been asked questions that put her in difficulties⁵⁹.
- (h) HN349 joined the SDS in the early 1970s. He did not recall formal instructions on how to choose a cover name and he did not have a cover background⁶⁰.

⁵¹ {MPS-0736910/6}.

⁵² {MPS-0739804/12};

⁵³ {MPS-0741109/9-10}

⁵⁴ {MPS-0741109/17}.

⁵⁵ {MPS-0741109/18}.

⁵⁶ {MPS-0741698/10}

⁵⁷ T1P1 {Day13/23:5-8}

⁵⁸ {MPS-0741698/11}

⁵⁹ {MPS-0741698/13}

⁶⁰ {MPS-0740356/6} Although it was his belief that his colleagues created their cover identities in accordance with CI Dixon’s document this account is not borne about by their statements.

- (i) HN299/342 “David Hughes” joined the SDS in 1971. He could not remember how he came up with his cover name although he believed he made it up. He had a cover background that he was from Glasgow and took steps to develop that background by visiting an activist, Tony Southall in Glasgow but he did not recognise the process for cover identities described in *“Penetration of Extremist Groups”* and did not discuss his cover background with SDS management⁶¹.
- (j) HN301 “Bob Stubbs” joined the SDS in 1971. His account of choosing his cover name and a work phone number is redacted. He stated that beyond his cover employment he did not develop a cover background. His understanding of the *“general wisdom”* was not *“not to let things get too complicated”* and *“to avoid divulging information to activists unless I had to and I do not think I ever really talked much about myself”*⁶².
- (k) The position of HN298 “Michael Scott” is addressed separately below at §37; he did not follow the methodology described in *“Penetration of Extremist Groups”*⁶³.
34. Exceptions to this pattern arise from the evidence of HN336 “Dick Epps” and HN347 “Alex Sloan”. HN336 “Dick Epps”, who was first deployed by the SDS in early 1989, gave an account with regard to the creation of a cover background which was somewhat closer to the description set out by Mr Dixon. He stated that he *“knew that in order to have a false identity you would need an educational, employment and accommodation background that would stand up to some scrutiny. As long as it stood up, that was enough”* but even he did not recall *“discussing my legend with management”*⁶⁴. HN336 “Dick Epps” also explained that he strongly disapproved of the post-1974 practice because he could not *“imagine the anguish it would cause to the family of a deceased child to learn that the child’s identity had been used in such a way”*⁶⁵. HN347 “Alex Sloan”, who was recruited to the SDS in 1971⁶⁶ stated that the methodology described in CI Dixon’s paper *“reflects my recollection as to how I created my identity”*. He explains that he had employment documents and a rent book in his cover identity and recalls that his backstory was that he had come to London to look for work. However, he does not describe managers testing his cover background or the ironing out of inconsistencies.

⁶¹ {MPS-0745773/9}

⁶² {MPS-0742600/5}

⁶³ {MPS-0746258/8}.

⁶⁴ {MPS-0739316/8}

⁶⁵ {MPS-0739316/8}.

⁶⁶ {MPS-0741697/4}

Maintenance of cover in the pre-1974 period

35. The evidence from officers deployed prior to 1974 was to the effect that many were provided with documents such as driving licences⁶⁷, rent books, employment records and library cards⁶⁸ to support their cover based upon fictitious identities while others managed without any at all⁶⁹. HN336 “Dick Epps” was able to maintain his cover as a lorry driver without a driving licence⁷⁰. HN326 “Douglas Edwards” and HN340 “Alan Nixon/ Bailey” were provided with British Visitor’s Passports to facilitate a trip to Brussels⁷¹. The passports were produced in their fictitious cover names⁷². Clearly, whether necessary to support an officer’s cover or not, the SDS had the facility to obtain formal and informal identity documents in their adopted fictitious names. There is no evidence that a lack of documents in cover names nor that a lack of more sophisticated documentation affected the maintenance of cover.
36. On the contrary, certain officers in this period appear to have appreciated that maintaining a low profile and keeping distance from their subjects was the best means to protect their cover and it appears that this was a policing method learned in the earlier Special Branch postings of those officers. HN343 “John Clinton” stated *“my role was purely to gather intelligence”* and stated that he *“did not want to become too close to anyone as it would have made a compromise more likely”*⁷³. HN348 “Sandra” stated, *“It was pretty much a rule not to get involved in the activists’ private lives ... I was there to observe people”*⁷⁴. In her evidence HN348 “Sandra” further explained that she had been told that she was *“there as an observer not as a participant”*⁷⁵ and that it was not difficult to avoid revealing information about herself because the people whom she was observing were *“very vocal”*, keen to have an audience and did not ask her questions about herself⁷⁶.

⁶⁷ {MPS-0745773/10}; {MPS-0742600/33}.

⁶⁸ {MPS-0738576/8}; {MPS-0741697/6}; {MPS-0739316/9}; {MPS-0739804/13}; {MPS-0739316/9}; {MPS-0741697/6}; {MPS-0739316/9}; {MPS-0738576/8}

⁶⁹ HN339 “Stewart Goodman”, HN340 “Alan Nixon / Bailey”, HN348 “Sandra”; HN330 “Don De Freitas: {MPS-0740414/8}, {MPS-0741698/13}, {MPS-0740328/6}; {MPS-0736910/6}.

⁷⁰ {MPS-0739316/9}.

⁷¹ {MPS-0740414/16}; {MPS-0738584/9}.

⁷² We note that HN333 was not able to obtain and although the relevant section of his evidence is redacted we infer that he was not extended the assistance given to HN326 and HN340: {MPS-0740329/7}.

⁷³ {MPS-0739804/11} at §40.

⁷⁴ {MPS-0741698/9} at §20.

⁷⁵ T1P1{Day13/12:7-11}.

⁷⁶ T1P1 {Day13/71:3-9}

The events surrounding HN298 "Michael Scott"

37. HN298 "Michael Scott" was the only officer in the first six years of the SDS of whom we are aware who used the identity of a real person. He was deployed in 1971 and stated that he was left to his own devices to devise a cover identity. He considered it preferable to take personal responsibility as the *"the office staff had no experience"*. He considered it protective to use the identity of a real person so that *"if anyone was checking up on me, they would find [a birth certificate] there in Somerset House"*. He made a note of the place where this individual was born but he *"never had any occasion to use [those details]"* and would initially have challenged any request for information of that type. He did not consider that there was *"any risk"* associated with this methodology⁷⁷. He could not recall whether he discussed using a real person's identity with his managers⁷⁸ and had no knowledge of how other SDS officers created or obtained their cover identities⁷⁹. He obtained a driving licence, a library card, and a bank account in Michael Scott's name. He said he possibly used Michael Scott's birth certificate to obtain those documents⁸⁰. When asked to consider whether opening a bank account in Michael Scott's name might cause any complications for the real Michael Scott, he replied flippantly, *"it might assist him, because my credit record was good"*⁸¹. He also saw no difficulty in placing himself in a position to be arrested in May 1972 on suspicion of obstruction of the highway and obstruction of the police in the execution of their duty, and thereafter seeking and obtaining legal advice in the presence of other arrestees, potentially applying for legal aid⁸², being arraigned, being bailed, standing trial, and being convicted in Michael Scott's real name⁸³. He saw those events as *"an inevitable thing really"*⁸⁴ although he did accept that it would be potentially embarrassing if it were to emerge that the police were *"spying on the Young Liberals"*⁸⁵. The fine imposed by the Magistrate's Court *"would have gone in with my other expenses"*⁸⁶. As to the impact upon the real Michael Scott it was HN298's evidence that *"it was such a low-key thing that no one – it wouldn't matter who you were ... if you had been convicted of such a thing ... it would mean very little"* and suspected that his superiors did not appreciate that Michael Scott was a real person⁸⁷.

⁷⁷ {MPS-0746258/7}; T1P2 {Day9/28:14-16}.

⁷⁸ T1P2 {Day9/31:2-4}/31:}

⁷⁹ {MPS-0746258/8}.

⁸⁰ T1P2 {Day9/30:11-19}.

⁸¹ Ibid.

⁸² Although in the event this did not prove necessary {MPS-0526782/3}.

⁸³ Ibid, /103}.

⁸⁴ T1P2 {Day9/118:15-19}.

⁸⁵ T1P2 {Day9/115:25}

⁸⁶ Ibid, p 111.

⁸⁷ T1P2 {Day9/120:12-15}.

38. The managers were fully aware of these events and the then head of the SDS, HN294, sought authorisation from Commander Matt Rodger for the continuance of HN298's deployment notwithstanding the likelihood that he would have to apply for legal aid and attend meetings of the others accused to "*discuss tactics*"⁸⁸. Mr Rodger's supported that plan in a memorandum to Deputy Assistant Commissioner HN151 Ferguson Smith on 17 May 1972 and on 18 May 1972 Mr Ferguson supported HN294's continuing deployment and described HN298's arrest as merely "*one of the hazard's associated with the valuable type of work he is doing. There is absolutely no criticism of the officer*" and stated that he had discussed the matter verbally with the Assistant Commissioner (Crime)⁸⁹.

Cover identities: 1974 - 1982

The post-1974 practice: the evidence of the deployed officers

39. The officers deployed in 1974 were the first officers to rely upon the identities of deceased children⁹⁰:
- (a) HN200 "Roger Harris" was recruited to the SDS in April 1974⁹¹. He explained that reliance upon the identity of a dead child was the "*normal way*" of choosing a name for his undercover identity and stated, "*I did query whether it was necessary to do this, but it was explained that this was the usual process. [redacted text] and because some of the groups were prone to checking on odd details*"⁹². In his oral evidence HN200 "Roger Harris" offered some additional information⁹³ explaining that the proposal, "*wasn't something that sat comfortably with me*" and that it had caused him upset bearing in mind the possibility of the family finding out that he was relying upon the identity of their dead loved one. He further explained when he challenged his superior stating, "*why is that necessary*" he was informed that a birth certificate was needed to obtain

⁸⁸ {MPS-526782/71}.

⁸⁹ {MPS-0526782/1}.

⁹⁰ The position of HN303 is unclear (he has not provided a statement to the Inquiry) see also CTI Opening Statement for T1P2 p. 131 §15. The UCOs in closed are described as being deployed in the late 1970s/ early 1980s but their exact date of deployment is not known. {UCPI0000034307/1}.

⁹¹ {MPS-0740968/4} at §13. The first disclosed reports related to HN200 are dated from October 1974 {UCPI0000017924}.

⁹² {MPS-0740968/6}.

⁹³ T1P2 {Day10/155:6} –{Day10/158:18}.

documentation such as car insurance and a driving licence. He opted for the identity of a dead teenager as the death certificate of an infant would, in his view, be more readily unearthed by someone searching at the public records office as the birth and death certificates would be *"close together"*. HN200 "Roger Harris" was aware that a colleague had in fact been presented with the death certificate of the individual upon whose identity his cover was based⁹⁴ (see further below at §73-78).

(b) HN351 "Jeff Slater" served with the SDS from the spring of 1974⁹⁵ and stated that *"it was the convention at the time that a deceased child's identity would be used"* but he did not recall specifically being told this nor did he recall the rationale for the post-1974 practice⁹⁶. He had no recollection of *"Penetration of Extremist Groups"* but was provided with a rent book and a library card; and possibly a driving licence⁹⁷.

(c) HN353 "Gary Roberts" appears to have been deployed in late Spring 1974⁹⁸ and said he was told by someone – he could not remember who – to choose a cover name. He explains, *"this was done by attending Somerset House and finding a person of a similar age ... The name I chose was of a deceased child"*⁹⁹. He kept the other details of his cover *"as vague as possible"*¹⁰⁰. He was not aware of *"Penetration of Extremist Groups"* and the *"practice [he] followed wasn't the same as set out in the document"*¹⁰¹. In terms of his deployment HN353 "Gary Roberts" was an active and prominent participant in political activities in his undercover identity securing election as the Vice President of Thames Polytechnic Student Union.

40. HN303 "Peter Collins" was deployed in at least January 1974 but it is not known if he used a deceased child's identity. He was not able to provide a statement to the Inquiry due to ill health. Counsel to the Inquiry said that he told the risk assessors (in an undisclosed statement) that he used a name he was given by his supervisors. Counsel to the Inquiry said that there was no evidence that he used a deceased child's identity¹⁰². HN300 "Jim Pickford" and HN297 Richard

⁹⁴ T1P2 {Day10/158:23-24}.

⁹⁵ {MPS-0724152/3}.

⁹⁶ {MPS-0740332/5}.

⁹⁷ Ibid.

⁹⁸ {MPS-0740413/3,8}.

⁹⁹ {MPS-0740413/5}.

¹⁰⁰ Ibid.

¹⁰¹ Ibid at /5-6}.

¹⁰² Counsel to the Inquiry's Opening Statement to Tranche 1 Phase 2 at page 131 §15.

Clark “Rick Gibson” joined the SDS in the Summer 1974¹⁰³. Both officers died before they could give evidence to the Inquiry. It cannot be confirmed if HN300 “Jim Pickford” used a deceased child’s identity¹⁰⁴, however, Richard Clark was known to have used a deceased child’s identity. The circumstances surrounding HN297 Richard Clark “Rick Gibson’s” deployment are addressed separately below at §§71-76).

41. The undercover officers deployed between 1975 and 1982 also relied upon the identities of dead children and the evidence is that by that time this method had become the settled practice of the SDS:
 - (a) The wife of HN13 “Desmond Loader / Barry Loader” who was deployed in early 1975¹⁰⁵ had a strong recollection of being told by her husband that his cover name was the surname of a deceased child and stated, *“It only had to be said once for it to be imprinted in my mind”*¹⁰⁶.
 - (b) HN304 “Graham Coates”, who was deployed in 1975, said he used information on the birth certificate including the name, locality and date of birth. He said that the Chief Inspector of the SDS either Chief Inspector Kneale or Detective Inspector Craft instructed him to go to Somerset House to find the identity of a child who had died young¹⁰⁷. He did not research the family, but he did go to the area where the child was born so that he was familiar with the area.¹⁰⁸ He did this of his own volition and could not recall if he told his managers he would do this.¹⁰⁹ He did not use a birth certificate to obtain a bank account.¹¹⁰
 - (c) HN354 Vincent Harvey “Vince Miller” joined the SDS in early 1976. He said that he was *“instructed to attend St Catherine’s House”* and understood that the reliance upon a dead child’s identity was to support applications for other official documents and that *“the idea of ... [using] the identity of a deceased child was the fact that the person had not had any*

¹⁰³ CI Kneale signed a memorandum confirming that HN300 “Jim Pickford” and HN297 Richard Clark had indicated a willingness to join the SDS on 31 May 1974 {MPS-0724152/3}.

¹⁰⁴ See §29 of CTI’s opening statement to Tranche 1 Phase 2.

¹⁰⁵ Commander Ops gave approval for HN13 to join the SDS on 11 December 1974 {MPS-0724141}. The first disclosed report relevant to him is dated 20 February 1974 {UCPI0000012145}.

¹⁰⁶ {MPS-0740967/2}.

¹⁰⁷ T1P2 {Day12/18:18} – {Day12/19:20}.

¹⁰⁸ T1P2 {Day12/20:5-10}; {MPS-0742282/6,8}.

¹⁰⁹ T1P2 {Day12/20:5-10}.

¹¹⁰ T1P2 {Day12/20:17-19}.

*significant life, and therefore you were not taking the identity of any living person*¹¹¹. He could not recall who had provided this explanation but explained that initially the practice had been *“to find the names of children who’d effectively died at birth and never had a life, but that unfortunately had proven to be a bit of a security weakness”*¹¹². He further explained that the first step in selecting an identity was to review the death registries to find an appropriate child with an appropriate name and to thereafter find the corresponding birth certificate. He explained that someone undertaking research at St Catherine’s House could readily undertake the reverse exercise and identify that the birth certificate married up with a death certificate. The guidance under which he operated was that by selecting a child who had died at birth, such research would be more straightforward whereas in respect of a child who was *“slightly older”* there would be *“considerably more”* death certificates to review thus making the task more difficult. As to the reasons for not using a fictitious identity he initially explained that he was aware, anecdotally, of an officer who had been compromised but accepted that he was in fact referring to “Richard Clark” who had in fact used the identity of a deceased child¹¹³. He accepted that he was not in fact aware of any officer relying upon a fictitious identity whose identity had been compromised as a result of inquiries into their background.¹¹⁴ He explained that although he did not have any qualms about using the identity of a dead child *“at the time”* he had made some *“general inquiries”* of the voter’s register and the like to establish that the mother of the child whose identity he had used could not readily be traced via her own birth record and he had selected a child in respect of whom there was no recorded father. He explained that his concern was that *“if someone decided to go and try and trace the parent, or either parent, make any enquiries at all”* it was better that the identifiable parent was *“physically the further away”* as someone researching him might be *“disinclined to travel ... if [the parent] was just round the corner, they could do it very casually.”* He explained that *“unless extreme care was taken there was a risk”* of a parent being approached or a death certificate found. He stated the risk of being confronted with the child’s death certificate was *“obviously, in the back of your mind ... there is constantly the concern that you might be identified as a police officer, whether by*

¹¹¹ T1P2 {Day14/27:1-6}.

¹¹² Ibid.

¹¹³ See further below at §§73-78.

¹¹⁴ T1P2 {Day14/30:6-13}.

the death certificate” or another reason¹¹⁵. As to a background story he *“made it up as [he] went along”*¹¹⁶.

- (d) HN126 “Paul Gray” who was posted to the SDS between 1977 and 1978 gave evidence that he was directed by a superior officer, HN608 DCI Kenneth Pryde (who succeeded Mr Craft as manager of the SDS in 1977), to attend St Catherine’s House with HN356 “Billy Biggs” for the purposes of selecting a cover identity relying upon the identity of a dead child¹¹⁷. He was aware that a predecessor, Richard Clark, had been presented with the death certificate of the child whose identity he had relied upon: *“it was very much in all our minds when we joined the squad”*¹¹⁸. He did not recall his supervisors testing his cover identity to see whether it stood up to scrutiny¹¹⁹. He was not aware of anyone expressing reservations about the post-1974 practice, it was for him a matter of *“getting on with the job, quite honestly, I’m afraid”*¹²⁰.
- (e) HN96 “Michael James” who joined the SDS in 1978 said he was instructed by Mr McIntosh or Mr Ferguson to *“find the identity of a dead child”* and that this was *“the practice of the department”* which had been *“going on for as long as [he] was aware”*. He had not asked himself the question at the time as to why a real identity was to be used over that of a fictitious person¹²¹. As to the moral implications of what he had been instructed to do, he explained that the family concerned *“knew nothing of this”* and *“they would have had no idea”* so, I had *“no moral reservations about this at all”* and he could not see why it was a moral issue when *“it didn’t involve anybody”*; he accepted the practice instructed by his superiors. He continued that in his opinion it was *“immoral”* to suggest otherwise because *“no family were injured or caused any distress because of this practice”*¹²². When questioned as to his current perspective he stated *“I dismiss what I see in the press about ... the stress given to families whose children have been used in this way ... I don’t accept that ... from my own knowledge, that didn’t happen.”* As to the choice of a dead child’s identity he stated *“I’ve never asked myself that question. I’m assuming it was because it*

¹¹⁵ T1P2 {Day14/35:5-11}

¹¹⁶ Ibid at /37:11-15}.

¹¹⁷ T1P2 {Day15/52}.

¹¹⁸ Ibid at /54}.

¹¹⁹ T1P2 {Day 15/59:5-17}.

¹²⁰ Ibid at /60}.

¹²¹ T1P2 {Day15/53}.

¹²² Ibid at /53-54}.

enabled ... the Security Service to give us ... some credible identification [papers]"¹²³. In preparing for his deployment, he attended Blackpool with the assistance of the local Special Branch for the purposes of reassuring himself that the family of the dead child whose identity he had assumed it could not readily be traced and reassured himself that the family were no longer living at the address recorded to the birth certificate and that *"there was no trace of where ... they had moved to"*. The local Special Branch officer had visited the former home address of the dead child.¹²⁴

- (f) HN155 "Phil Cooper" who was deployed in 1979 until 1984 considered it likely that he had used a deceased child's identity for his cover name. He spent some time testing his cover story so as to ensure that it was difficult to challenge¹²⁵. Within his undercover role he acquired a prominent position within the Right to Work campaign and, among other things, access to the private correspondence with a serving Member of Parliament, Ernie Roberts¹²⁶.

- (g) HN80 "Colin Clark" was initially posted to the SDS back office in about December 1976 and was deployed into the field between about March 1977 and about March 1982¹²⁷. He had been put forward by Richard Clark¹²⁸. HN80 "Colin Clark" stated that the post-1974 practice distressed him so much that he initially refused to rely upon it. He stated, *"it distressed me to consider using the details from a dead child's birth certificate and I knew that it would necessarily cause distress to that child's family if it was discovered"*¹²⁹. He had a *"long discussion"* with Mr Ferguson and insisted upon combining elements of a deceased child's identity with fictitious details and truthful detail (such as, his own date of birth). He was nevertheless issued with a driving licence and passport. It is his recollection that his stance created a *"problem with the system then that appears to have caused further difficulties now"* but the nature of those difficulties remains unexplained save that it is understood to relate to HN80 "Colin Clark"'s preference to combine the biographical details of a deceased child with his own date of birth¹³⁰.

¹²³ Ibid at /63}.

¹²⁴ T1P2 {Day16/55:4-10}.

¹²⁵ {MPS-0747546/8}.

¹²⁶ {MPS-0747546/36}; T1P2 {Day16/8:10-13}.

¹²⁷ {UCPI0000033626/2}

¹²⁸ {UCPI0000033626/2}.

¹²⁹ HN80 {UCPI0000033626/4}.

¹³⁰ Ibid.

- (h) HN106 “Barry Tompkins” who was posted to the SDS between 1979 and 1983 found his cover name *“in the way that was standard at the time”* by going to St Catherine’s house and identifying a suitable dead child. He did not develop *“much by way of cover background”* and ran a basic cover story past managers before deployment¹³¹.
- (i) The gist of the evidence given by seven officers in closed session (HN21, HN41, HN109, HN241, HN302, HN341, HN355) is to the effect that “most” of these officers used the details of deceased children for their cover identities¹³². They obtained the details from public records *“based on guidance given by managers at the time”*¹³³.
42. As with their counterparts before the adoption of the post-1974 practice, officers deployed in this period were provisioned with documents in their cover identities: HN80 “Colin Clark” has produced a copy of the passport in his cover identity that he kept; HN126 “Paul Gray” was sure that he was issued a passport in his cover name which was based on a deceased child’s identity, however, the passport office has confirmed that no passport was applied for in the name “Paul Gray” with 12 February 1951 or 12 January 1951 as the date of birth between 1977 to 1982¹³⁴. The remaining officers (for whom we have evidence)¹³⁵ did not have a passport but did have a driving licence including HN304 “Graham Coates”¹³⁶, Vincent Harvey¹³⁷, HN96 “Michael James”¹³⁸, HN106 “Barry Tompkins”¹³⁹, HN126 “Paul Gray”¹⁴⁰, HN155 “Phil Cooper”¹⁴¹ and possibly, HN351 “Jeff Slater”¹⁴². An unidentified UCO in closed session was asked to explain the operational value of relying upon a real identity and replied, *“I am not so sure that it was particularly useful because I think the whole purpose of using a recorded name is so that you can use other documents like a passport. I mean, without a birth certificate you can’t get a passport, so it is a means of developing a comprehensive identity, much like the Soviet Spies*

¹³¹ {MPS-0745735/7}.

¹³² {UCPI0000034307/3}.

¹³³ {UCPI0000034307/3}.

¹³⁴ {MPS- 0740761/10}; T1P2 {Day15/57-58}.

¹³⁵ The Gist of T1 Witness statements received by the UCPI from officers in ‘closed’ does not record if they gave evidence about obtaining cover documents.

¹³⁶ {MPS-0742282/7}; T1P2 {Day12/34:3-6}.

¹³⁷ {MPS-0744903/8}; T1P2 {Day14/34:5-6}.

¹³⁸ {MPS-0745772/11}.

¹³⁹ {MPS-0745735/7}.

¹⁴⁰ {MPS- 0740761/10}; T1P2 {Day15/57-58}.

¹⁴¹ {MPS-0747546/7}.

¹⁴² {MPS-0740332/5}.

*used before this period and, with hindsight, frankly, you could use any name, but I think people felt secure in the knowledge that you had a recorded identity*¹⁴³.

The evidence of SDS managers and relating to the back office

43. The evidence set out above from the officers deployed from 1974 to the effect that the practice of reliance upon the identity of dead children was directed (as opposed to one that developed organically) sits in contrast with the live evidence from HN3378 Inspector Derek Brice and HN103 David Smith.
44. Mr Smith worked in the back office of the SDS in the rank of Detective Sergeant¹⁴⁴ between about October 1970 and October 1974¹⁴⁵ and his posting straddled the periods when HN294, Derek Kneale, Mr Craft and HN357 David Bicknell led the SDS and included the periods when Mr Brice and Mr Craft served as deputies. The evidence establishes that it was within Mr Smith's service that the SDS converted to the post-1974 practice. However, Mr Smith denied *any* knowledge of how officers had gone about constructing their cover identities¹⁴⁶ and stated in evidence that *"that was something that was dealt with by the individual"*¹⁴⁷ and by *"the chief inspector and the inspector"*¹⁴⁸. He had no recollection of what led to reliance upon the identities of dead children¹⁴⁹.
45. Mr Brice was posted to the SDS at the beginning of 1974 as an Inspector and deputy to HN294 and remained in post until October 1974¹⁵⁰. He described his role as *"like the quartermaster in the army and supplied things they needed and made sure they were safe"*¹⁵¹. It was his evidence that he was unaware¹⁵² that officers such as HN351 "Jeff Slater"¹⁵³, HN297 Richard Clark¹⁵⁴,

¹⁴³ {MPS-0748061/11}.

¹⁴⁴ We note that a redaction relating to Mr Smith's involvement with HN340 in the summer of 1972 refers to a DJ Dave Smith {MPS-0740414/36}.

¹⁴⁵ {MPS-0747443/5} and T1P3 {Day 6/10}.

¹⁴⁶ Smith {MPS-0747443/11}.

¹⁴⁷ T1P3 {Day6/91:15 – 19}.

¹⁴⁸ Ibid, {Day6/93:1-8}.

¹⁴⁹ Smith T1P3 {Day6/92:5-10}.

¹⁵⁰ {MPS-0747802/7}.

¹⁵¹ {MPS-0747802/10}.

¹⁵² T1P3 {Day7/45-47}.

¹⁵³ T1P3 {Day7/45:3} – {Day7/46:7}.

¹⁵⁴ T1P3 {Day7/45:15} – {Day7/46:7}.

HN353 “Gary Roberts”¹⁵⁵, HN300 “Jim Pickford”¹⁵⁶ and HN200 “Roger Harris”¹⁵⁷ had been instructed to rely upon the identity of a deceased child notwithstanding their having joined the SDS in the middle of his tenure as the officer with effective responsibility for the SDS¹⁵⁸. In relation to the possibility that he might have instructed HN353 “Gary Roberts” to go to Somerset House to obtain details to develop his cover identity, he replied in emphatic terms: “*certainly not*”¹⁵⁹, he denied any awareness of this officer’s discomfort with being required to rely upon the post-1974 practice¹⁶⁰, he also denied any discussion with Mr Bicknell on the topic stating, “*never*”, and when asked whether he had given “*any consideration to the importance of knowing how robust or not [the] officers’ identities were when they were going out into the field each day*” he replied “*not especially, no*”¹⁶¹. When Mr Brice was pressed to assist the Inquiry as to how he could be quite so confident on this particular topic (when his recollection on other topics was poor¹⁶²) he persisted in denying all knowledge and stated, “*I have a hunch that this was taking place after I left SDS*”.

46. Mr Bicknell provided a statement to Operation Herne on 29 September 2015. Mr Bicknell joined the SDS in June 1974 after several years of Special Branch experience and took responsibility for “*brigading*” Special Branch’s surveillance and covert intelligence functions, including the SDS, under a new squad - ‘S’ Squad. The SDS fell under his direct supervision for four to six months and he “*remained as Deputy for a few more months*”. He was asked to address the use of the identities of dead children and described this practice as “*a practical solution to the problem which we faced in creating plausible identities*”¹⁶³ and it was his evidence that “*the birth certificate is the root document used in order to obtain other identity documents*”. He considered that there would have been no consideration of “*the sentimental or emotional impact of this*” as his generation had been hardened by experiences during the second world war and he observed that a film, “*The Man Who Never Was*” dramatised the use of a similar method by British intelligence during the war (Operation Mincemeat). He recalled knowledge of a deployed officer being confronted with both “*his false Birth and Death certificate from his*

¹⁵⁵ T1P3 {Day7/46:15-21}.

¹⁵⁶ T1P3 {Day7/44:13}- {Day7/ 46:7}.

¹⁵⁷ T1P3 {Day7/45:6} -{Day7/46:7}.

¹⁵⁸ Ibid, p.42. He was in David Bicknell’s words ‘*in charge of the SDS*’ during his service on the Squad in 1974 {MPS-0726608/4}

¹⁵⁹ Ibid, p 46.

¹⁶⁰ Ibid, p 47.

¹⁶¹ Ibid, /47}.

¹⁶² See for example, Ibid /12} – difficulty with recalling his training and whether it included the limits of police powers.

¹⁶³ {MPS-0726608/5}.

assumed identity" and consistent with this account, on 24 September 1976 he sent a memorandum to Mr Watts to inform him that Richard Clark had been "*confronted with official copies of birth and death certificates in his cover name*" and had had to be removed from all "*field*" activities¹⁶⁴. By the autumn of 1976 Mr Bicknell had been promoted to the rank of Chief Superintendent; it appears that his involvement with the SDS continued beyond the period of months referred to in his statement¹⁶⁵.

47. Mr Craft initially joined the SDS as a Detective Sergeant in "*the very early part*" of 1974 as Mr Kneale's "*number two*" and took command of the SDS in 1976 with his promotion to Detective Inspector occurring in November 1976¹⁶⁶. He explained that at the start of his service with the SDS Mr Kneale had discussed with him what the role entailed¹⁶⁷ and informed him that the undercover officers were using elements of the identities of deceased children, but stated that he was not aware when that practice had started, and he was unable to assist the Inquiry as to who was responsible for the change¹⁶⁸. He nevertheless professed confidence in the post-1974 practice as he had prosecuted someone who had "*used this method to create passports for members of the KGB so we knew it was a pretty secure method. I very much oversaw this*"¹⁶⁹ and "*I knew it was a secure method and it was very difficult for someone to get at it*"¹⁷⁰. He said that he "*assumed it was legal*"¹⁷¹ and "*provided a safe base really ... in building an alter ego ...it was a basis of that.*"¹⁷². He stated that he had discussed cover identities with officers so that he knew if their identities "*made sense*"¹⁷³. He thought one of the sergeants helped in preparing driving licences. He did not recall suggesting to any officer that they should visit the birthplace of a child whose identity they were relying upon¹⁷⁴.
48. HN244 Angus McIntosh joined the SDS in April 1976 as Detective Inspector¹⁷⁵. He reported to the Detective Chief Inspector ("DCI") who was Mr Craft. He said he did not remember working

¹⁶⁴ {MPS-0732910/2} and see also further memoranda dated 21 October 1976 {MPS-073916/1} and 4 November 1976 {MPS-0732916/2}

¹⁶⁵ {MPS-0726608/4}

¹⁶⁶ {MPS-0747446/4} and Craft T1P3 {Day8/7 – 8}.

¹⁶⁷ Craft T1P3 {Day8/7}.

¹⁶⁸ Ibid, /12}.

¹⁶⁹ {MPS-0747446/13}.

¹⁷⁰ {MPS-0747446/49}.

¹⁷¹ T1P3 {Day8/19:11-14}.

¹⁷² Craft T1P3 {Day8/20:1-6}.

¹⁷³ T1P3 {Day8/18:17}-{Day8/19:2}.

¹⁷⁴ T1P3 {Day8/18:1-3}.

¹⁷⁵ {MPS-0747578/6,14}.

with Mr Craft but recalled Mr Ferguson who succeeded Mr Craft as DCI¹⁷⁶. Mr McIntosh said that he did not have a role in instructing, developing or assessing cover identities¹⁷⁷. He stated that his supervising officer, Mr Ferguson, would *“take the lead on providing instruction on tactics and the practicalities of being undercover”*¹⁷⁸. Mr McIntosh said that he was *“privy to what he was telling the officers to do and how to do it”* and this included *“searching records of births and deaths for potential identities”*¹⁷⁹. He did not recall having a role in obtaining the cover documents for undercover officers but knew that they were obtained citing the example of undercover officers needing driving licences. He speculated about the method of acquiring those identity documents, but this is redacted¹⁸⁰. It was his evidence that this was a *“good system from the point of view it gave them a definite date of birth and a birth certificate for the casual look”*¹⁸¹. He said that he did not think it had *“any risk of exposure”* and that he did not think it would cause *“any embarrassment to the deceased’s parents/relatives”*¹⁸². Mr McIntosh said that he had an *“advisory role”* in the process of undercover officers building their cover identity. He would tell them to get a new name and date of birth¹⁸³. When asked what he meant by an advisory role he said that he *“believed in the system of getting the birth certificates of very young children who had died”*¹⁸⁴. He said it was not *“a secret system at all. It was in the public eye, if you read books and stuff like that”*¹⁸⁵.

49. HN307 Trevor Butler was assigned to the SDS as Detective Inspector to succeed Mr McIntosh in September 1979¹⁸⁶. He became second in command to Mr Ferguson who was the DCI. Mr Moss then replaced Mr Ferguson as DCI in 1980. He was Mr Butler’s supervising officer until July 1981 when Mr Butler was promoted to DCI¹⁸⁷. Mr Butler said that he had *“no role in the invention, development or assessment of a UCO’s cover identity”*¹⁸⁸ nor in the procurement of cover documents¹⁸⁹ despite replacing Mr Ferguson as DCI. Officers were expected to identify a

¹⁷⁶ {MPS-0747578/7-8}; T1P3 {Day9/18:9-25}.

¹⁷⁷ {MPS-0747578/14}.

¹⁷⁸ {MPS-0747578/14}.

¹⁷⁹ {MPS-0747578/14}.

¹⁸⁰ {MPS-0747578/15}.

¹⁸¹ McIntosh T1P3 {Day6/60:16-21}.

¹⁸² T1P3 {Day9/61:2-5}.

¹⁸³ {MPS-0747578/12}.

¹⁸⁴ T1P3 {Day9/60:6-25}.

¹⁸⁵ T1P3 {Day9/60:6-25}.

¹⁸⁶ {MPS-0747658/6}.

¹⁸⁷ {MPS-0747658/6}.

¹⁸⁸ {MPS-0747658/12}.

¹⁸⁹ {MPS-0747658/13}.

suitable identity alone and he did not give them guidance¹⁹⁰. He said in his witness statement that he might have asked officers questions to confirm that they were comfortable with their cover identity, but he did not recall doing so and would likely have done it on request¹⁹¹. In evidence he said he did not test their cover identities before they were deployed¹⁹². He had no concerns in relation to the operational effectiveness of the practice¹⁹³. He was not aware of officers being issued British Visitor's Passport in fictitious names but if someone had "*suggested an alternative system*" then he would have "*agreed and implemented it*"¹⁹⁴. On reflection now he thought that "*a lot could have been improved to provide their identity cover...*" and that "*they should have had far greater support from the Home Office and senior police officers to make the whole process more secure and easier for them to adopt*"¹⁹⁵.

50. Mr Moss served as an undercover officer with the SDS in 1968 for six months¹⁹⁶. He returned to the SDS in 1980 as a DCI for a year. He was then promoted to Superintendent and Trevor Butler replaced him as DCI in the SDS¹⁹⁷. Mr Moss said that he did not have a role in the selection, development and assessment of undercover officer's identities. He said, "*individual UCOs were left to work out their own cover identities.*" He said that it was "*necessary to have a birth certificate to provide proof of identity (if sought) and to obtain other documents*"¹⁹⁸ and was rendered necessary by the length of deployments¹⁹⁹, although none of the officers had been asked to produce a birth certificate by a group they were infiltrating²⁰⁰. He said that he had not addressed his mind to whether the practice was lawful²⁰¹.
51. Despite the passage of time and in contrast to the evidence of certain of the frontline officers, the senior managers held to the view that there were no ethical concerns arising from the post-1974 practice even with the benefit of hindsight²⁰². Mr Craft said that he did not intend to exacerbate the suffering of families who had lost a child but he was reassured by the fact that it was a "*top secret operation and it seemed to be inconceivable that any of those would – would*

¹⁹⁰ T1P3 {Day10/39:12-20}.

¹⁹¹ {MPS-0747658/12}.

¹⁹² T1P3 {Day10/39:21-25}.

¹⁹³ T1P3 {Day10/41:2-5}.

¹⁹⁴ T1P3 {Day10/42:23-25}.

¹⁹⁵ T1P3 {Day10/42:12-17}.

¹⁹⁶ {MPS-0747797/4}

¹⁹⁷ {MPS-0747797/4}

¹⁹⁸ {MPS-0747797/13}.

¹⁹⁹ T1P3 {Day5/63:4-14}.

²⁰⁰ T1P3 {Day5/61:6-15}.

²⁰¹ T1P3 {Day5/63:18-22}.

²⁰² McIntosh T1P3 {Day9/7-19}.

reveal it, and therefore the parents of a child – a deceased child should never, in fact, know about it, That is hindsight”²⁰³. Mr Butler observed that “the revelation of this practice” had caused “hurt to a number of families” and that he “greatly regret[ed] that hurt” but maintained that it was “necessary for the UCOs to protect themselves and the SDS in this way”²⁰⁴. Mr Moss had considered the risk of officers being confronted with death certificates in the name of their assumed identity but stated that, “there was no other way of getting the supporting documents which we needed without a birth certificate” and in relation to the ethics of the practice he stated that he had considered this “particularly with hindsight I suppose ... And with hindsight, perhaps, we could have done it ... well, I don’t think we could have done it another way”²⁰⁵.

52. The SDS Tradecraft Manual (written after the Tranche 1 period) said that “in the past, an identity with a birth certificate was deemed necessary in order to obtain the documentation and paraphernalia associated with everyday life. The birth certificate was used as an identity document (which it is not) on which to base the acquisition of accommodation, driving licence, passport, bank account etc. [redacted sentences]. A birth certificate is not necessary for the provision of any documentation [redacted]”.

Origins of the post-1974 practice

53. Mr Brice was at pains to distance himself from any role in the shift to reliance upon the identities of dead children and Mr Bicknell does not appear to have been directly asked whether he was responsible or not. The contemporaneous documents do not assist as to the individual(s) responsible nor do they provide an explanation for the change nor an audit trail reflecting any form of formal authorisation.
54. A number of suggestions have been proposed for the practice’s inspiration including the well-publicised fact that it was a practice that had been relied upon by a KGB agent, (*R v Mulvena*), and various culture sources including the film, “*The Man Who Never Was*” and the book and film, “*The Day of the Jackal*”, and suggestions that the method emanated from the Security Service²⁰⁶.

²⁰³ Craft T1P3 {Day8/21:4-11}.

²⁰⁴ {MPS-0747658/29}.

²⁰⁵ T1P3 {Day 5/61:9}-{Day5/63:8}.

²⁰⁶ Transcripts of the closed evidence of HN21 {MPS-0748062/7}; and of HN41 {MPS-0748063/3}.

55. What is clear is that the practice was a well-known device; well known among police officers, among the intelligence community and by the public at large. The obvious risks with relying upon it were self-evident and appreciated by frontline officers²⁰⁷ and managers²⁰⁸.

R v Cecil Mulvena Case (1966-1967)

56. The *R v Cecil Mulvena Case (1966-1967)* was a criminal prosecution that attracted prominent media coverage. The reporting informed that KGB agents had used a deceased person's identity to obtain a UK passport²⁰⁹. The background in brief was that in November 1966, Cecil Mulvena was arrested and charged with offences under the Official Secrets Act and an offence under section 36 of the Criminal Justice Act 1925 of unlawfully making statements which he knew were untrue to obtain a British Passport. Cecil Mulvena had befriended a young man who was unlikely to live and persuaded him to provide a copy of his birth certificate under the pretext of providing him with a holiday. The birth certificate was instead used to obtain a passport for Cecil Mulvena in the young man's name. The Times ran an article on 28 January 1967 addressing the loopholes in the British passport system that permitted apparently valid identities to be obtained by foreign intelligence services. The level of public concern was such that the topic was raised in Parliament²¹⁰.
57. In early 1974, when the method of using deceased children's identities was adopted by the SDS, Matthew Rodger – who as a DCI had led the investigation into Cecil Mulvena²¹¹ - was the Commander of Special Branch to whom the senior managers of the SDS reported and Mr Craft who joined the SDS in the early part of 1974 had the view that this prosecution had demonstrated that the methodology was a secure one (see §47 above).

The Day of the Jackal

58. *The Day of the Jackal* by Frederick Forsyth was published in 1971 and a film based on the book released in cinemas in 1973. In the novel the lead character, a criminal assassin using the code name "*The Jackal*", identifies a deceased child whose parents were also dead in a cemetery and goes to the Central Registry of Births, Marriages and Deaths to obtain a copy of the child's birth certificate from which he then goes on to obtain a passport²¹². In an interview to the Mail on

²⁰⁷ See above §§40(f)

²⁰⁸ See above at §§48 and §52.

²⁰⁹ Designated Lawyers Opening Statement Appendix T1P3.

²¹⁰ Designated Lawyers Opening Statement Appendix T1P3.

²¹¹ Designated Lawyers Opening Statement T1P3 p.5.

²¹² Frederick Forsyth, *Day of the Jackal*, (Hutchinson & Co, 1971) pp.62-63.

Sunday, Frederick Forsyth said that he was told about the method by a mercenary in Nigeria during the Biafran War when he was reporting from there²¹³. He had successfully tested the method himself when writing the book²¹⁴.

59. HN126 “Paul Gray” who was in the SDS between 1977 and 1978 stated that they had “*all watched ‘The Day of the Jackal’ a couple of years earlier, when it came out*” and it was his understanding that using the identities of dead children was an idea that had sprung from that fictional representation²¹⁵. He further explained in evidence that “*The Jackal/The Day of the Jackal*” was used as a “*nickname*” by him and he was sure that he was not the only one to use that term in connection with the technique²¹⁶. Similarly, HN336 “Dick Epps” thought the reason why the practice had not been relied upon during his deployment in 1969 was that “*The Day of the Jackal*” had not yet been published²¹⁷.
60. Mr Craft provided a statement on 7 December 2020 in which he stated in unequivocal terms that “*the idea of using a deceased children’s identity came from Forsyth’s ‘Day of the Jackal’*” and he made reference to his involvement in the *Mulvena* prosecution and that he had derived confidence in the methodology from his knowledge of how the KGB officer had deployed it. However, by the time he gave evidence several months later, in May 2022, he sought to “*correct*” that account stating in evidence that the method had merely been “*popularised*” by this work²¹⁸ and he did not know how the practice had started²¹⁹. He thereby aligned his account with the evidence that Mr Smith had given two days previously²²⁰ and Mr Brice who had given on the preceding day²²¹ and, distanced himself from the institution of the post-1974 practice.
61. We note that the Tradecraft Manual, believed to have been drafted by HN2 Andy Coles with input from HN10 Bob Lambert in the early 1990s, also associated the methodology described in the novel with the SDS’s reliance upon it: “*The Frederick Forsyth novel ‘The Day of the Jackal’*”

²¹³ Marcus Scriven, “*The Day of the Jackal* writer Frederick Forsyth admits he stole a dead child’s identity to convince himself the storyline could work in real life.” The Daily Mail, Dated 24 July 2021 <https://www.dailymail.co.uk/news/article-9822077/Frederick-Forsyth-admits-scoured-graveyard-names-details-dead-children.html> accessed on 14 December 2022.

²¹⁴ Ibid.

²¹⁵ T1P2 {Day15/53}.

²¹⁶ T1P2 {Day15/256:12-25}

²¹⁷ {MPS-0739316/8}.

²¹⁸ T1P3 {Day8/3}.

²¹⁹ T1P3 {Day8/12}.

²²⁰ T1P3 {Day6/93 – 94}.

²²¹ T1P3 {Day7/85}.

*explained how to acquire documents in the name of a dead person and the practice has proved popular among those who would defraud the benefit system or who wish to travel abroad incognito. [redacted]*²²².

Other agencies

62. It was HN21²²³ and HN41²²⁴'s evidence that the use of deceased children's identities had emanated from the Security Service but HN21 accepted that this was speculation.
63. In respect of evidence of the practice of other organisations, Mr Brice said that he did not use deceased children's identities when he was serving on the Bomb Squad in 1972 prior to joining the SDS²²⁵. Mr Craft did not know if the Regional Crime Squads relied upon the practice²²⁶. However, the National Crime Agency ("NCA") has informed the Inquiry that "*the NCA has never had a policy that involved encouraging undercover officers to use the identities of deceased children when creating their legend identities. Nor is the NCA aware of any such policy being in place within the RCS15, the NCS or SOCA*"²²⁷.
64. It was of course a matter of public knowledge that KGB agents, among others, used the identities to create false identities (see discussion of *R v Cecil Mulvena* at §58 above). In his book, "*Dead Doubles*" (2020), Trevor Barnes, an expert in espionage, stated that the MI5 Soviet counter-espionage section had discovered KGB agents were obtaining birth certificates from Somerset House and using the identities of deceased children to obtain documents known as "*dead doubles*". He stated that in consequence "*the Security Service put in place a system for checking applications for birth and death certificates to spot ones which might have been made by the KGB*"²²⁸. The KGB practice of using "*dead doubles*" is also referenced in Christopher Andrew's authorised history of MI5, "*Defence of the Realm*" (2010)" and he attributes it to a methodology of a member of the Portland Spy Ring, Konon Molody, in the 1950s²²⁹.

²²² {MPS-0527597/9}.

²²³ {MPS-0748062/7}.

²²⁴ {MPS-0748063/3}.

²²⁵ T1P3 {Day7/83}.

²²⁶ T1P3 {Day8/20:7-9}.

²²⁷ NCA Opening Statement to T1 at §6 a.

²²⁸ T. Barnes *Dead Doubles* (Weidenfeld & Nicolson, 2020) p.293.

²²⁹ C. Andrew, *The Defence of the Realm: The Authorised History of MI5* (Penguin Books Ltd, 2010) pp. 485-486.

65. Witness Z²³⁰ has given a statement on behalf of the Security Service setting out information contained in the documents made available to him. He notes at [100] that the Security Service provided the SDS with *“occasional and limited assistance with the development of SDS undercover officers’ cover identities”* but that there was *“no evidence that the Security Service had any involvement in the original creation of SDS agents’ cover identities”*²³¹.

Compromise and the failure to learn lessons

66. Compromises of the cover of SDS officers in the T1 period arose from difficulties with passing themselves off as activists or from chance encounters with people who recognised them. Relying upon the identity of real children and obtaining documents based upon their birth certificates was never going to address the operational risks of compromise that the officers were in fact experiencing in the field; on the contrary, the fact that dead children are associated not only with birth certificates but also with death certificates proved to be an operational liability.
67. In the period prior to adoption of the post-1974 practice several officers came under suspicion leading on occasion to their being withdrawn but their reliance upon fictitious identities played no part:
- (a) The accusation that HN347 “Alex Sloan” was a police officer was relayed to him in a meeting with the group he was infiltrating in 1971 and he became aware of an attempt to follow him. It is unclear by reason of redaction how HN347 “Alex Sloan” chose his cover name, although it is clear that he did not rely on the identity of someone who had died²³²: *“I was never confronted with my birth certificate or confronted about my identity whilst deployed under cover”*²³³. At any rate, the cause of the suspicion was not the technique used to establish his identity and reliance upon the identity of a real or fictitious person was not relied upon by the group to confirm or dispel their suspicions. In oral evidence HN347 “Alex Sloan” explained, *“looking back, I could see that because of previous things that had happened they – they would obviously be suspicious of me”*²³⁴.

²³⁰ {UCPI0000034350}.

²³¹ Ibid at §104.

²³² {MPS-071697/6}.

²³³ {MPS-0741697/16}.

²³⁴ Sloan T1P2 Day 5 p.132 l.1-3.

- (b) HN45 “Dave Robertson” was deployed by the SDS between 1973 and was compromised after he was recognised as a police officer by a woman known only as Ethel who was not a political activist but who had casually attended a political meeting the London School of Economics (“LSE”) in February 1973. He said this was not seen as a failure within the SDS but rather a matter of circumstances beyond his control²³⁵. In fact it was Diane Langford’s account that Ethel had recognised him as a police officers because he lived in the same block of flats to her, that it was “*common knowledge among other tenants in the block that the flat he occupied was a ‘police flat’*”, that when HN45 “Dave Robertson” had met Ethel by chance at the LSE he had threatened her that if she revealed his true identity “*something bad would happen to her family in Ireland*”, and that she had been terrified²³⁶. We note and adopt Ms Langford’s compelling arguments as to why her account of the interaction between Ethel and HN45 “Dave Robertson” is to be preferred²³⁷. Significantly, in her supplementary statement of 21 April 2022 Ms Langford presents a further compelling argument that Ethel recognised HN45 because she was accommodated in the same building, likely in Kilburn, as an address used by him in his cover identity (whether this was a personal cover address maintained by HN45 “Dave Robertson” in West End Lane, Kilburn or the SDS safehouse, is immaterial to the relevance of this evidence for the families for the reasons we develop further below²³⁸).
- (c) The decision to withdraw HN340²³⁹ suddenly in the summer of 1972 arose from a number of factors: a photograph of him competing in a public event had been published²⁴⁰; his landlady had told him that someone had telephoned wanting to speak to him and had made a threatening remark²⁴¹; and complying with his superiors’ instruction not to join the International Marxist Group had led to “*people starting to question me and my background.*”²⁴² He explained that as he had “*no back story to speak of*” the questioning had become “*awkward very quickly*”²⁴³.

²³⁵ T1P2 {Day5/84}.

²³⁶ {UCPI0000034348/78}.

²³⁷ Ibid at /79 §§ 222 – 224.

²³⁸ UCPI0000035065/17 at §§58.

²³⁹ {MPS-0740414/38}.

²⁴⁰ {MPS-0740414/36}.

²⁴¹ Ibid.

²⁴² {MPS-0740414/37}.

²⁴³ Ibid.

- (d) HN339 “Stuart Goodman” wrote an unmarked police car off driving while “*definitely intoxicated*” after a meeting in a pub with activists and gave his real name to the officers attending the scene²⁴⁴. He was charged and pleaded guilty to driving without due care and attention (but not it would appear driving whilst under the influence). DCI Phil Saunders was informed, attended court, and may have privately informed the Magistrate that he was an undercover police officer. He did not face a disciplinary sanction but was sure that things would have been approached differently if someone had been injured. He thought this event may have been a catalyst for his being withdrawn.
- (e) HN68 “Sean Lynch” was withdrawn after a police officer gave some indication that he had recognised him at a demonstration²⁴⁵.

68. Officers continued to come under suspicion following the introduction of the post-1974 practice and for the most part the choice of identity again played no part save in respect of Richard Clark whose reliance upon the identity of a dead child assisted those who were suspicious of him to confirm those suspicions (see further at §71 – 76 below in relation to those events):

- (a) HN304 “Graham Coates” was compromised and withdrawn after he volunteered to a police officer his real name (which was inconsistent with the driving licence that he held in his cover name)²⁴⁶.
- (b) Vincent Harvey was recognised by a police officer at a protest who reported him to Scotland Yard.²⁴⁷ He said that things like that “*were happening all the time*”²⁴⁸. He was not withdrawn from the field.
- (c) HN126 “Paul Gray” refers to a potential compromise of his cover which required him to move geographical areas. The details are not disclosed. A further potential compromise is subject to redactions²⁴⁹.
- (d) HN80 “Colin Clark” was recognised with his wife and child when off duty by activists selling newspapers one of whom found out his real name and address from his wife. SDS

²⁴⁴ {MPS-0736910/19-20}.

²⁴⁵ {MPS-0747443/17}.

²⁴⁶ {MPS-0742282/39}; T1P2 {Day12/127-128}.

²⁴⁷ T1P2 {Day14/37}.

²⁴⁸ T1P2 {Day14/37}.

²⁴⁹ {MPS-074061/14,30}.

managers supported an application of him to live outside the usual 20-mile limit for MPS officers but this was refused²⁵⁰. He was not withdrawn at this time and instead spent three months living at his cover accommodation until he could move home²⁵¹.

- (e) It was HN155 “Phil Cooper”’s evidence that his exit strategy had led to call interceptions which in turn revealed that he had fallen under suspicion having relayed a “*strange story*”²⁵².

Richard Clark’s deployment and compromise

69. Richard Clark was deployed by the SDS between 1974 and 1976. He infiltrated the South East London Branch of the Troops Out Movement (“TOM”) between January 1974 and September 1976 and assumed office within TOM as London Organiser in December and Convenor of the Secretariat in March 1976 and between September 1975 and September 1976 he infiltrated Big Flame²⁵³. Richard Clark became involved in a sexual relationship with “Mary” in 1975 and it was Richard Chessum’s evidence to the Inquiry that he had been involved in three other sexual relationships with activists in TOM and/or Big Flame whilst posing as an activist²⁵⁴. In late September 1976 Richard Clark was confronted by members of Big Flame with the copies of the birth and death certificates in his cover name and as a result he was withdrawn in October 1976.
70. It was Mr Chessum’s evidence that members of Big Flame had become suspicious of Richard Clark because of his “*lack of politics and political nous*” and that prior to joining TOM he had been unknown, had no Irish background and no history in the labour and trade union movement²⁵⁵. He learned that in consequence of those suspicions, members of Big Flame took steps to get hold of his purported date of birth²⁵⁶. From the date of birth, they had obtained a copy of “Rick Gibson”’s birth certificate and a copy of “Rick Gibson”’s death certificate from local records in Kent²⁵⁷. They had made initial enquiries at a campsite at which he had claimed to work in Essex and established that it was run by an Army Major. Following initial questioning of Richard Clark, they made enquiries at the school he claimed to have attended and the school

²⁵⁰ {UCPI0000033626/15}.

²⁵¹ {UCPI0000033626/15}

²⁵² {UCPI0000028712}.

²⁵³ CTI Opening Statement to T1P2 of 21 April 2021.

²⁵⁴ {UCPI0000034182/48}.

²⁵⁵ {UCPI0000034182/46}.

²⁵⁶ *Ibid*, p 109.

²⁵⁷ *Ibid*, p 110.

confirmed that no-one of that name had attended the school. When that information was put to Richard Clark, he nevertheless persisted in attempting to maintain his cover. He was asked to provide the names of individuals who could confirm his identity and the location of a couple of those people at ports aroused further suspicions as it was (correctly) understood that Special Branch officers were deployed at ports while others denied knowing him. They reverted to Richard Clark on several occasions in the hope that he would appreciate that he had aroused suspicions, take fright and go away but when he did not they considered that they had no alternative but to confront him with the birth and death certificate of Rick Gibson. On checking his cover address the following morning they found that it had been cleared out and he was not seen by them again. Before departing Richard Clark had written to a woman with whom it was inferred that he had entered into a sexual relationship in his cover identity²⁵⁸. After learning of these events when he returned to London in 1976, Mr Chessum made his own inquiries and established that the place of work that Richard Clark had relied upon as his cover employment *“was obviously just a front, it wasn’t a genuine office”*²⁵⁹.

71. The evidence the Inquiry heard from HN304 “Graham Coates” corroborates Mr Chessum’s account that the Big Flames activists sought to communicate their suspicions to Richard Clark over time in the hope that he would withdraw, specifically, that prior to his being confronted with the birth and death certificate of Richard Gibson, Richard Clark had *“feared being unmasked”*²⁶⁰. It was HN304 “Graham Coates”’s account that SDS managers were *“far more concerned with [maintaining Richard Clark’s] role than with [his] safety”*²⁶¹ and they were in particular concerned with an existential risk to SDS operations²⁶². It was also HN304 “Graham Coates” evidence that all SDS managers working in the SDS office at the time, including Chief Inspector Kneale, Chief Inspector Craft and HN368, were in no doubt that Richard Clark was engaging in sexual relationships in his undercover identity²⁶³.
72. The compromise of Richard Clark was a subject of concern extending beyond the SDS to Senior Management in Special Branch. When Richard Clark reported to Mr Craft that he was suspected by his target group, Mr Craft and Mr Kneale attended the pub to provide back up²⁶⁴. It was Mr

²⁵⁸ T1P2 {Day10/112:22-25}.

²⁵⁹ T1P2 {Day10/117:3-4}.

²⁶⁰ T1P2 {Day12/38:14-25}.

²⁶¹ T1P2 {Day12/39:6-9}.

²⁶² Ibid, /40:15-25}.

²⁶³ Ibid.

²⁶⁴ Craft T1P3 {Day8/21:18-25}.

McIntosh's evidence that he was also present (albeit without Geoffrey Craft)²⁶⁵. The matter was then reported to Commander Rollo Watts who approved the withdrawal of Richard Clark as soon as possible²⁶⁶. Mr Craft made an opaque reference to Richard Clark's withdrawal in the 1976 SDS Annual Report²⁶⁷. The event SDS lore and was referenced in the SDS Tradecraft Manual drafted many years later²⁶⁸.

73. It appears that Richard Clark may have associated his compromise with the sexual relationships in which he engaged with activists in his target group and there were discussions with fellow undercover officers along those lines²⁶⁹. He told one undercover officer that he had been involved in two sexual relationships which led to his compromise²⁷⁰. He told another that *"there was a lot going on his group as far as 'horizontal politics' was concerned"*²⁷¹. Another undercover officer in closed evidence said *"Rick had a certain reputation and it gradually came out that he had a sexual relationship which led to his being compromised and that was, to my way of thinking, generally well-known among the existing SDS officers"*²⁷². It was also HN126 "Paul Gray"'s understanding that Richard Clark's identity had been compromised because he had *"obviously had an affair whilst he was undercover. And as a result of that, suspicions had been brought about ... they'd found ... the death certificate of the child"*²⁷³ and he stated in relation to the postings of him and his contemporaries that they were *"making sure we didn't make the same mistake"*²⁷⁴.
74. Whether it was by reason of failures to present as a convincing activist, his involvement in sexual relationships or a combination of the two, Richard Clark's reliance upon the identity of a dead child assisted those who sought to explore his background in their establishing that he was not who he said he was. As we have seen, frontline officers held to the belief that their reliance upon cover identities formulated in the same manner as Richard Clark would remain secure provided they did not engage in sexual relationships whereas the managers claimed to have no

²⁶⁵ McIntosh T1P3{Day9/64-66}.

²⁶⁶ Minute Sheet dated 24 September 1976 {MPS-0732910/1}.

²⁶⁷ T1P3 {Day8/108:11-25}; 1976 SDS Annual Report {MPS-0728980/4}.

²⁶⁸ SDS Tradecraft Manual {MPS-0527597/8}.

²⁶⁹ T1P4 {MPS-0748061/61}; {UCPI0000034307/5}.

²⁷⁰ {UCPI0000034307/5}; T1P4 {MPS-0748061/44}.

²⁷¹ T1P4 {MPS-0748061/59}.

²⁷² T1P4 {MPS-0748061/61}

²⁷³ T1P2 {Day15/56-57}.

²⁷⁴ Ibid /260:1-2}.

knowledge of his involvement in sexual relationships; self-evidently it is highly improbable that both explanations are true.

SECTION IV: COMMENTARY AND CONCLUSIONS INVITED

75. The families submit that the T1 evidence has conclusively established that the practice of relying upon the identities of dead children was unlawful, obviously morally and ethically repugnant, implemented in wilful disregard of the obvious risk of serious harm to bereaved families and lacked any legitimate operational justification.

The post-1974 practice was unlawful

76. The framework of laws including the statutory criminal offences, human rights and common law provisions summarised at §§ 11-24 above ought to have been at the forefront of the minds of senior officers in their decisions relating to the establishment, continuance, and supervision of SDS operations.
77. The distinction the Parliamentary Committee drew in 1983 between the acceptable deployment of officers in plain clothes to detect and prevent crime and the unacceptable deployment of spies to infiltrate entirely legitimate organisations of civil society is not a distinction that will have been lost upon the senior echelons of the Metropolitan Police when they authorised the establishment and continuance of the SDS nor is it one that will be lost on the Chairman. The exceptional secrecy with which those senior officers cloaked the entire SDS enterprise, and which led them to take outrageous measures to protect its secrets – even to the extent of adopting the abhorrent practice of using the identities of dead children - is entirely consistent with appreciation by senior officers that the deployment of spies to infiltrate legitimate organisations of civil society, relying upon deceit and concealment, would be met with the same opprobrium that was levied at such practices some 150 years previously.
78. We invite the Chairman to conclude that whether judged by the standards of the nineteenth century, 1968 or the modern day, it was entirely obvious that the creation of a lawless clique of undercover cover police officers deployed under cover of the identities of dead children, was as unlawful and unconstitutional as it was unethical and immoral.

79. Moreover, those responsible for the post-1974 practice were wilful in their disregard of the obvious legal implications:

- (a) Mr Craft derived reassurance of the operational effectiveness of the technique from his involvement in the *R v Mulvena* prosecution; a prosecution that had resulted in a KGB agent being convicted of a criminal offence in relation to his reliance upon it. He stated nevertheless that he “*assumed it was legal*”²⁷⁵.
- (b) DCI Saunders, and likely more senior officers, were aware that in 1971 HN339 “Stewart Goodman” had written off a police car whilst intoxicated, had appeared before a Magistrate’s Court and been convicted of the lesser offence of driving without due care and attention. HN339 “Stewart Goodman” considered it likely that the conviction had been entered in his assumed fictitious identity. The events did not result in a red flag being raised with regard to the legality of the SDS enterprise generally nor is there any trace of senior officers giving any consideration to the legal implications of such an event recurring after the post-1974 practice was introduced²⁷⁶:
- (c) Officers extending to the rank of Deputy Assistant Commissioner were also aware that in 1972 HN298 “Michael Scott” was arrested, arraigned and convicted of criminal offences committed while deployed undercover by the SDS, and the fact that he had attended a meeting that ought to have had the protection of legal professional privilege, and the possibility that he would make a fraudulent application for legal aid. It was HN298 “Michael Scott’s” suspicion that his superiors were not aware that he had assumed the identity of a real person. Whether senior officers were aware of his reliance upon a real identity or not, they were aware that the criminal courts had been deceived as to the true circumstances. The families submit that it is highly relevant that no regard was given to the legal implications of officers engaging in such activities in a false identity, activities that HN298 “Michael Scott” described as “*inevitable*”, whether real or fictitious²⁷⁷.

80. The practice failed to serve a legitimate aim when viewed from an operational perspective. Further, the intrusion upon the private lives of the deceased and their families was neither necessary nor proportionate. If the senior officers responsible for establishing and running the

²⁷⁵ §47 above.

²⁷⁶ §69 above.

²⁷⁷ §37 above.

SDS had taken basic steps to constrain its operations within the parameters of the law, it would have become immediately obvious that the SDS could not lawfully adopt the methodologies of criminals and soviet spies. The lack of respect for the law as it was applied to SDS operations generally is entirely consistent with the lack of respect for the law as it applied to the exploitation of deceased children's identities.

The post-1974 practice was obviously morally and ethically repugnant and implemented in wilful disregard of the obvious risk of serious harm to the affected families

81. A number of the front-line officers appreciated the moral and ethical implications of what they were being asked to do including the risks that bereaved families would become aware. Officers have given evidence that they made their objections clear to their superiors²⁷⁸ while others followed orders²⁷⁹. The evidence of HN13 "Desmond Loader/ Barry Loader's" wife is perhaps the most telling in this regard; at the first mention of the fact that her husband was using a dead child's identity to support his undercover identity it became "*imprinted in [her] mind*"²⁸⁰. The evidence of the senior officers by contrast amounted to a blanket denial of any contemporaneous awareness of the ethical implications of the practice. The evidence weighs heavily in favour of the frontline officers' accounts, and Mr Craft's protestations that it was inconceivable that families would find out is of course inconsistent with the various efforts described by those officers to reduce that very risk.
82. Confident in the secrecy of the unit and that it would not be exposed publicly, the SDS operated without any consideration of the ethics of their operations; the very antithesis of policing by consent. Police officers are expected to hold themselves to the highest standards and use the powers they are granted sparingly. The probity of their conduct should not be dependent on external scrutiny nor dependent on whether their actions are found out.
83. In future tranches of the Inquiry the Chairman will hear evidence from the bereaved families concerning the mental suffering that has been caused to them and has received evidence of the impact upon the Restricted Family. The post-1974 practice has of course impacted not only on the families on behalf of whom this Statement is made²⁸¹ but also on those who have suffered

²⁷⁸ §§40(a), 40(b), 40(f) and 41 (g) above.

²⁷⁹ §41(d).

²⁸⁰ §41(a) above.

²⁸¹ The families strongly disagree with HN96 "Michael James" assertion that "*no family [sic] were injured or caused any distress because of this practice*: HN96 T1P2 {Day16/55:1-3}.

the traumatic bereavement of a young family member and who are concerned that their loved one's identity *may* have been appropriated²⁸², and upon public confidence in policing.

The post-1974 practice lacked any legitimate operational justification

84. In the family's submission the T1 evidence has established beyond any question that there was no operational justification for the post-1974 practice, alternatively, the MPS has failed to discharge the burden upon them to justify the post-1974 practice.
85. In their opening statement in October 2020, the Metropolitan Police Service ("MPS") asserted that *"evidence will be given as to why the practice [of relying upon dead children's identities] was considered necessary, at the time, to support the work of undercover officers"*²⁸³ and in the opening statement to T1P2 made a claim to legitimacy in the use of the tactic from 1974 as there was *"no viable means of inserting a fictitious entry into publicly available hard copy records held by the General Records Office. Thus, if checks were made there a fictitious name would be revealed. It was believed that using a genuine identity would therefore better withstand scrutiny"*²⁸⁴. The Chairman has not in fact heard any evidence in T1 as to why the post-1974 practice was considered necessary at the time. The Chairman has heard evidence that senior officers represented to their chain of command that they had put in place careful operational measures to maintain the cover of officers whom they were deploying undercover; in reality they had not. There was no consideration of why officers had fallen or might fall under suspicion and there is no evidence that anyone believed, at the time, that a genuine identity would better withstand scrutiny. In its statements to the Inquiry the MPS has not attempted to justify why, if reliance was to be placed on the genuine identity of anyone, the MPS chose - for two decades - to rely on the identities of dead children.
86. Similarly, the Designated Lawyer Officer Core Participant Group ("**DLOCPG**") in their opening statement to T1 observed that the reliance on fictitious cover identities was *"reviewed and abandoned after a number of undercover officers were compromised or 'outed'"*²⁸⁵. There has not been a scintilla of evidence adduced in T1 to support that assertion.

²⁸² "Category 2" and "Category 3" families. See §42 of the Opening Statement on behalf of Category F Core Participants for Tranche 1.

²⁸³ MPS Opening Statement to T1 dated 22 October 2020 at §22.

²⁸⁴ MPS Opening Statement to T1P2 dated 14 April 2021 at §19.

²⁸⁵ Designated Lawyers Opening Statement to Tranche 1 dated 28 October 2020 p.60 §8.2.2.

87. The failure to bring any meaningful managerial oversight to bear upon the practices of the deployed officers in the SDS' first six years is material to the conclusion we invite the Chairman to draw that the MPS has failed to establish operational necessity for the post-1974 practice.
88. The methodology described by Mr Dixon concerning the assumption of cover identities, approved by Mr Ferguson Smith, and represented to the chain of command in 1968 as reflecting the actual and intended operational practices of the SDS, in fact bore no resemblance to the reality, and there was no action taken by them or any other to implement professional working practices in this regard. The early officers describe a casual and ad hoc approach, a lack of supervisory involvement or even interest, an absence of any training, guidance or instruction and being left to their own devices. Those officers who were deployed after Mr Dixon had deposed the purported working practices of the SDS to "*Penetration of Extremist Groups*" similarly operated without any or any adequate supervisory involvement, training, guidance or instruction and with the sole exception of HN347 "Alex Sloan", officers were not familiar with the content of that document²⁸⁶. The lack of supervisory engagement occurred despite a high ratio of deployed officers to supervisors (between 1:3 and 1:4)²⁸⁷.
89. Similarly, there is no evidence that any managerial concern was brought to bear upon the risks associated with relying upon fictitious identities. Mr Dixon and Mr Smith represented that fictitious cover identities, subject to certain safeguards, were capable of withstanding scrutiny and the failure to implement those safeguards gives the lie to the MPS argument that the post-1974 practice was introduced to better protect officers' cover. There was no genuine concern about the efficacy of relying upon fictitious identities and no assessment of the necessity of conversion to the post-1974 practice.
90. Although officers were "*left to their own devices*" and "*playing it by ear*" there is some evidence that officers deployed in the early phase of the SDS operations, relying on prior Special Branch experience, appreciated that staying within the confines of their intended role better protected their cover²⁸⁸ and appreciated the importance of not readily giving up information from which a check of public records could be made²⁸⁹. This is material because once suspicions were raised

²⁸⁶ §34 above.

²⁸⁷ For example the 1975 SDS Annual Report said that there were twelve officers operational in the field and supervisory and administrative duties were carried out by five officers including a Chief Inspector, an Inspector, two Sergeants and one constable. {MPS-0730099}.

²⁸⁸ §36 above.

²⁸⁹ §37 above.

there was always the possibility that public records might be checked, and all options carried significant risk once that stage had been reached.

91. The approach to the creation and reliance upon cover identities was no more professional after the adoption of the post-1974 practice and given the continuing lack of training, guidance, instruction and managerial input the approach was unsurprisingly inconsistent. Further, the SDS operational conduct in this period was similarly at odds with the practices that were being represented by senior SDS officers to their chain of command as reflected in the SDS Annual Reports including for example, the 1976 Annual Report which asserted that officers were provided with “*the strongest possible cover backgrounds compatible with the modern computer age*”²⁹⁰.
92. To the extent that any potential operational justification for the post-1974 practice emerges from the T1 witness evidence it appears to be based on the suggestions that a real birth certificate was the “*root document*” from which identity documents might be obtained and that the subjects of SDS operations might more readily establish that the assumed identity was of a living person than they might establish that the assumed identity was of someone who had died. The families make the following observations:
 - (a) The pre-1974 officers were provisioned with a range of identity documents notwithstanding their reliance upon fictitious identities²⁹¹.
 - (b) Professional conduct in the field, to which scant attention was paid, afforded the best protection against falling under suspicion and without suspicion a check would not be made.
 - (c) Once suspicions were raised the likelihood of reliance upon the identity of someone who had died was an obvious follow-on suspicion given the popularity of the method²⁹².
 - (d) Death records could be readily correlated with birth certificates relying upon locality indicators²⁹³.

²⁹⁰ {MPS-0728980/5}

²⁹¹ §34 above.

²⁹² See for example, Mr Craft’s evidence at §62 above and discussion below.

²⁹³ §39(a) and §72 above.

- (e) Organisations of civil society and individuals who suspect they are being deceived as to the identity of someone in their midst, as the actions of affected participants to this Inquiry attest, will be determined in their pursuit of the truth – the mere finding of a birth certificate would not quieten such suspicions. There was cause for the SDS to reflect upon this reality in the early phase of its reliance upon the identity of dead children²⁹⁴.
93. The origins of the practice, including knowledge and responsibility for the change in practice, is also of assistance in examining the validity of the MPS and the DLOCPG’s claims to operational justification.
94. As to knowledge and responsibility, the Chairman will have reached his own view as to the credibility of the evidence he heard from Mr Brice. The families make the following observations:
- (a) The evidence has established that the post-1974 practice became the embedded operational practice of the SDS during his tenure.
- (b) There is an irreconcilable conflict between his evidence and that of Mr Smith as to his state of his knowledge.
- (c) He described his role as that of “quartermaster” with responsibility for *“supply[ing] things they needed and ma[king] sure they were safe”*. In the SDS context provisioning necessarily entailed cover document provision and the creation of cover identities and the post deployment utilisation of those identities were the essential elements of keeping them safe.
- (d) The SDS was a small unit with Mr Brice one of only three senior officers working in the back office and it is improbable that he would not have been aware that the officers were spending significant time at St Catherine’s House seeking out the identities of dead children and/or that a member of the back office team accompanied officers for this purpose²⁹⁵.

²⁹⁴ See §§71 – 76 above.

²⁹⁵ HN200 T1P2 {Day10/157:15-19}.

- (e) Mr Brice's attempt to time the introduction of the post-1974 practice to a period after his tenure prompted, perhaps, by the *Day of the Jackal* was singularly unsuccessful; the practice began to be embedded from the Spring of 1974 (see §§38 -39).
95. The family invite the Chairman to reject Mr Brice's evidence and to conclude that he was in fact fully aware of the post-1974 practice. Whether Mr Brice's unwillingness to admit knowledge has arisen deliberately or through the operation of wishful thinking, the family submit that the more important point is that Mr Brice's reluctance to accept knowledge is only consistent with the stark fact that the post-1974 practice was obviously repugnant (whether viewed from the perspective of 1974 or today), and ought to have been the subject of extremely careful consideration and ought to have been rejected out of hand.
96. As to origin, the release of the film "*The Day of the Jackal*" in cinemas in May 1973²⁹⁶ fell in closely temporal proximity with the SDS's decision to move from reliance upon fictitious identities to those of dead children. HN126 "Paul Gray"'s evidence has the ring of truth about it: the film was a critical and commercial hit, likely to have appealed to the law enforcement community and most particularly those involved in undercover work. Perhaps the film's release brought to Mr Rodger or Mr Craft's mind the details of the methodology relied upon by Mr Mulvena. In any event, applying Occam's razor it is more likely than not that the origins of the practice were cultural rather than operational.
97. The families also submit that the history of compromise in the T1 period is also of assistance in dispelling the attempted operational justifications for the practice. The very real operational risks highlighted by the events surrounding Richard Clark militated against the post-1974 practice²⁹⁷. The failure to reflect on those events and the other compromises and potential compromise events²⁹⁸, in combination with the failure to establish basic standards of professional working practice, are only consistent with reckless reliance upon the post-1974 practice.

²⁹⁶ [https://en.wikipedia.org/wiki/The_Day_of_the_Jackal_\(film\)](https://en.wikipedia.org/wiki/The_Day_of_the_Jackal_(film))

²⁹⁷ Officers who gave evidence in closed session were aware of the risk of being compromised like Richard Clark and formed a "*committee*" to discuss how best to avoid their reliance upon a deceased child's identity being discovered. The "*committee*" appeared to be an *ad hoc* initiative which did not reflect on whether to abandon the practice of using a deceased child's identity following Richard Clark's experience. {MPS-0748062/6}.

²⁹⁸ §68 – 76 above.

98. In considering the families submission that senior officers wilfully disregarded the legal, moral and ethical implications of reliance upon the post-1974 practice, the families invite the Chairman's particular attention to the absence of any consideration by them of the relative operational effectiveness of the alternative methods and the obvious nature of the harm that would be occasioned to the affected families (a risk that was obviously identified because frontline officers took some steps to avoid it).

Conclusion

99. The SDS was established in a legal and ethical vacuum and created the conditions which led to the unethical, unlawful and unnecessary practice of relying upon the identities of the dead children. The methodology became embedded as a practice within the SDS without any semblance of governance, and without any consideration of its moral repugnance.

100. It was always obvious that the SDS were operating at the edges of legality and morality, and what became its embedded operational practice, including the practice in relation to reliance upon the identities of dead children, operated far beyond those norms. The T1 evidence has established that senior officers were content to condone and indeed encourage such working practices. The sole focus of their concern was to ensure conditions of maximum secrecy appreciating, whether consciously or not, that if the abhorrent working practices of the SDS were to be exposed, the resultant public outcry would bring embarrassment upon the Metropolitan Police, ignominy upon themselves, and an end to the SDS's activities.

101. The post-1974 practice involved gross, repeated and long-standing interference with the constitutional responsibility of the Commissioner of Police of the Metropolis and police officers acting under his direction and control to respect the private lives of citizens and was unlawful at common law and contrary to Article 8 of the ECHR. We invite the Chairman to draw conclusions to this effect.

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10 February 2023