

THE UNDERCOVER POLICING INQUIRY

TRANCHE 2 PHASE 1 OPENING STATEMENT OF THE METROPOLITAN POLICE SERVICE 24 JUNE 2024

Introduction

1. This is the written opening statement of the MPS for Tranche 2 Phase 1 (T2P1) of the Inquiry's work, covering the conduct and management of the Special Demonstration Squad (SDS) in the period 1983 to 1992. It will be supplemented by an oral statement which will respond, as necessary, to any witness statements of the Non-State Core Participants (CPs) that have not yet been disclosed, together with the opening statements of Counsel to the Inquiry and the Inquiry's other CPs. Further opening statements will also be made, in writing and orally, at the start of Phase 2 later this year.
2. The MPS wishes to acknowledge, at the outset of this statement, the serious wrongdoing by some SDS UCOs and the mismanagement by SDS and MPS Special Branch (MPSB) managers that occurred during the T2 period. Without seeking to be comprehensive, this includes the following three matters.
3. **First**, at least nine undercover officers in T2 engaged in deceitful sexual relationships whilst they were deployed. This was completely unacceptable. So too was the failure of their managers to identify and prevent those relationships from happening. The MPS apologises to the women affected, and to the public, for these failings and for the wider culture of sexism and misogyny which allowed them to happen. As set out below, it is committed to eradicating all forms of discrimination and to ensuring that undercover policing, like all other policing, is conducted and held to the highest professional standards.
4. **Second**, there was unnecessary reporting on political and social justice campaigns, family justice campaigns, community organisations as well as groups that were campaigning for police accountability. These groups did not present any risk of serious public disorder and were not engaged in any criminal or subversive activity.

5. **Third**, despite some examples of good and effective management,¹ there was a general failure by the SDS's managers and by senior managers in MPSB to lead the SDS properly and effectively. Whilst this issue will be examined more fully in T2P2 (when SDS manager evidence is heard), the problems can be seen in the conduct of officers which will be examined across T2. These failings extended beyond the issues of illicit sexual relationships and improper engagement with the criminal justice system. Other unprofessional behaviour by UCOs including inappropriate reporting and the claiming of illegitimate expenses. Such conduct was below the standards that were expected of police officers at the time. Another significant aspect of this is welfare. Although SDS managers did attempt to manage the welfare of UCOs properly, they did not always get it right. Attempts were made to foster a culture in which those struggling with mental health and other issues as a result of their deployments could seek support. But despite this, UCOs did not always feel they could ask for that support, or when they did it was not always effective. Some officers were undoubtedly harmed by the work they did.
6. There was a proper role for undercover policing during the T2 period, as an effective means of gathering intelligence on individuals and groups who presented a serious risk to public order and the safety of the public. Some of the deployments undertaken by SDS officers were justifiable and did produce valuable intelligence for these purposes. Many of the UCOs themselves did good, professional work in accordance with their training and the methods of the time. But the MPS accepts that their good work was overshadowed by the indefensible misconduct of some officers and the mismanagement which allowed that misconduct to flourish.
7. The MPS recognises the seriousness of these failings. Much of the evidence of misconduct, and all the SDS's managers' evidence, will be considered in T2P2 and in due course in Module 2B hearings. Nonetheless, the MPS can say at this stage that the SDS should have been the subject of robust oversight and intervention by senior managers, so that professional standards and conduct were reviewed and maintained throughout its duration. Poor standards and misconduct should have been identified and dealt with swiftly before they became embedded into the culture of the unit. UCOs whose conduct fell below acceptable standards should have been identified, removed from the field, and disciplined where necessary.²

¹ For example, by HN109, a Detective Inspector.

² As the Inquiry will see, when HN109 did attempt to take action to reform the SDS, he was met with rebellion from the UCOs and indifference from more senior managers.

Structure of the MPS's opening statement for T2P1

8. In **Part (1)** of its opening statement, the MPS makes some general points about undercover policing and raises matters that are relevant to modern covert operations and the MPS's relationships with the security and intelligence agencies. **Part (2)** addresses in more detail some of the central failings that occurred during the T2 period. **Part (3)** sets out a preliminary position on whether the SDS's work was justified and whether it produced valuable intelligence. This is followed by a short conclusion.

(1) General points about undercover policing

Applicable standards

9. The MPS accepts the conclusion of the Chair in his Interim Report, dated June 2023, that the 'intrusion into the lives of many hundreds of people in [the T1] era required cogent justification before it should have been contemplated as a police tactic'.³ That conclusion applies with equal force to the T2 period – and thereafter.
10. Prior to the Regulation of Investigatory Powers Act 2000 (RIPA), there was no statutory regime for the authorisation of undercover operations and so no formal requirement on SDS managers and officers to consider the nature and extent of the associated intrusion into people's private and political lives.⁴ Nor was there any significant emphasis on keeping that intrusion to a minimum. This reflected the fact that the concept of personal privacy was not as developed as it is today and was not given the priority that it should have been by the police and intelligence services. Care must therefore be taken not to judge MPSB and SDS managers, together with UCOs, by professional and ethical standards that did not emerge until after the T2 period.
11. Nevertheless, as the MPS acknowledged in its closing statement for T1, the managers of MPSB and the SDS should have recognised that a certain level of seriousness or operational necessity was required for seeking intelligence/information via these intrusive means, given the level of interference for those who would inevitably be affected.⁵ Where this was not

³ Interim Report, Ch 6 p94 §21.

⁴ The first national guidance was the 'Use of undercover police officers in major crime investigations', ratified by the Association of Chief Police Officers (ACPO) in October 1989. The National Undercover Working Group (NUWG) first met in 1990.

⁵ [MPS CL T1 Closing Statement](#), 14 February 2023, p93 §§259-262.

present, deployments should not have been initiated or should have been brought to a close.

Grounds for deployment

12. In the Inquiry's Interim Report, the Chair identified only two grounds on which undercover deployments by the SDS could have been justified:⁶

The long-term infiltration of political or single-issue groups by a unit of a police force could readily have been justified if its purpose was to prevent or investigate serious crime, including terrorism and activities akin to it. In the era of the Cold War and the "Troubles", applying the standards of the time, the infiltration of groups which in fact threatened the safety or well-being of the state (or in the 1952 formulation, gave rise to an internal danger to it) could also have been justified.

13. The MPS raises two concerns with this formulation. First, the conclusion that there are only two grounds on which undercover deployments could be justified – the investigation/prevention of serious crime or active threats to the state – are notably narrower than the seven grounds that Parliament has prescribed in RIPA. Second, the conclusion that the infiltration of groups believed or suspected to threaten the safety or well-being of the state would not be justifiable unless the group did 'in fact' present such a threat.
14. Subsection 29(2) of RIPA requires that authorisation for an undercover deployment can only be granted where it is necessary and proportionate to do so. Subsection 29(3) then states:

An authorisation is necessary on grounds falling within this subsection if it is necessary –

- (a) in the interests of national security;
- (b) for the purpose of preventing or detecting crime or of preventing disorder;
- (c) in the interests of the economic well-being of the United Kingdom;
- (d) in the interests of public safety;
- (e) for the purpose of protecting public health;
- (f) for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or

⁶ Interim Report, Ch 6 p95 §27.

(g) for any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.

15. The MPS's view is that, notwithstanding that RIPA was not in force at the time, the seven grounds it prescribes are each a legitimate basis for the deployment of UCOs during earlier periods – subject to the application of the requirements of necessity and proportionality. At the very least, the permissible categories in the period before RIPA, when there was no statutory regulation, should not be narrower than would have been the case if such regulation had been brought into force earlier. The MPS would welcome early clarification from the Inquiry as to whether the RIPA grounds, although not in force, represent acceptable objectives by which to evaluate the adequacy of the contemporaneous justification for SDS work in the T2 period.

16. The MPS is also concerned with the apparent conclusion that an undercover deployment against a target believed to be subversive, could only be readily justified if the target 'in fact' threatened the safety or well-being of the state. If applied in practice, such an approach would rule out the use of UCOs to assess suspected threats before they become active threats, including monitoring the evolving intentions and capabilities of persons or groups that have the potential to cause significant harm.⁷ The consequences of not monitoring such threats could be catastrophic, e.g. a terrorist attack. This is not a safe way to protect the public. It is expressly not how the Security Service approached that task. They considered it to be necessary, sometimes by covert means, '...to investigate, study or otherwise monitor individuals and groups who declared a subversive intention, or who were known to subscribe to a subversive ideology, in order to ascertain the extent to which they posed a security threat of could do so in the future'.⁸ Threat assessments and intelligence operations are inherently probabilistic; and to ignore identified risks is not a defensible option. Some intelligence-gathering deployments will inevitably be unsuccessful, and some threats will never materialise. This does not mean that their original operational authorisation was wrong or unjustified.

⁷ OPEN statement of Witness Y, a Security Service Deputy Director, dated 10 June 2024 (UCPI0000037010) at p10 §31.

⁸ UCPI0000037010, WS Witness Y at p10 §§31-32.

Intelligence partners

17. For many decades the MPS has relied on the Security Service and other agencies, including the Secret Intelligence Service and the Government Communications Headquarters, to identify and assess evolving threats of subversion, national security and terrorism, and to make requests of the police to gather or share specific information to inform the intelligence picture. (Throughout the T2 period, as was the case in T1, relevant assessments about the threat of subversion were carried out by the Security Service.⁹) It does so because it is those agencies, not the MPS, that have the institutional responsibility (now enshrined in legislation), expertise, and competence to make such assessments and requests.¹⁰ The Inquiry is asked to bear this in mind as its investigations progress towards the present day. The MPS's vital role in protecting the public will be harmed if it cannot continue to rely on the work and assessments of the security and intelligence agencies, where necessary, when authorising and conducting covert counterterrorism work, including (but not limited to) undercover operations.

Entrance into private property

18. Undercover police officers must, on occasion, enter private property during their deployments, to obtain information and to further their false identities. The evidence of UCOs and SDS managers in T2 is broadly to the effect that questions relating to the overarching lawfulness of undercover operations would have been considered at a level above the SDS and the presumption of the SDS's managers was that the operations endorsed by their superiors were, per se, lawful. They would have been reinforced in this view by court rulings in which the legitimacy of the practice of undercover policing was confirmed in general terms.¹¹
19. Prior to RIPA, there was no statutory mechanism for authorising undercover operations. Neither Parliament, nor the Government, nor the criminal or civil courts, nor the police or other agencies involved in intelligence work, had directly confronted the question of whether entering private property with

⁹ UCPI0000037010, WS Witness Y at p11 §32. See also, for example, the 1985 Threat Assessment (UCPI0000036602), referred to by Witness Y at p14 §§41-43.

¹⁰ See the [MPS CL T1 Closing Statement](#), p32 §§91-93.

¹¹ For example, *R v Mealey and Sheridan* (1974) 60 Cr App R 59 at [61]: '...the police must be entitled to use the effective weapon of infiltration. In other words, it must be accepted today, indeed if the opposite was ever considered, that this is a perfectly lawful police weapon in appropriate cases...' And see *R v McEvilly* (1974) 60 CR App R 150.

consent in a false identity was lawful in the absence of express statutory powers. (The Security Service's covert operations were not put on a statutory footing until the Security Service Act 1989.) The MPS agrees with the Chair that they should have done so.¹² However, it is not open to the Inquiry to determine whether the absence of such powers rendered the actions of UCOs unlawful.¹³

Positions of responsibility

20. UCOs in T2 continued to accept positions of responsibility in target groups, as they did in T1. They did so, as has been made clear by many witnesses in both tranches, as a means of fulfilling the intelligence objectives of their deployments – which would have included obtaining membership lists, gaining access to the group's finances, and ascertaining the group's immediate and longer-term plans. Greater seniority also improved UCOs' cover, as they were less likely to be suspected of being spies.
21. It was not, and is not, appropriate for UCOs to set the direction of a group or to act as agents provocateurs for the commission of crimes. They should not seek to direct or improperly influence groups or individuals. Outside these proper limitations, there is nothing inherently impermissible about a UCO accepting a senior post within a group. The MPS respectfully asks that the Inquiry does not recommend a general prohibition on them doing so as this will harm the ability of the police to conduct effective undercover operations in the future. It is also not accepted that UCOs using their positions to obtain confidential information breached the law of confidence in this era.¹⁴ Again, that is a determination that is not open to the Inquiry.¹⁵

(2) Central failings in the T2 period

22. In this section, the MPS sets out preliminary positions on the central failings that occurred during the T2 period. Some of these issues – in particular, criminality, arrests, and involvement in criminal proceedings – will be addressed more fully in the opening statement for T2P2 and so are touched on only briefly for the purposes of T2P1.

¹² Interim Report, Ch 6 p94 §22.

¹³ Section 2 of the Inquiries Act 2005 and see the [MPS CL T1 Closing Statement](#) at p9 §§24-37.

¹⁴ Interim Report, Ch 6 p94 §23.

¹⁵ And see the [MPS CL T1 Closing Statement](#), p9 at §§24-37 and p16 §§46-48.

Sexual relationships

23. At least nine SDS UCOs had sexual relationships, or otherwise engaged in sexual activity, while undercover during the T2 period. Two of these will be considered in T2P1: Trevor Morris (HN78, UCO 1991-1995) who had deceitful relationships with Bea between 1992 and 1993, and with Jenny in 1995; and 'Alan Bond' (HN67), who made admissions about a sexual relationship to the risk assessor during the anonymity process, and to HN19 during the course of his deployment. The sexual misconduct of the other seven UCOs will be considered in T2P2: Mike Chitty, Andrew Coles, John Dines, Robert Lambert, 'Matt Rayner' (HN1), HN12, and HN87.
24. The MPS accepts that these sexual relationships occurred and that further relationships will be examined during the Inquiry's later investigations of T2, T3 and T4. Such conduct was a gross violation of the women's privacy and human rights. It was abusive, deceitful, manipulative, and wrong. The MPS apologises again, unreservedly, to the women whose lives have been and continue to be affected. The MPS also apologises to the wives, partners, and families who have also been harmed by the misconduct of the UCOs and the failure, by the SDS's managers and senior MPSB management, to prevent that misconduct.
25. The public and the women concerned rightly want to know whether SDS and wider MPS management knew about UCOs having sexual relationships and why they failed to prevent them. The managers' evidence has yet to be disclosed heard or tested, so it would not be appropriate for the MPS to single out individual witnesses for comment. However, in their written evidence for T2P2, the SDS managers will each say that during their tenure they were unaware of the full extent of the conduct detailed above. The MPS wishes to be clear that it does not accept the level of general ignorance professed by the SDS's managers in their statements. Some of them *did* know, or *did* suspect, that sexual relationships were occurring. None of the relationships were, or could have been, formally authorised. Knowledge or suspicion that they were occurring should have led to investigation and (as necessary) disciplinary action. Concerns should also have been escalated to senior officers within MPSB and with the senior management of the MPS. Instead, those managers turned a blind eye to the risks and activities of the UCOs listed above, and SDS UCOs and managers who were later promoted to senior positions in the MPS also failed to act at that stage.
26. When recruiting and training UCOs, the managers of the SDS also should have taken active steps to prevent sexual relationships from occurring.

Choosing MPSB officers with an apparently secure attachment to their real lives, via marriage or committed partnerships, was on its own a wholly inadequate form of protection. Further, little or no consideration was given to the spouses, partners and families of UCOs who might be affected by officers' sexual misconduct. The lack of concern for the harm that they might, and did, suffer was disrespectful and wrong.

27. UCOs knew, or should have known, what their professional boundaries were. But even so, it was unsatisfactory of their managers to assume that those boundaries did not need regular communication and reinforcement to better ensure that the officers would stay within them. Likewise, it was unsatisfactory for managers who suspected such misconduct not to act on their suspicions or to assume general verbal advice would be an effective deterrent. UCOs should have been given training on how to avoid intimate relationships.
28. It was also not realistic of the SDS managers to hope or expect that UCOs would disclose sexual activity that could amount to professional misconduct. All UCOs should have been told explicitly and unequivocally that sexual relationships were prohibited. They should have been under no illusions that such relationships were wrong and a serious disciplinary matter. It should have been clear that any sexual activity which an officer believed was unavoidable – for example, to preserve life – needed to be reported immediately. None of the sexual relationships that occurred in T2 fell into this category.
29. During the T2 period, findings of sexism in the MPS were made by the independent People and Police in London study, particularly in its 1983 report, *The police in action*.¹⁶ More recent reviews have demonstrated that sexism and misogyny continue to be widespread and enduring features of the culture within the MPS.¹⁷ The prevalence of sexual misconduct on the part of SDS officers in the T2 period, the general disregard for the personal autonomy and dignity of the women affected, together with the inaction or indifference of their managers in response, is a clear and acute manifestation of that culture – for which the MPS unreservedly apologises.

¹⁶ *Police and People in London, IV The police in action* (Policy Studies Institute 1983), pp91-91 'Sex, women, and sexual offences'.

¹⁷ Baroness Casey Review [Final Report](#), March 2023, 'An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service'.

30. Sexism and misogyny are matters of grave concern for the MPS and it is committed to learning from the failures of the past. Work on transforming the MPS's internal culture has already begun – with a particular emphasis on these issues.¹⁸ All new and current officers are being trained to identify and call out sexism and misogyny; and there are now checks of individual officers' records so that repeat patterns of sexist and misogynistic behaviour are identified and stopped. More specifically, present day UCOs and their managers are told in their training that sexual relationships are unacceptable. If the Inquiry identifies the need for further improvements, the MPS will work with the Inquiry to secure robust recommendations for reform of future practice.

Welfare support for UCOs

31. It is clear from the SDS Annual Reports in the T2 period that the SDS management recognised early on the stresses of living undercover. These arose from living a double life for extended periods of time, the pressure of remaining vigilant to potential exposure and risks to personal safety, but also the stress of living apart from partners and children, and without free and open contact with 'real' friends and colleagues.
32. The framework of welfare provision in T2 included the requirement to have a stable home life, twice-weekly meetings at the safe house, the opportunity for 1:1 meetings with managers and, later on, streamlining of post-deployment support and the mentoring scheme. Managers endeavoured to foster a climate where UCOs could be open about their concerns and feel supported. They did so by implementing a non-hierarchical culture, providing opportunities for UCOs to connect at social gatherings, and by being readily contactable should the need arise.
33. When the Inquiry comes to examine the adequacy of the support provided to UCOs in the 1980s and early 1990s, it is important to recognise that professional understanding and standards relating to welfare issues were not what they are today. Managers relied on UCOs to self-disclose any problems; an approach which may have been stymied by a misplaced belief that raising welfare issues was a sign of weakness, which was not uncommon at the time.¹⁹

¹⁸ See 'A New Met for London', p37

<https://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/about-us/a-new-met-for-london/a-new-met-for-london.pdf>.

¹⁹ For example HN109 (MPS-0748825) §332 (whose evidence will be considered in T2P2).

34. The MPS accepts that welfare contact should have been more proactive and interventionist, and that there were missed opportunities to safeguard the welfare of UCOs. Attempts were made to get issues of welfare right, but those efforts were not always adequate. For example, errors were made in the recruitment of officers who were ill-suited to the role,²⁰ and the 1992 mentoring scheme needed to be more robust in its methods and objectives. Whilst a UCO's domestic life formed an important consideration in the welfare picture, the extent to which it could mitigate the difficulties experienced by some UCOs was overestimated and put an undue burden on the partners and families of UCOs.
35. Many UCOs *did* feel sufficiently supported. But some suffered psychological problems as a result of their deployments and did not get all the support that they needed. The risk of compromise was a particular source of ongoing anxiety for some UCOs and could continue to cause additional stress long after their deployments ended, which affected both them and their families. This should have been recognised at the time.
36. Providing effective and appropriate welfare support to UCOs remains highly important to the MPS in the modern era. As was explained in the MPS's opening statement for T1P1,²¹ many of the practices that the Inquiry will examine in the T2 era are now long out of date. The MPS is approaching the evidence with a commitment to further improve best practice for supporting officers when they undertake undercover work.

Deceased children's identities

37. The MPS sincerely wishes that more effective and secure alternatives to this practice had been sought and used by the SDS in 1970s and 1980s to provide fictional identities for UCOs. As the MPS explained in its closing statement for T1, using the identities of deceased children was believed to be the only effective, practical and safe means of preserving the safety of SDS officers who undertook long-term deployments into security-conscious and often hostile organisations.²² No evidence has been discovered of alternative methods being used elsewhere at this time that ought to have been considered by the SDS.

²⁰ Stefan Scutt, a UCO whose deployment will be considered in T2P2, provides an example of someone who was ill-suited to the role.

²¹ MPS CL Opening Statement T1P1, p17 §§58-59.

²² [MPS CL T1 Closing Statement](#), p89 §§249-253.

38. The MPS accepts that the managers of the SDS failed to recognise the hurt, distress, and anger that the use of deceased children's identities would cause the families of the children,²³ and the public concern that would result if the practice had been revealed.²⁴ It apologises unreservedly to the families for this. It also wishes to acknowledge that their distress will have been compounded by the revelation that some SDS officers behaved indefensibly while using their children's names – as acknowledged elsewhere in this opening statement.

The language of SDS reporting

39. Some of the terminology used by some UCOs in their reports would not have been recognised as being offensive or problematic in the 1980s and would not have been written with any ill-intention on the part of its authors. However, even allowing for this, some of the language they used was unequivocally unacceptable, specifically racist, sexist, and homophobic expressions, and descriptions that were derogatory, arrogant, or rude about the people being reported on.²⁵ Intelligence reports are professional documents and professional standards should have been employed. They should not have contained this type of language. When seen by managers they should have been amended and not recorded or retained in that form. Managers should have spoken to the reporting officers and should have taken steps taken to address the opinions and attitudes underpinning the inappropriate language.

The content of SDS reporting

40. The factual content of the SDS's reports must be judged by reference to the requirements and standards of the 1984 Home Office 'Guidelines on the Work of a Special Branch'.²⁶ These required MPSB, like all police Special Branches, to gather information about threats to public order and to assist the Security Service in its task of defending the UK against actions from subversive persons and organisations.²⁷ This included carrying out enquiries, with a view to identifying and describing numerous people

²³ [MPS CL T1 Closing Statement](#), p89 §248.

²⁴ UCPI Interim Report, Ch 6 p94 §24.

²⁵ For example, intelligence reports UCPI0000019394, UCPI0000019565, UCPI0000020689 and UCPI0000016854.

²⁶ UCPI0000004538, 1984 Home Office 'Guidelines on the Work of a Special Branch'.

²⁷ Per the definition in the 1984 Guidelines: 'Subversive activities are those which threaten the safety or wellbeing of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent' (§20).

connected with organisations that the Service assessed, and informed MPSB, were subversive – as explained in the statement of Witness Y.²⁸

41. The 1984 Guidelines also required the maintenance of records relating to those individuals who were identified. However, only information relevant to Special Branch functions was to be recorded. Data on individuals or organisations was not to be collected or held solely on the basis that a person or organisation supported unpopular causes or on the basis of race or creed. Further, ‘Care should be taken to ensure that only necessary and relevant information is recorded and retained.’²⁹
42. The MPS accepts that the SDS’s reporting in the T2 period includes examples of factual reporting that do not meet standards set by the Guidelines. Specifically, some reports include irrelevant personal or private information that is no of apparent intelligence value for the purposes of maintaining public order, or countering subversion, or protecting national security.³⁰ However, it should also be acknowledged that intelligence reports contain personal details that *would* have been considered relevant at the time and so were correctly recorded. It was the longstanding practice of MPSB and other Special Branches to record the following types of information that might be of future value to the police or the Security Service for purposes including vetting – even though that value would in some cases have been uncertain:
 - a. Personal descriptions (if professionally recorded) that assist with identification;
 - b. Addresses and other location information;
 - c. Employment details, which are relevant to the location of a person’s activity, their skill set, training, interests, finances, contacts and access to equipment; and are also relevant in the event of work or application to work in a vetted field;
 - d. Banking and financial information, which can be relevant for investigations and enquiries, to assess the viability of and funding for an organisation, as well as for vetting purposes;
 - e. Intelligence about associations, connections and relationships (including personal relationships), can be relevant to public order, to vetting, and to assessing the risks of the spread of subversion; and may

²⁸ UCPI0000037010, WS Witness Y at p13 §40, p16 §§52-53, p19 §61, p22 §72.

²⁹ UCPI0000004538, 1984 Home Office Guidelines on the Work of a Special Branch at §§16-17.

³⁰ For example, intelligence reports at UCPI0000019861 and UCPI0000028028 .

also provide means/route to infiltrate or be relevant to decisions whether to approach individuals as sources;

- f. The political opinions or stance of the persons mentioned;³¹
 - g. Reporting on the presence of children and young people at an address, which can have intelligence value, and can be important for risk assessment or safeguarding purposes; and
 - h. Reporting about the activities of young people in groups that were of interest to MPSB or the Security Service, may have intelligence value, but should be connected to a defined intelligence need and be proportionate.
43. As Witness Y makes clear, collecting information for vetting purposes remained an important part of the Security Service's work throughout the T2 period. The Service relied on MPSB and tasked the SDS to assist it, so that the information it needed for this purpose would be available when required.³²

Criminality, arrests, and involvement in criminal proceedings

44. As the Inquiry will hear, primarily in T2P2, there is evidence of involvement by undercover officers (UCOs) in crime and the criminal justice system which was inconsistently and sometimes inappropriately managed - including failures to make proper disclosures to prosecutors of UCO involvement in crime, and in respect of UCOs appearing as defence witnesses. Also in T2P2, the Inquiry will consider evidence relating to potential serious criminality on the part of a UCO: the extent of Robert Lambert's involvement, if any, in laying incendiary devices in Debenhams on 11-12 July 1987. As this evidence primarily concerns witnesses appearing in T2P2, the MPS will return to this matter in greater detail in its opening for that phase.

(3) The justification for the SDS's work and its value in T1P1

45. The important issues of whether the SDS's work was justified and whether its intelligence was of value in T2 can only be answered on the basis of the

³¹ This may have been one of the Security Service's primary interests (UCPI0000037010, WS Witness Y at p96 §278).

³² See UCPI0000037010, WS Witness Y at p13 §40(iv), p16-18 §§49-56 (noting in particular §53), p19 §61 p98 §281 ('it is likely that some (probably most) of the information sought from SDS officers was sought in order to be used for vetting purposes, particularly where the Service have asked SDS officers for identifying information about individual members of subversive groups'). Specific examples are given at p60 §154(c), p65 §169-170, p72 §201. The Service continued to seek to identify rank-and-file members of subversive groups until October 1992, p20 §65.

totality of the relevant documentary and witness evidence. The latter includes the evidence of SDS managers, MPS senior managers, and SDS/MPSB customers, which will be adduced in T2P2 and Module 2. The following paragraphs therefore provide only an introduction to these issues – with the MPS’s final position to be set out fully in its closing statement.

Historical and societal context

46. The period 1983 to the early 1990s was one of significant political and societal change in the UK and in Europe. The Conservative Party, led by Margaret Thatcher until 1990, remained in power throughout and (as is well known) some of the policies it implemented were controversial and polarising. These included the privatisation of national industries, economic liberalism, the marginalisation of trade unions, and the Poll Tax. The Cold War continued throughout the 1980s, ending swiftly in the period between the collapse of the Berlin Wall in 1989 and the dissolution of the Soviet Union in 1991.³³
47. Public order remained a major problem in London, with violent conflict between extreme left or anti-fascist and right-wing or fascist groups, and between members of the Black and other minority ethnic communities and the police. The period also saw a rise in public activism by political and social justice campaigns, family justice campaigns, and community organisations. These groups campaigned about issues including racist conduct by the police in London and the retention of nuclear weapons by the UK.
48. Key events shortly before the T2 period included the first Brixton Riots, which were followed a few months later by a 10-day national wave of racial riots, the Royal Wedding of Prince Charles and Lady Diana Spencer, the commencement of the Greenham Common Peace Camp in 1981, and the Falklands War in 1982. There followed the IRA Brighton Bombing of the Conservative Party conference in 1984, the Miners’ Strike in 1984/85, Live Aid and second Brixton Riot in 1985, the News International Strike at Wapping in 1986, the signing of the Intermediate-Range Nuclear Forces Treaty between the United States and the Soviet Union in 1987, the Hillsborough Stadium Disaster in 1989, the Poll Tax Riots in 1990, and the ‘Battle of Waterloo’ in 1992. Stephen Lawrence was murdered in April 1993.

³³ UCPI0000037010, WS Witness Y makes clear the ongoing importance to the Security Service of monitoring members of subversive groups until October 1992, and that monitoring wound down to a watching brief from after further review in 1996. See pp11- 16 §§35-48, pp18-23 §§57-75.

In April and October 1993 there were violent clashes between demonstrators and the police outside the British National Party's headquarters in Welling.

49. During the 1980s, the animal rights movement – which will be investigated more closely in T2P2 – became increasingly militant and active across the country. Its activities included bombing campaigns, intimidatory home visits, hunt sabotaging, and prolific criminal damage of laboratories and businesses.
50. The paragraphs above provide only the barest of snapshots of the many important events changes and changes that occurred during the 1980s and early 1990s. It is important that the Inquiry builds a comprehensive and balanced picture of the many incidents of public disorder, violence, criminality, and terrorism which contributed to the annual decision by the Home Office to maintain the SDS as a covert MPSB resource during the T2 period (until 1989 when funding was passed entirely to MPSB). As the MPS has stated in its previous written statements to the Inquiry, an understanding of the historical context is also essential for any fair assessment of the justification for and value of the SDS's work.³⁴ That remains the position in T2 – in furtherance of which the MPS has drawn the Inquiry's attention to some of the relevant contemporaneous government documents that are retained by the National Archives and has again invited it to continue such research.

What were the SDS's objectives in the T2 period?

51. The SDS was an MPSB unit, so its objectives reflected those of MPSB, which in this period were set by the 1984 Home Office 'Guidelines on the Work of a Special Branch'.³⁵ These confirm, under the heading 'Specific Functions', that 'The work of a Special Branch arises from the chief officer's responsibility for the preservation of the Queen's Peace. Its work is to assist the chief officer in discharging this responsibility' (original emphasis). Further, as to specific functions:

5. A Special Branch gathers information about threats to public order. Such information will enable the Branch to provide assessments of whether

³⁴ See the MPS CL opening statements for T1P1 at §81 p23, T1P2 at p1 §3.b and pp2-3 §§5-8, and T1P3 at p2 §5 and elsewhere.

³⁵ Home Office Guidelines on the Work of a Special Branch, December 1984 (UCPI0000004538).

marches, meetings, demonstrations and pickets pose any threat to public order and help the chief officer determine an appropriate level of policing.

6. A Special Branch assists the Security Service in carrying out its tasks of defending the Realm against attempts at espionage and sabotage or from the actions of persons and organisations whether directed from within or without the country, which may be judged to be subversive³⁶ to the State...

52. Throughout the T2 period the SDS gathered intelligence on individuals and groups in order to:³⁷
- a. Prevent and detect crime - including in respect of the growth of criminal activity within the animal rights field;
 - b. Assist uniform police to handle events at which there was a risk of public disorder, by identifying which events those might be, and establishing the intentions and plans of any extreme groups involved. As is reflected in the Special Branch functions (above), this extends to identifying events at which disorder was *not* expected;³⁸
 - c. Assist the Security Service to discharge its responsibility for defence of the realm, counterterrorism and national security - where the focus was on individuals and groups that the Security Service, not the MPS, assessed to be subversive or an actual or potential threat to national security;³⁹ and

³⁶ 'Subversive activities are those which threaten the safety or wellbeing of the State, and which are intended to undermine or overthrow Parliamentary democracy by political, industrial or violent' - per definitions in the 1984 Guidelines at §20. See also UCPI0000037010, WS Witness Y at pp8-16 §§27-48; and the references to groups the SDS targeted at pp26-39 §87.

³⁷ Contrast MPS-0728973/4-5, 20 May 1969 memorandum by Chief Superintendent Cunningham; and the SDS Annual Report in 1992 MPS-0728968/4 which sets the SDS' new Five Year Strategy, and the refined objectives.

³⁸ MPS-0748881 WS Tony Wait §47.

³⁹ MPSB assistance to the Security Service was required under the 1984 Home Office Guidelines. The guidelines were supported by UCPI0000004584, a classified letter from the Home Office to Chief Officers of police, which stated in respect of Assistance to the Security Service that 'when a Special Branch is operating in support of the Security Service chief officers should attach importance to the need to consult that Service and to seek its advice as necessary'. Under the Guidelines, 'an organisation currently operating within the law may nevertheless be subversive because its long term aims satisfy the definition and therefore be a proper subject of investigation'. 'Senior officers must exercise strict control over the selection of targets for investigation when the current activities of an organisation are legitimate and peaceful.'

Witness Y confirms that the SDS (and MPSB) was tasked and did assist the Security Service in this way. In UCPI0000037010, Witness Y discusses the ways in which targeting was influenced and tasking was carried out in a range of ways. See generally within pp58-74 §§148-205, pp82-94 §§236-269, pp96-98 §§277-282.

- d. For long-term intelligence purposes – so that MPSB were readily able to identify, whenever required, people who were of interest to the police or intelligence services.
53. These are all legitimate intelligence goals, which at the time were considered by MPSB and (within it) the SDS to provide adequate justification for the deployment of UCOs. The breadth of information sought reflected the wider intelligence culture in this era, namely of gathering information on a significant proportion of people involved with organisations of interest, which may be of intelligence value at the time or at a future date.⁴⁰
54. By the end of the T2 period, the SDS's core functions had been formalised and were published in its Annual Report. Refined objectives are set out in the 1992-1993 Annual Report, reflecting the changed priorities following the end of the Cold War:⁴¹

Statement of Purpose

To provide a quality service in the gathering and dissemination of relevant information and intelligence regarding matters affecting public order and the intentions of extremists who engage in politically motivated crime.

Objectives [...]

- i) To supply information about the intentions of militant, political extremists on occasions of public demonstrations.
- ii) To identify those who engage in preliminary planning or who take part in such demonstrations.
- iii) To identify suspects involved in breaches of the law before, during and after demonstrations.
- iv) To gather and record information regarding the formation and development of target organisations for long-term intelligence purposes.
- v) To provide intelligence regarding the criminal activities of individuals or organisations involved in support of [animal rights extremism].
- vi) To safeguard the welfare and encourage the development of all personnel employed on the SDS.

⁴⁰ As to this culture see, generally, UCPI0000037010, WS Witness Y at pp11-24 §§35-79.

⁴¹ MPS-0728968 pp2-3.

55. As in T1, the high-level requirements for intelligence were set by MPSB's 'customers', principally: the uniformed public order branch of the MPS,⁴² animal rights and other criminal and specialist policing units, the Security Service, and the UK Government. MPSB, like other Special Branches, retained operational independence. It could decline to conduct intelligence work that fell outside its functions, or was impractical, ineffective, or unsafe.
56. Towards the end of the T2 period the SDS identified that it needed better means to evaluate its performance, and began to formalise the receipt of feedback on the value of intelligence gathered.⁴³ Whilst detailed consideration of this work, and its effectiveness and value will no doubt take place in T3, the results recorded in the Annual Reports show that SDS customers considered the reporting to be accurate or generally accurate (where they were in a position to assess that). As to value, the overwhelming majority considered the intelligence to be either useful or of interest.⁴⁴
57. An internal Security Service briefing for its Deputy Director General (Operations), dated 11 August 1989, described the work of the SDS in the following terms:⁴⁵

The SDS continues to provide the Security Service with valuable intelligence on some of F2's targets. Several of those reported on are [high priority] difficult to cover and not otherwise covered in London. SDS reporting to the Service is a spin off from the attack on their own main objective which is coverage of potential, politically inspired law and order problems in London. SDS are sympathetic and responsive to the needs of the Service where these do not clash with their own priorities. They are in no sense acting under Service control.

...the contribution made by SDS to the work of F Branch is very significant. SDS agents tend to be completely committed. They are selected for their intelligence, dedication, capacity for hard work and (particularly now) willingness to accept direction and control. As a result they make superb reporting sources who are capable of penetrating very hard targets.

⁴² While MPS public order police did not formally direct intelligence needs, it would expect MPSB to be in a position to assess the threat of disorder from the groups and fields within its remit whenever a public order situation developed, in order that A8 could use that assessment to police the event or disorder appropriately.

⁴³ See the 'Performance Measurement' sections of the SDS Annual Report 1992-1993 (MPS-0728968/42-55) and the SDS Annual Report 1993-1994 (MPS-0722654/47-63).

⁴⁴ The results were: 1992 Security Service responses: 2.5% extremely valuable, 13.8% above average value, 76.92% good and useful intelligence and 5.12% some value; 1993 Security Service responses: 4.21% extremely valuable, 14.74% above average value, 54.74% good and useful intelligence and 23.16% some value, 3.16% no value.

⁴⁵ UCPI0000030678 p2 and p5. See also the UCPI0000037010, WS Witness Y at pp92-95 §§268, 269, 272 and 274.

58. It follows from this basic outline that, when considering the issues of justification for deployments and their ultimate value, it is essential for the Inquiry to consider the extent of MPSB's work in this period, by reference to (1) its customers' intelligence requirements, and (2) the overall operational structure of MPSB and its interrelationship with both its customers and its internal operational units. This evidence has not yet been fully gathered by the Inquiry, and (as explained above) it is therefore not possible to deal with justification definitively in this opening statement.

Why were UCOs used?

59. Where MPSB identified a need for intelligence, the means for obtaining it remained limited in the 1980s. The options were, in short:
- (1) Overt (traditional) policing enquiries;
 - (2) Technical interception;
 - (3) Surveillance;
 - (4) Civilian informants; and
 - (5) Undercover police officers.
60. *Overt policing enquiries* were easy to conduct and often a useful way of gathering information, e.g. about a large group's intentions in respect of a demonstration. But they were of limited utility, as individuals and groups who were planning unlawful activities would, for obvious reasons, often do so in small groups behind closed doors. *Technical interception*, whether by telephone interception or the installation of a device, was a valuable way of gathering information about unlawful activities, but its capacity (pre mobile phones and personal computers) was necessarily restricted to a single device or place, and so valuable intelligence could easily be missed. There were similar limitations to the use of *surveillance*, which was also resource intensive and could not be used as a long-term tactic. The use of *civilian informants* was valuable but difficult. Identifying and recruiting individuals took significant time and skill. Those individuals then required careful long-term handling in circumstances where they lacked training and professionalism; they could be unreliable; and they could not readily be guided or moved towards the most useful or productive sources of intelligence. There were also no established standards, at this time - within the MPS or nationally - for the recruitment and management of long-term informants.

61. By contrast to these other methods, undercover officers were in principle a flexible, trustworthy, and dynamic resource. Used in combination with other means to secure information, they could gain access to intelligence which could not be secured – or reliably secured – through other means. They were necessarily able to get behind closed doors and elicit carefully guarded information that would not, for example, be discussed at an open meeting or in a telephone call. They could use professional skills to find the best source of information and their reporting was not compromised by self-interest.
62. The Inquiry should bear these factors in mind when addressing the question of justification.

Were the deployments justified?

63. The Inquiry's terms of reference require it to identify and assess the adequacy of the justification for the SDS's undercover work. For the purposes of this opening statement, the MPS wishes to acknowledge that in many cases the value of the intelligence produced during long-term, open-ended, deployments by SDS officers did not justify the duration and depth of their intrusion into the private lives of those with whom they had contact. The MPS repeats the points it made about ethics and proportionality at the conclusion of T1 – which apply with equal force to the T2 period:⁴⁶

... the SDS's work involved serious intrusions into the private lives of some of the individuals in the groups that it targeted and other people associated with them. In many cases, those intrusions lasted years. It is accepted by the MPS that the nature of the intrusions should have been evaluated at the highest level by the MPS, and by the Home Office (who authorised and funded the SDS) and the Security Service (who benefited greatly from its work), from an ethical perspective against the public interest in obtaining the intelligence sought. That is so despite there being no legal or procedural requirement to do so and despite society's views of personal privacy and human rights being far less developed than they are now.

64. Within Tranche 2, there are 36 UCOs whose deployments span from 1978 to 1996 (i.e. into the T3 period).⁴⁷ In T2P1, the Inquiry will consider the deployments of officers who were deployed into or reported on groups

⁴⁶ [MPS CL T1 Closing Statement](#), p5 §8.

⁴⁷ There are 15 undercover officers with full anonymity orders. For some of these officers, their deployments continue to pose a real risk to their safety. Others are in poor health. It is understood that redacted statements and witness packs will be published and evidence from some of them will be heard in T2P3.

across the political spectrum including **anarchist, communist, and Trotskyist groups**, as well as the **extreme right wing**. They reported on **anti-nuclear/peace** groups. Through this period some undercover officers also reported on **political and social justice campaigns, family justice campaigns, community organisations** as well as **groups that were campaigning for police accountability**. In T2P2, the Inquiry will consider the remaining 'open' deployments, together with evidence of the SDS's managers and other officers who performed a back-office role. It is understood that the deployments of officers who targeted **animal rights groups** will be considered in T2P2.

65. During the 1980s and early 1990s, **politically extreme groups** continued to be of direct interest to the Security Service and the UK Government on subversion grounds⁴⁹ and to be of concern to the police for their public disorder or criminal activities. A significant proportion of SDS deployments were targeted against groups that the Security Service has now confirmed met the working definition of subversive during the T2 period, and about which the Service actively required detailed intelligence.⁵⁰ The Socialist Workers Party (SWP), for example, remained highly organised and committed to revolutionary Trotskyism and maintained a significant presence at certain public order events, protests, and industrial actions;⁵¹ while some anarchists were also involved in and supported acts of domestic terrorism/extremism such as explosions, or serious disorder and rioting as part of the means to support revolution. It was therefore appropriate for MPSB to continue to gather general intelligence about members of those politically extreme groups and their activities using covert methods, in furtherance of its responsibility under the Home Office Guidelines to gather intelligence about threats to public order *and* to assist the Security Service, and respond to the Service's repeated requests for direct intelligence that the MPSB was well-placed to provide.

⁴⁸ Deployments into AR groups will be considered in T2P2. However for the purposes of this statement it can be said that criminal activity by animal rights groups was a matter of very significant concern to the public, the Government, and the police in the 1980s. Given the levels of criminality and the cell structure employed by some extreme AR groups, deploying UCOs to gather intelligence on them, with a view to preventing criminal activity, was justified and appropriate in principle. However, in practice, that justification was undermined for the SDS by the misconduct of the UCOs who infiltrated the groups – including their sexual predation on young women. As indicated, these matters will be considered fully in T2P2.

⁴⁹ UCPI0000037010, WS Witness Y at pp23-24 §§76-79, pp26-39 §87.

⁵⁰ UCPI0000037010, WS Witness Y at pp26-39 §87.

⁵¹ UCPI0000037010, WS Witness Y at p27 §87(a). The Security Service actively sought to influence targeting and taskings in respect of this group: pp67-68 §§174-179.

66. The Inquiry will need to form a view as to whether the use of UCOs to obtain intelligence on those groups who were considered by the Security Service to be subversive (by reference to the political and historical context of the time, the Service's then priorities,⁵² and MPSB's then responsibilities under the Guidelines), together combined with such public order threat as they posed, provided sufficient justification for the use of UCOs in principle. A definitive assessment of justification for and value of T2 deployments cannot be made until all the evidence is available. However, it is acknowledged that except in specific instances where individuals in those groups were involved in serious crime or disorder, or presented an active threat to national security (as opposed to simply holding subversive views), their long-term infiltration by UCOs on a 'just in case basis' was a disproportionate method to gather intelligence on them.
67. **Anti-nuclear / peace groups** were the subject of significant Government and military interest in the 1980s – as is clear from contemporaneous documents, including those held by the National Archives.⁵³ It was feared that they could jeopardise the UK's national security, including the safety of its nuclear weapons bases, not least because the Security Service was concerned that major groups such as the Campaign for Nuclear Disarmament (CND) could be infiltrated by communist groups and the KGB (the Soviet Union's principal intelligence agency).⁵⁴ Concerns about the 'increased aggressiveness and venturism being exhibited around and on US controlled installations in the United Kingdom' were raised with the Ministry of Defence by the Commander of the US Air Force; including concerns that US security police could use deadly force, with potentially serious consequences for both governments.⁵⁵ The Security Service requested particular tasking in respect of the Greenham Common Women's Peace Camp.⁵⁶
68. These threats did not materialise, but for a significant time the risk that they would was a real one which the Security Service and MPSB were obliged to monitor with a view to taking any necessary pre-emptive action.⁵⁷ The

⁵² UCPI0000037010, WS Witness Y at pp26-39 §87.

⁵³ See, for example, DEFE24-2877.

⁵⁴ See UCPI0000037010, WS Witness Y at pp35-37 §87; and Andrew, Christopher, *The Defence of the Realm, The Authorized History of MI5* (London: Allen Lane, 2009; Penguin Books 2010), pp675-6.

⁵⁵ DEFE24-2877 at pp38-39.

⁵⁶ UCPI0000037010, WS Witness Y at p65 §169; UCPI0000029293.

⁵⁷ UCPI0000037010, WS Witness Y at p12 §§35-36.

deployment of UCOs into those groups was therefore justifiable until the point that it became clear that their activities, principally non-violent direct action (NVDA), presented no threats of this nature – as in fact occurred in the HN33's deployment into groups associated with the Greenham Common Peace Camp, which was brought to an end in 1986.

69. During T2 period (1983 to 1992), the SDS also reported on several individuals who were involved in **political and social justice campaigns, family justice campaigns, and community organisations**.⁵⁸ These included the Broadwater Farm Defence Campaign, the Hackney Campaign Against the Police Bill, the Hackney Police Monitoring Group, the Colin Roach Defence Campaign / Family Support Committee, and the East London Campaign Against Racist Attacks and Police Harassment (ELCARAPH).
70. The SDS's reporting indicates that these groups were of interest to other groups, such as the Troops Out Movement and the SWP, that were already being targeted by UCOs. With two exceptions,⁵⁹ the intelligence reports produced by these officers are not indicative of direct targeting of these campaigns by the SDS, but rather of UCOs following existing targets into those groups. The majority of the individuals that the SDS reported on in these groups were not engaged in any criminal or subversive activity; and did not present any risk of serious public disorder. It follows that SDS officers should have been told by their managers not to report on those groups; and in those cases where UCOs were following other, legitimate, targets, they should not have obtained intelligence on individuals in those groups or that intelligence should not have been retained by MPSB.
71. It is particularly indefensible that many of the **anti-racism campaigns** mentioned in SDS reports were seeking justice for members of the Black and Asian communities in London and were attempting to hold the MPS itself accountable for the way in which it policed those communities. The MPS accepts the corrosive effect this type of discriminatory policing has on public trust and apologises unreservedly for this. The fact that the SDS reported on these groups was the result of a critical failure on the part of its managers and senior managers within MPSB to ensure that SDS deployments were conducted in accordance with proper professional and ethical standards. It is also an example of unacceptable political policing by MPSB, which the

⁵⁸ UCOs deployed during this period who reported on these campaigns included HN88, HN25, HN5, HN95, HN90 and HN78.

⁵⁹ HN88 and HN78.

Home Office had unequivocally criticised in 1983 in response to an intelligence report on the activities of the Greater London Council's Police Committee.⁶⁰ The MPS accepts corporate responsibility for these failings. Although there have been areas of progress since the T2 period, racism and discrimination remain an enduring challenge within the MPS.⁶¹ Substantial reforms are underway to address the organisational culture, and discriminatory behaviour and conduct within the force.⁶² The MPS is committed to rebuilding the trust of Black, Asian, and minority ethnic communities in London.

Why were unproductive deployments not ended sooner?

72. There was and is always an element of professional judgment and prediction to the use of UCOs, whether in modern evidence-gathering operations or intelligence-only operations in the SDS mould. It may take a protracted period of time before a significant piece of intelligence emerges. Or such intelligence may not emerge at all.
73. The SDS could not and was not expected to produce immediate or guaranteed results. During the T2 period, four years was thought to be the most effective duration for an individual deployment. A UCO was typically not expected to start generating significant intelligence during their first year, and a significant proportion of their final year would be devoted to their safe and gradual extraction from their deployment, which limited their access to intelligence. SDS UCOs were therefore typically at their most useful and productive in the second and third years of their deployments.
74. Once UCOs were embedded within an organisation or field, SDS managers had limited options if a UCO was not producing valuable intelligence, as they could only be moved to other organisations in ways that were consistent with the connections they had already made.⁶³ Even then, time would again be taken up with a new breaking-in period to allow trust to build and a new

⁶⁰ Home Office Memo, 11 March 1983, UCPI0000035096/1. The Inquiry will wish to note that, notwithstanding its position in this memo, the Home Office was fully aware that the SDS was targeting political and social justice campaigns, family justice campaigns, and community organisations as they were explicitly named in the Annual Reports that were sent by the Assistant Commissioner of Special Operations.

⁶¹ Baroness Casey Review [Final Report](#), March 2023, 'An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service'.

⁶² See [A New Met for London 2023-2025](#).

⁶³ Oral evidence of Barry Moss (DCI 1980-1983), T1P3D5p57, p69.

stream of intelligence to be established.⁶⁴ The option of pulling out a UCO who could not be redeployed could be a difficult one. The experience and skills built up by the individual UCO would be wasted. A swift extraction risked compromising the UCO and the wider work of the SDS.

What value did the SDS's work have?

75. The MPS will address the value that specific SDS deployments, or specific intelligence reporting, may have had in its closing statement – i.e. once it has considered the totality of the documentary and witness evidence obtained by the Inquiry. For present purposes, it makes the following two overarching points.
76. First, as the MPS stated in its first opening statement to the Inquiry,⁶⁵ the fact a UCO deployment does not ultimately produce intelligence of operational value, or does not do so consistently, does not automatically mean that it was not adequately justified and properly motivated at the outset. A deployment could, and can, be wholly justified but ultimately unsuccessful. Additionally, its value might still exist in establishing a negative, such as ruling out a threat of violence.⁶⁶ All of this remains the position in the present day.
77. Second, the question of whether the SDS met its customers' intelligence requirements is best answered by the customers themselves: principally MPS A8 Branch and its successors (uniform public order police), the Security Service, the Government, the Animal Rights National Index (ARNI), and the individual police constabularies who used SDS and MPSB intelligence for their operations against animal rights-related criminal activity during the T2 period. The MPS submits that, in the interests of fairness, it is important that the Inquiry obtains and considers all of the available contemporaneous documentary evidence⁶⁷ and adduces witness evidence from all of the above sources, not just the Security Service, together with officers from MPSB operational squads who can provide an overview of the work of MPSB

⁶⁴ HN33's deployment provides an example of a case where it was possible to move the UCO once it was apparent there was no threat from the original targets.

⁶⁵ MPS CL T1P1 Opening Statement, p25, §87.

⁶⁶ It is observed that Witness Y says similar in UCPI0000037010, WS Witness Y at p18 §59, noting in relation to the 1988 review of subversion that, in the (different) context of traditional post war assumptions becoming increasingly invalid, negative reporting remained valuable "in countering false impressions and reassuring senior officials and Ministers".

⁶⁷ For example, the 'Customer Surveys' conducted by the SDS, which are summarised in its Annual Reports from 1992 onwards, indicate that there was a high degree of satisfaction with the SDS's work on the part of its two principal customers, MPSB and the Security Service. See, for example, the SDS Annual Report 1992-93, MPS0728968, at p44ff.

(including S and C Squads), of which the SDS was only a small part in this period.

Conclusion

78. There was a justifiable role for undercover intelligence operations in the 1980s and early 1990s – providing valuable information that could be used to counter serious public disorder and crime, and to assist the national security work of its principal long-term intelligence partner, the Security Service. Undercover policing was also an important asset for the investigation of crimes and the prosecution of criminals.
79. Some of the SDS’s undercover deployments did contribute to the wider intelligence efforts of MPSB and the Security Service during this period, and good and honourable work was carried out with skill and professionalism by many individual SDS officers and managers. However, this good work is overshadowed by the serious misconduct of some of the UCOs and by the general failure of its managers, and senior managers in MPSB, to set and enforce proper professional and ethical policing standards.
80. Sexual relationships should not have occurred. Reporting on justice and anti-racism groups who posed no criminal or public order threat should not have occurred and would not occur today. Open-ended long-term deployments, which caused a level of personal intrusion that was out of proportion with their value, should have been reassessed and ended. Further, the MPS should not have allowed a culture of exceptionalism and impunity to develop within the SDS – which, as will be seen in T3, made its officers resistant to the changes and improvements brought about by RIPA and by the National Undercover Working Group (NUWG).
81. These serious failings have damaged public confidence in the use of undercover policing. The MPS is committed to assisting the Inquiry in its work of investigating how and why things went wrong within the SDS and later the National Public Order Intelligence Unit (NPOIU), and of developing recommendations that will ensure that public confidence in undercover policing – which remains an important tactic in the present day – is rebuilt.

PETER SKELTON KC

AMY MANNION

CHRISTINA LYONS

PATRICIA LONDONO

24 June 2024

27 of 27