Operation Herne

Operation Trinity

Report 2 · Allegations of Peter Francis

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Operation
Herne

Content

Foreword

On 14 March 2010, The Observer newspaper published a series of articles regarding the role of 'Officer A' within the Special Demonstration Squad (SDS). On 22 January 2011, The Guardian newspaper published what was the first in a series of articles that identified the source as a police officer identifying himself as Peter Black. On 23 June 2013 The Guardian disclosed that their source was Peter Francis. It is believed that Officer A, Peter Black and Peter Francis are the same person. On 24 June 2013, Peter Francis appeared on the Channel 4 Dispatches programme. On 25 June 2013, the book 'Undercover - The True Story of Britain's Secret Police' was released for sale. The media articles, the television programme and the book broadly reflect the following allegations:

- That SDS officers' engaged in sexual relationships whilst deployed.
- That the SDS used deceased children's identities in the creation of their covert identity.
- That the SDS targeted 'Black Justice Campaigns'.
- That SDS officers appeared at court in their covert identities.
- That SDS officers supplied intelligence to 'The Blacklist'.
- That SDS officers were tasked to gain information that might be used to 'smear' the Stephen Lawrence family.
- That Family Liaison Officers assigned to the Stephen Lawrence family reported intelligence to Special Branch.
- That SDS officers were tasked to gain information that might be used to 'smear' Duwayne Brooks.
- That he was prevented by senior officers from disclosing SDS involvement to the Macpherson Inquiry.

Following these allegations Operation Herne was tasked to complete a detailed and timely investigation into those claims. At the Commissioner's request priority was afforded to the allegations which related to the Stephen Lawrence family, Duwayne Brooks and any impact on the Macpherson Inquiry. Mark Ellison QC, carrying out work on behalf of the Home Secretary, was provided with unequivocal access to all relevant material identified. Operation Herne has compiled a detailed and confidential report that has been provided to the Commissioner.

The other allegations detailed above fall into the following categories:

- Ongoing criminal investigations subject to Crown Prosecution Service consideration, such as allegations of sexual relationships and Misconduct in a Public Office.

- Ongoing civil actions lodged by individuals who claim to have been involved in sexual relationships with undercover officers.
- The subject of previous Operation Herne reporting (Use of Deceased Children's identities).
- Ongoing enquiries to establish the scope of further investigation required. (Disclosure/Appearance at court in covert identities).

The above allegations and enquiries are subject of agreed Terms of Reference and will be the subject of future detailed reporting once the various judicial proceedings have been completed. In addition Operation Herne will examine the broader Metropolitan Police Service (MPS) organisational issues and learning relating to the SDS and report on these to the Commissioner.

This report has been necessarily abridged and redacted to ensure that potential risk and threat to a number of individuals is reduced and that tactics and operational activity are not compromised.

References are made throughout this report to undercover officers. It should be stressed that the MPS maintains a 'Neither Confirm Nor Deny' (NCND) principle as to whether any individual is or was an undercover officer. There is clear reason for this, which is to protect the individuals in question and the work of undercover officers in general.

Despite the public claims of Peter Francis, this report will not breach the principle of (NCND) and therefore will not confirm or deny if Peter Francis was ever an undercover police officer. To avoid placing any individual in danger this principle is paramount. To comment either way would raise clear inferences in other cases where no comment is made. This position is essential to ensure that danger and additional risk can be avoided.

The detail contained within this report is deliberately and specifically limited to the allegations made by Peter Francis and the report does not seek to fully address the wider covert policing implications including the supervision, management and executive oversight of the SDS between 1968 and 2008. At a later stage Operation Herne will provide further reporting in relation to how the unit was tasked, the relationships with other agencies and the nature, extent and justification of the covert infiltrations carried out over the 40 years. Operation Herne will also report on the intelligence collection and dissemination processes and the recruitment, training, actions and behaviours of the officers. Operation Herne continues to comprehensively investigate criminal and misconduct matters and a number of areas of SDS operation. It is acknowledged that further detailed reporting of these wide ranging and significant issues is necessary to identify culpability, fully address public confidence and ensure any organisational learning is identified and embraced.

Executive Summary

Allegation - Sexual relationships between SDS Undercover Officers and activists

On 14 March 2010, The Observer newspaper published a series of articles regarding the role of 'Officer A' within the SDS. It claimed that he had slept with two (2) members of his target group. It was alleged that whilst this was not sanctioned, such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.

On 22 January 2011, The Guardian newspaper published an article that undercover police officers routinely adopted a tactic of promiscuity with the 'blessing' of senior commanders. The same article alleged that sex was used as a tool to help officers blend in, and was widely used as a technique to glean intelligence. The source stated that they knew of an undercover officer who married an activist he was supposed to be spying upon.

On 24 June 2013, Channel 4 broadcast the programme 'Dispatches - The Police's Dirty Secret'. In it a Mr Peter Francis said: 'that it was part of his persona, that he was the sort of person who had 'casual sex'.

He stated that he did not see any circumstance that long term relationships, especially the fathering of children can be condoned or allowed. He stated that he believed that 'the use of casual sex by undercover police maybe warranted in very exceptional circumstances.'

There are currently a number of civil actions lodged against the MPS by females alleging intimate relationships with undercover officers. Three (3) children are alleged to have been born as a result of these relationships. Operation Herne has contacted the solicitors concerned in order to speak to the claimants. Only one (1) evidential account has been provided. At this time the other remaining claimants have not engaged with Operation Herne.

No contact or complaint has been received from any individual claiming to have had a sexual relationship with Peter Francis.

Independent legal advice has been sought in respect of what offences, if any, have been committed in these circumstances. No offences contrary to the Sexual Offences Act are deemed to be complete although the behaviour could amount to Misconduct in a Public Office. There is no evidence at this time to suggest sexual relationships between undercover officers and activists were ever officially sanctioned by the SDS management.

This remains an ongoing criminal investigation and an advice file has been submitted to the CPS. A case disposal decision is yet to be made. This will be the subject of further detailed public reporting once the various judicial proceedings have been completed.

Allegation - Use of deceased children's identities

The practice of using deceased children's identities is confirmed as a tactic that was used by the SDS. The method is reflected in the SDS 'Tradecraft' document, and was recognised at the time to be the most appropriate means available to provide undercover officers with a 'legend'.

This has been reported in detail in a previous report published by Chief Constable Mick Creedon on 16 July 2013.

The Commissioner has publicly apologised for the distress the practice may have caused.

Allegation - The SDS targeted 'Black Justice Campaigns'

A source known as 'Officer A' claimed in The Observer in March 2010 that the SDS 'targeted black campaigns' that had been formed in response to deaths in police custody, police shootings and serious racial assaults. 'Officer A' also added that 'once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'

Operation Herne has identified that undercover officers were tasked into groups across the political spectrum of the day to provide intelligence regarding potential public disorder. This included both the extremities of left and right wings, and animal rights groups. A tactic of 'entryism' was used by activists to promote their own political agendas. It was inevitable that undercover officers would find themselves reporting on these groups that would become embroiled with their target organisation.

There are occasions where undercover officers did provide material that would now be considered as 'personal information'. At that time, there was no relevant legislation to regulate such action as the concept of 'collateral intrusion' as defined

in current day legislation had not been defined. SDS undercover officers were not gathering evidence to support criminal investigations, but intelligence to prevent public disorder and criminality.

There is no evidence identified of any direct tasking into 'Black Justice Campaigns' directly associated with Stephen's murder. It is clear that in line with the strategic remit of the unit, the SDS sought to infiltrate and covertly report on a number of such groups/campaigns. It remains relevant and important to repeat that they were not gathering specific intelligence to support criminal investigations but were seeking to gain intelligence with a view to stopping violent protest or disorder.

Allegation - SDS officers appeared at court in covert identities without the knowledge of the court

On 19 October 2011, The Guardian reported that, '…if a police spy was in danger of being locked up, prosecutions of the officer and other activists would be mysteriously dropped.' The source for these articles was named as 'Peter Black' who was later identified by The Guardian as Peter Francis. Subsequent articles followed claiming that prosecutions were progressed in order to build undercover officer's credibility.

There are no allegations that Peter Francis appeared at court and gave evidence in any pseudonym.

Some SDS officers were arrested in their covert identities and subsequently attended court. One reason given was to maintain their cover. Documentation has been identified which supports the premise that SDS management were aware of the practice and should have been informed of these occasions.

SDS officers were authorised to engage in minor criminality in order to maintain their cover. Operation Herne sought legal advice in respect of what offences, if any, were committed by officers attending court in their false identities. The advice received was that as long as their identity was not subject to the charge and they did not lie under oath, no offences had been committed.

Despite the generic advice obtained, Operation Herne is proactively examining the individual cases that have been identified. The investigation will also identify the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS.

Allegation - SDS supplied intelligence to ‘The Blacklist’

On 18 August 2013 in The Guardian, Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a ‘black listing agency’. He claimed that he provided information regarding two specific individuals and that their details subsequently appeared on the ‘list’.

The first notification received by the MPS into allegations of blacklisting stem from a complaint from Christian Khan Solicitors in November 2012. This was made on behalf of the Blacklist Support Group. They allege that the MPS, Special Branch (including SDS) were complicit in the supply of information to the Consulting Association and similar organisations. They asserted that this practice led to people being unable to obtain employment. The allegation was referred to the Independent Police Complaints Commission (IPCC) and initially they supervised the investigation. Between May and June 2013, they reviewed this decision and directed a local investigation, returning it to force to investigate.

The ‘Blacklist’ maintained at that time by a commercial enterprise known as The Consulting Association was a record of individuals believed to have disruptive or subversive stance that could adversely affect the workplace. There is no dispute that individuals named by Peter Francis appear on the ‘blacklist’. However, Peter Francis claims to have been deployed between 1993 and 1997. The Consulting Association record is dated from 1999, two (2) years after Peter Francis’ claimed deployment ceased.

There is no available evidence to suggest that SDS exchanged any information with either the Economic League or the Consulting Association. Twenty (20) test records have been highlighted by the Information Commissioner’s Office (ICO) as being the most likely to be the result of police information. These records have been investigated, revealing numerous alternative sources for information. A Special Branch officer stated in interview ‘The flow of information was purely one way’ the Economic League were a ‘conduit of information’ driven by their sense of ‘civic duty’. The Economic League was treated as a source of information. It was not Special Branch policy to pass information to them or any other external organisation. There is no evidence that any information regarding the two individuals was ever shared with the Consulting Association.

Allegation - SDS officers were tasked to gain information on the Stephen Lawrence family

In June 2013 during the Dispatches broadcast, Peter Francis claimed that he was tasked to 'smear' the Stephen Lawrence family campaign. He said, 'They wanted any intelligence that could have smeared the campaigns…so had I through my circles come up with something along the lines of they, the family were political activists, if someone in the family were involved in demonstrations, drug dealers, anything… There were rumours and conjecture that the family itself may have not been a loving caring home. That was passed on about the family that could have, may have been used if they were really desperate to try and smear the family…'

On 18 September 2013, Peter Francis appeared on Channel 4 News. He said that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit (to) lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family… I was told expressly to look for any intelligence that could be used to undermine them.'

SDS undercover officers reported on protest/support groups surrounding the Stephen Lawrence Campaign. There is no documentary or verbal evidence that supports the allegation that any undercover officer was tasked or directed into the Stephen Lawrence family or its campaign. Peter Francis claims that he targeted Youth Against Racism in Europe (YRE) and Militant Labour. None of the intelligence records attributed to these groups contain reporting on Stephen Lawrence, the Lawrence family or the linked campaigns.

N81 was a undercover officer on the SDS at the relevant time. N81 was deployed into extreme left-wing groups associated with violent protest. Operation Herne has identified intelligence reports submitted during the time of the Macpherson Inquiry by N81. N81 has provided a statement and stated they were never tasked into the Stephen Lawrence family at any time, or asked, instructed or ordered to 'smear' the family or name of Stephen Lawrence or Duwayne Brooks. The intelligence indicates that these protest groups wanted to befriend the Stephen Lawrence family in order to promote their own agenda however this was not successful due to the shielding from Suresh Grover and lawyer Imran Khan, who wanted peaceful public support.

An SDS officer does make reference to N81 being tasked into the 'Stephen

Lawrence Inquiry' and that this tasking was separate from normal SDS meetings. This other officer, N72, was not part of the SDS at the time of Stephen's murder or the subsequent campaign. This account can only be treated as hearsay. This recollection is refuted by N81.

It is clear that attempts were made to influence the Stephen Lawrence Campaign by a number of violent protest groups purporting to offer support to the campaign. However these efforts were resisted by key advisors to the Stephen Lawrence family who sought to maintain the campaign as wholly peaceful. Operation Herne has been unable to find any evidence that SDS undercover officers were tasked to 'smear' the reputation of the Stephen Lawrence family. Both N10 and N81 stress that the intention and actions of the SDS were to indirectly support the Stephen Lawrence family. Former SDS undercover officers and Special Branch officers all maintain that it is inconceivable that undercover activity would be targeted against a murder victim's parents and family and that smearing 'was not what Special Branch was about.'

The information provided by N81 was disseminated outside Special Branch if relevant to potential public disorder. Ordinarily, the information would have been retained within Special Branch records. Records confirm that N81 reported personal information regarding Mr and Mrs Lawrence that may not have been more widely known. There is evidence to show that on this occasion, this information was disseminated to the SIO investigating Stephen's murder. The nature of the information was such that it would have been deemed relevant to the SIO conducting the investigation.

During the Macpherson Inquiry there was an accidental disclosure of an appendix containing witness details. As a result an officer from the Witness Protection Unit (WPU) was assigned by DAC Grieve to the Stephen Lawrence family. This officer's role was to assist and provide advice to Mr and Mrs Lawrence regarding their personal security and safety. Their assignment began on 23 September 1999. As a result, this officer had unequivocal access to both Neville and Doreen Lawrence and their family.

The officer maintained a log of advice and actions. These revolved around the security of the family and contained no anecdotal information. The officer was in the unique position of having detailed knowledge of the family. In an account provided to Operation Herne it was confirmed he was never approached by any member of the MPS or asked for personal information or rumour surrounding the Stephen Lawrence family.

Allegation - Family Liaison Officers (FLO) assigned to the Stephen Lawrence Family reported intelligence to Special Branch

Peter Francis alleged during the Dispatches broadcast 'The family liaison officer who was in Stephen Lawrence's house was taking all the details of all the family members who were there, all the visitors who actually gave their details. This was then passed to the area Special Branch, the area Special Branch then passed it through the Special Branch to the Special Demonstration Squad and we were asked to comment on these individuals whether or not in their words they were politicos or what, who, they were.'

Operation Herne identified that DS John Bevan and DC Linda Holden performed the role of 'victim liaison officers' to the Stephen Lawrence family for the first ten (10) days following the murder of Stephen Lawrence. The Macpherson Inquiry said that there were 'a large number of people who surrounded Mr and Mrs Lawrence in the very early days.' Both DS Bevan and DC Holden asked these visitors to 'identify themselves' and to say what organisation they represented. Both deny this allegation of passing any of this information back to Special Branch.

The role of 'family liaison officer' was in its infancy at this time. The current role of a FLO is a specialist investigative function and involves the day-to-day communication between the family and the investigation team. They gather evidence and information from the family in a sensitive manner. It is recognised now, nationally, that the primary role of the FLO is 'an investigator'. It is known that the officers allocated to the Stephen Lawrence family recorded names of visitors, in accordance with their role. All available SDS records to date have been searched for references to the officers against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting.

Operation Fishpool (the operation name of the Stephen Lawrence murder investigation) records refer to a Special Branch Liaison Officer. This individual has been identified as PC Alan Fisher, Plumstead's Racial Incidents Officer (RIO). PC Fisher confirmed that he was appointed shortly after the murder to be the liaison between Special Branch and Operation Fishpool. This role involved him passing details of potential suspects and right-wing groups to Special Branch. During the murder investigation he was contacted by Special Branch officers as to whether he knew of particular named suspects. At the time of the murder he was unaware of the existence of the SDS and had no contact with any officer from the unit. Mr Fisher was adamant that any request for information submitted to Special Branch

by him would have been on an official HOLMES major incident action form and returned as such.

There is no evidence or suggestion that 'victim liaison officers' or FLO's passed any information onto Special Branch.

Allegation - Alleged smearing of Duwayne Brooks

During the Dispatches programme, Peter Francis claimed that as the SDS could not find 'dirt' on the Stephen Lawrence family, they then looked to target friends and those associated with the family such as Duwayne Brooks. He said, 'We did start to look at Duwayne (Brooks) to see if there was a possible way that we could then smears the best way his campaign via a different direction….myself and another SDS officer went through the material we had, the media we had and between us we'd identified him participating in some criminality, perceived criminality, this was then sent through the same chain of command, Special Branch DI, DCI, out to division, and again the decision was obviously made to go and arrest Duwayne for said offences.'

There is no documented evidence of any involvement of any SDS officer in the identification of Duwayne Brooks for serious public order offences that occurred in May 1993. There are however complete records including statements and identification material that provides powerful evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure that adhered to policy and did not involve any member of the SDS. This premise is further supported by Peter Francis's own alleged timeline of deployment which claims he was deployed in September 1993 and reported on the subsequent Riot at Welling, October 1993.

It was not uncommon practice for the SDS operatives to become involved in intelligence gathering identifications post public disorder. They were ideally placed in these events. It is highly likely that a number of SDS undercover officers were tasked to view images from the Welling Riot in October 1993. It is known that SDS Undercover officers were deployed at the Welling disorder and reported on the extreme violence that occurred.

There is SDS reporting on Duwayne Brooks. This related to general intelligence regarding his interaction with the protest groups infiltrated by the SDS. Intelligence suggests Duwayne Brooks saw some of the protest groups as a legitimate way to support his cause, and so he attended a few demonstrations. Some of this reporting

contains personal information not connected to public order. There is no evidence of any intention to smear his reputation or further dissemination of the information.

Allegation - Withholding material from the Macpherson Inquiry

Peter Francis claimed within the Dispatches programme on 24 June 2013 that 'vital information' was held back from the Inquiry despite his attempts at the time to get Special Branch 'to come clean' and disclose their involvement. Peter Francis said, 'So when I actually informed them, it went first to the DI Robert Lambert, it then went to Superintendent in the Special Branch, who's responsible for the overall decisions, it actually then went up to the Commander Special Branch who came out to see me. It can be encapsulated roughly along the following lines: If the public was to find out that you were undercover there, they still would be battling on the streets in about a year to come, so the whole idea is to prevent disorder - if we go in there and say we were undercover in there it would re-ignite disorder that hadn't taken place with Lawrence for quite a while.'

There is no evidence that any undercover officer was prevented from providing information to the Macpherson Inquiry. However, it is clear that the existence of undercover officers was never disclosed and SDS management did nothing to bring such deployments to the attention of the Macpherson Inquiry. It is also likely that the senior officers tasked by the then Commissioner to provide information and evidence to the inquiry actually had no knowledge of the existence of the SDS.

SDS internal reporting on the hearings at the Macpherson Inquiry focused on the public disorder aspects. Specifically detailed were the personal safety risks to the then Commissioner Sir Paul Condon should he attend the hearing at Hannibal House. It was clear that he might be at risk of physical attack.

N81 attended the Inquiry with members of their infiltrated organisation. Their role and immersion within the organisation resulted in the expectation that they accompany the group regardless of where they were. This included entering the public gallery during the hearing. The hearing was open to media, the public and representatives of the MPS who openly attended on many occasions in uniform. The presence of an undercover officer did not provide an unfair advantage or result in the obtaining of any information from the inquiry that was not in the public domain.

There is however no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or of

the regular presence of an undercover officer at the hearings themselves. Operation Herne considers that it is a realistic assessment that had the involvement of an undercover officer deployed in the proximity of a grieving family seeking justice been publicly disclosed, this could have resulted in large scale public disorder. It would have been problematic to have extracted N81 from his deployment at short notice without some significant operational and personal risk. It is also clear to Operation Herne that this deployment was not known to the Commissioner or the senior officers responsible for the MPS response to the inquiry.

It is evident that a junior officer, N183, who was linked to the MPS response, was made aware of the deployment of an undercover officer. N183 received a verbal briefing regarding this deployment and it appears that this occurred due to their previous Special Branch history. The meeting was authorised by Special Branch at commander level. However, N183 did not bring this meeting to the attention of their senior management.

Regardless, the role of the undercover officer in this matter should have been revealed to Sir William Macpherson to allow him to make his own judgement on how to deal with the matter. It is quite apparent that the SDS ethos and culture of total secrecy caused this failure. There is no evidence to suggest this was a deliberate act, rather it appears that this was never even considered by SDS management as necessary. This is all the more remarkable as the overall supervision and detailed knowledge of the SDS within the MPS Special Branch went right up to Commander level. Whilst it might be reasonable to assume the constables on the unit may not be aware of the huge significance of the Macpherson Inquiry and the relevance of disclosure, officers working at the Executive level and a part of the MPS senior management should clearly have understood the importance of this deployment. Whilst the Inquiry was not a criminal trial, it is relevant that by this time disclosure legislation was in place and the default position should have been to disclose and explain rather than hide. It is inexcusable that the senior management of the SDS and the MPS Special Branch chose not to disclose the presence of N81 to the Commissioner's office in order that a proper executive decision on disclosure to Sir William Macpherson could have been made.

1 Introduction

1.1 This report details the investigation by Operation Herne into the specific allegations and disclosures surrounding the alleged activities of the Special Demonstration Squad (SDS) made by Peter Francis.

These allegations fall under Section 2 Police (Complaints and Conduct) Act 2012.

This investigation was voluntarily referred to the Independent Police Complaints Commission (IPCC). Upon review of the facts, the IPCC determined that this would be a local investigation conducted by Operation Herne.

This report is not intended to detail the ongoing criminal and misconduct investigations that are being conducted by Operation Herne. These matters will be subject of detailed reporting once the comprehensive investigation has been concluded to fully address public confidence and ensure any organisational learning is identified and embraced.

2 Background

2.1 The Metropolitan Police Service (MPS) launched a review of the SDS in October 2011. This followed allegations reported in the media that an undercover SDS officer had been involved in a relationship with an activist whom he subsequently married and had two children with. Further allegations were then reported which claimed SDS officers had attended court and had given evidence in their false names.

The review initially called Operation Soisson was commenced under the direction of Deputy Assistant Commissioner (DAC) Mark Simmons. In August 2012, Soisson was re-named Operation Herne, to incorporate new allegations and DAC Patricia Gallan was appointed the lead ACPO officer (Association of Chief Police Officers).

In February 2013 following further allegations in the media concerning the use of deceased children's identities by officers from the SDS, The Commissioner, Sir Bernard Hogan - Howe invited Derbyshire's Chief Constable, Mick Creedon QPM to assume oversight in order to provide independence and public confidence. This request was supported and announced by the Home Secretary Theresa May. Chief Constable Creedon subsequently agreed terms of reference at the start of the Inquiry with Deputy Commissioner Craig Mackey. An independent Senior Investigating Officer was appointed by Mr Creedon to take over the day-to-day command of the operation.

2.2 Operation Herne's terms of reference are to review the former SDS from its origin in 1968 to its closure in 2008, examining how it operated throughout its existence. The Inquiry will identify and investigate any potential criminality or misconduct by its officers over that time, and identify any vulnerability for the MPS from its deployments. Operation Herne has already reported on the use of dead children's identities, to establish the covert identity of the SDS undercover officers. A range of other matters will be the subject of further reporting. Operation Herne continues to investigate the wider implications of the SDS procedures and management.

Operation Herne also had a responsibility to provide relevant SDS material to Mark Ellison QC who has completed a review on behalf of the Home Secretary. This focuses on the corruption allegations surrounding the MPS and the Stephen Lawrence murder investigation.

2.3 On 26 June 2013 Peter Francis appeared on the 'Dispatches' television programme where he made a series of allegations. These claims detailed below were given the operation name Trinity.

- That there had been inappropriate sexual relationships between SDS officers and persons within target organisations, and that he had two (2) such relationships whilst deployed.
- That he was ordered to use a dead child's identity for his covert legend, and that this was accepted practice.
- That he and other undercover officers were directed to obtain intelligence on 'black justice campaigns'.
- That SDS officers were arrested in their covert identities and subsequently went through the judicial process and the prosecutions against them were dropped.
- That he provided information to the MPS Special Branch regarding two (2) individuals that appeared on a 'blacklist'
- That he and other 'police spies' were directed to obtain intelligence that could be used to discredit the Stephen Lawrence family and the campaign by 'smearing' them.
- That Family Liaison Officers (FLO's) initially tasked to the Stephen Lawrence Family at the time of Stephen's murder passed back intelligence to Special Branch.
- That he was tasked to gather intelligence about Duwayne Brooks to 'smear' him.
- That he was prevented from providing information to the Macpherson Inquiry about the role of the SDS by senior Special Branch officers.

2.4 Stephen Lawrence and Duwayne Brooks

On the 22 April 1993, Stephen Lawrence was murdered in Eltham, South East London whilst waiting for a bus. He was with his friend, Duwayne Brooks at the time. Duwayne stated he saw a group of five (5) or six (6) white youths on the opposite side of the street. He said they all quickly crossed the road and 'engulfed' Stephen, who then suffered two (2) stab wounds. Duwayne ran, and shouted for Stephen to run to escape with him. Stephen collapsed and died due to his injuries.

On 7 May 1993, the Acourt brothers (Neil and Jamie) and Gary Dobson were arrested. David Norris turned himself in to police and was likewise arrested a few days later. Luke Knight was arrested on 3 June 1993. Neil Acourt and Luke Knight were charged with murder respectively, but the charges were dropped as the Crown Prosecution Service took the view that at that stage there was insufficient evidence to proceed. An internal review was opened by the MPS and the CPS stated they did not have sufficient evidence for murder charges against anyone else.

In April 1994, Mr and Mrs Lawrence initiated a private prosecution against the five (5) identified suspects, and were represented by Michael Mansfield QC. The charges were dropped against Jamie Acourt and David Norris before the trial started due to lack of evidence. The remaining suspects, Neil Acourt, Gary Dobson and Luke Knight were acquitted, as Duwayne's identification evidence was ruled to be inadmissible. The inquest into Stephen's death was held in February 1997.

Following the failed investigation of Stephen's murder, the then Home Secretary the Rt Hon Jack Straw MP announced in July 1997 that a Judicial Inquiry would be launched. The original objective was to review the police investigation and to learn lessons to assist with the investigation of racially motivated crime. Sir William Macpherson led the inquiry, which opened in March 1998. In February 1999 the results of the inquiry were published. It criticised the Metropolitan Police Services' leadership, investigative failures and labelled the service as being 'institutionally racist'. The Stephen Lawrence Inquiry aka Macpherson Report produced seventy (70) recommendations aimed mainly at the police service, but also designed to impact upon all public bodies.

In June 2006 the Metropolitan Police Service commenced a cold case review in respect of Stephen's murder and Gary Dobson and David Norris were charged with his murder on 8 September 2010. The trial started on 15 November 2011 at the Central Criminal Court and on the 3 January 2012 Gary Dobson and David Norris were found guilty of Stephen's murder. On the 4 January 2012 they were sentenced to life imprisonment.

3 Metropolitan Police Special Branch (MPSB)

3.1 The SDS was a covert unit within MPSB, which in itself was a secretive department. Before scrutinising and seeking to understand the SDS, it is important to understand the fundamental principles which govern the nature and purpose of Special Branch both in the MPS and in police forces across England and Wales. These are detailed in the Home Office document 'Guidelines on Special Branch Work in Great Britain' which was published in 1994.

SO(12) was the name for Special Branch, it had an intelligence only remit. SO(13) was the Anti-Terrorist Branch who undertook all investigations. The two (2) commands had separate management teams and they worked independently.

The Special Irish Branch was formed in 1883 to deal with Irish Republican Terrorism. Special Branch had the responsibility of investigating political threats, public order and gathering intelligence on extremist groups at both ends of the political spectrum. Special Branch officers investigated offences contrary to the Official Secrets Acts (OSA) and the Representation of the People Acts as well as offences involving the distribution of race-hate material by extremist organisations.

3.2 Special Branch worked to guidelines set by the Home Office that were agreed by The Association of Chief Police Officers (ACPO) and were also bound by legislation. Each Special Branch was an integral part of the local force, accountable to individual chief officers. Special Branch officers had no additional legal powers.

The Metropolitan Police Special Branch (MPSB) was concerned with national security and was divided into two (2) operational command units; one focused on counter-terrorist and counter-extremist operations and the other providing security at international ports within the MPS area. These units were divided into a number of squads. 'C' Squad dealt with Domestic Extremism, and had strong links to the SDS as they were responsible for disseminating the majority of their intelligence product.

3.3 The SDS were primarily part of 'S' Squad which provided a variety of support services.

Additional MPSB support services included a secure intelligence management system which maintained the Special Branch records.

MPSB also provided close protection for the Prime Minister (PM), some other members of the Government, visiting Heads of State and performed a front-line policing role at Heathrow and other London ports.

4 History of The Special Demonstration Squad (SDS)

4.1 The Special Operations Squad (SOS) was formed in 1968 by the MPSB in response to mass violent Anti-Vietnam War demonstrations in Grosvenor Square, London. The formation of the covert unit was supported by the Home Office who provided direct and dedicated funding. From March to October 1968 a small number of Special Branch officers were covertly deployed to mass public order and political protests. Their role was to assimilate themselves with the protesters and report back on the tactics used by demonstrators, the numbers expected on particular events and identify the core participants.

These officers were successful in infiltrating the anti-war movement and were able to feed back key intelligence to assist the authorities in the policing of such demonstrations. There was an acknowledgement that Special Branch activity in this area had been invaluable in keeping the Home Secretary of the day 'well informed'.

4.2 From its inception in 1968, the SOS was directly funded by the Home Office and reviewed initially on a six (6) monthly basis. It was then reviewed on an annual basis until 1989, when responsibility and funding was handed to the Metropolitan Police Service. Between 1968 and 1989, the Under Secretary of State within the Home Office provided a rolling blanket authority and funding for the deployment of undercover police officers (UCO). This blanket authority meant it was continual for all aspects of the operation.

At the very clear and then documented insistence of the Home Office, the SOS was maintained with the strictest secrecy so as not to compromise the Government. Before 1984, significant funding was provided by the Home Office with secrecy as a prevailing theme. This was re-enforced in a letter from Sir James Waddell (The then Deputy Under-Secretary of State Home Office) to The Commissioner Sir John Waldron dated 1970 where it is recorded 'Plainly the arrangements could if made known in the wrong quarters be a source of acute embarrassment to the Home Secretary.'

4.3 In the absence of any legislation the Home Office authority was a strategic authority which was renewed yearly where appropriate. However it was never the subject of interim review.

The original SOS remit was to gather intelligence on demonstrations by left-wing extremists and identify the organisers and participants promoting disorder or violence. However, world political events dictated that the unit included groups covering the extreme right-wing and Animal Rights. There was a continued focus towards all public disorder incidents.

4.4 A letter dated the 16 December 1968 from the Home Office to the Commander of Special Branch, authorised the continued use of Special Branch officers in an

undercover capacity. In 1968 there was a strict requirement for the continual review of the 'enterprise' of infiltration.

As a method of infiltrating these groups officers would invariably change their appearance. They would grow longer hair and a beard and this led to them being referred to as 'hairies'. Over time, subjects of interest became known as 'wearies'. This was a slightly derogatory colloquial term for individuals that were viewed as hard work and tiresome. These titles which now seem archaic and inappropriate remained in use by the unit throughout its existence.

Sir James Waddell (Deputy Under-Secretary of State Home Office) wrote to the Commander of Special Branch, Peter Brodie in December 1968: stating '…in an enterprise of this kind there is always some slight danger of innovations like the one we are considering becoming an accepted part of the scene, so that discontinuance might be thought to be a drastic change; hence the suggestion that we ought to look at the matter again mid-summer.'

4.5 Between November 1972 and January 1973 the name attributed to the SOS was changed to the Special Demonstration Squad (SDS). In 1997 the name was again altered to become the Special Duties Section to reflect the unit's widening remit to include domestic extremism.

Day-to-day operational management was provided by a Detective Chief Inspector (DCI), who reported to the Commander Special Branch. In order to satisfy both the Home Office and Commander Special Branch as to the continued merits of the SDS, an annual report was completed by the DCI which detailed the unit's activities.

During the infancy of the SDS, annual reports were often limited in scope. However, as the unit developed the reports began to offer greater detail, including individual deployment summaries.

4.6 The annual report was provided to the Assistant Commissioner (AC) with responsibility for MPSB who would then in turn write to the Home Office seeking authorisation for a further year. Correspondence held by Operation Herne highlights this practice.

In 1989, responsibility for funding and authorisation was devolved from The Home Office and passed in its entirety to the MPSB. The Superintendent 'S' Squad was then appointed lead for the SDS. Strategic direction and authorisation was provided by the Detective Superintendent in consultation with the Commander Special Branch.

4.7 Over the past forty (40) years, the arena of public order policing has seen a significant amount of change. This includes the nature of disorder, the groups involved and the methods of policing it. The tactics adopted by protesters and the methods employed by Police to ensure public safety have likewise evolved over

time. Previously, the infiltration of organisations committed to direct action was deemed a necessary tactic. This was to obtain intelligence relating to planned or potential disorder.

Today the prevalence of large scale public demonstrations and protest is no longer as common place as it has been in the recent past. There are a number of possible explanations predominantly the introduction of social media and the development of the internet. However, it is also possible that intelligence led policing of such events contributed to the reduction.

4.8 There is no doubt that the ability of the Police and public order commanders to deal with large scale disorder and protest was enhanced by the use of intelligence from undercover officers. Deployment of officers able to report upon such events was a key element in the protection of the public and subsequent prosecution of offenders.

The need for long term covert operations targeting extremist groups has diminished with the increasing threat from International terrorism. Improvements in intelligence gathering have reduced the requirement for the deployment of undercover officers. In addition the Human Rights Act and other stringent legislation governing the use of a 'human source' has provided a more formal process to justify the need for undercover activity.

5 Governance

5.1 Authorisation

In 1989, the Detective Superintendent (DSU) who was responsible for Animal Rights National Index (ARNI) within 'D' Squad of the MPSB also assumed responsibility for the SDS. Strategic direction was provided by the DSU and the Commander Special Branch Operations; although records show that, 'Once the targeting was implemented (it) was left to those engaged operationally to deliver'.

As part of the authorisation process, annual reports were prepared for the Commander by the SDS Management Team. These reports initially had little detail, other than the post-event accounting information. They became more extensive over time, to include individual deployment summaries. The latter provide details about targeting but only in the context of the different activist groups, rather than a targeting strategy for the individual deployments.

Before the introduction of Regulation of Investigatory Powers Act in 2000 (RIPA),

many police forces that conducted undercover operations authorised their deployments every three (3) months with a monthly review. In contrast, the MPS authorised SDS deployments annually.

Between 1989 and 2000, '….the annual authorisation of the SDS operation became the responsibility of Assistant Commissioner Specialist Operations, (ACSO) while Commander Operations Special Branch continued to act as the signing authority for (the) individual operations.'

The SDS authorities for deployment were made to expedite the gathering of intelligence and this rationale continued, following the introduction of RIPA. This created vulnerabilities, as without judicial oversight and exposure to the 'evidence chain' there was no opportunity to test the legalities of the deployments at court – as in effect the court was never made aware of the covert activity and intelligence gathering.

In 1988 the MPS created SO10, a formalised unit to deploy undercover officers against serious crime. This work was totally separate to the work of the SDS within Special Branch. Pre RIPA legislation the authority to deploy undercover officers was granted at commander level and reviewed monthly. Long term deployments were used infrequently. Prior to this, undercover deployments were conducted on a localised basis with no policy or guidance.

There was no interaction between SO10 and the SDS who maintained the strictest secrecy regarding their existence and deployments.

Significantly, very few officers and police staff members outside of Special Branch ever knew of the SDS and these included the most senior officers responsible for policing public order, for managing covert policing and for investigating murders and serious and organised crime.

Pre-RIPA there was no detailed authority recorded to define an undercover officer's participation in minor crime. SDS guidance suggests that participation in crime was dealt with on an 'ad-hoc' case-by-case basis, with the condition that only a minor role was undertaken so as to maintain the operatives cover. Post RIPA authority for involvement in crime was recorded and authorised by Commander Special Branch.

5.2 Funding

Between 1968 and 1989 the SDS was funded by the Home Office. This was managed as part of the Deputy Under Secretary of State's annual authorisation. As outlined previously the earlier annual reports provided scant detail, other than accounting information, to justify the annual budgets. After 1989, Special Branch had responsibility to finance the team as part of the overall MPS budget allocation

and this arrangement lasted until the unit closed in 2008.

5.3 Recruitment

Officers were recruited directly into the SDS, almost exclusively from within Special Branch, by word of mouth. Vacancies were never advertised. Potential candidates were identified by those serving or those who had served on the unit and 'head-hunted'. Initially the recruitment process was very informal, but over time efforts were made to make the selection process more rigorous.

According to the 1994/1995 SDS annual report, a mentoring scheme was implemented in 1992. Documents also indicate that from 1994 psychometric tests were used in the selection process. In June 1996 a report was commissioned for the DAC Special Branch in respect of psychological screening. In January 2002 plans were outlined to involve psychiatrists during the selection, deployment and exit phases of each operation.

5.4 Training

SDS field officers received little formal training. There was limited legal guidance and the operatives and managers often had to break new ground. The concept of long term covert infiltration into violent protest groups was new and practices evolved as a result. There was constant need to invent new ways to solve problems for which there were no precedents. In this way best practice was shared amongst SDS colleagues. Over time the unit became increasingly isolated and the management chose not to adopt the many developments in undercover policing within the crime world.

The first stage of SDS training involved the new recruit working in a support and research capacity. New officers were expected to study reports about tradecraft, legend building and to learn about the groups that they would subsequently infiltrate. For many years SDS operatives developed covert identities using details from public records of deceased children. This matter has already been reported on in detail by Operation Herne in July 2013.

The unit had no interaction at any level with Crime Covert Operations (SO10).

5.5 Deployments

Most undercover officers deployed into the field were allocated a 'cover officer' who maintained contact with them and recorded, sanitised and disseminated the intelligence product provided by the undercover officer. They would also ensure a degree of welfare. Permanent cover officers were not allocated, however the

undercover officer was required to keep in telephone contact with the office.

From the 1970s it was established that long term deployments would provide the best intelligence yields. Initial deployments were for several years.

Once deployed, undercover officers were expected to make telephone contact with their office and attend meetings. At these meetings their welfare would be monitored. Some SDS officers state that the meetings were also used to discuss deployments and debriefs. These regular meetings provided the officers the opportunity to share their intelligence and detail of the group or groups they were infiltrating. Whilst there is the potential for some operational benefit in the open sharing of intelligence etc, there is also a huge risk in each officer having knowledge of their colleague's covert activities.

What is apparent is that before the introduction of the National Intelligence Model, (NIM) across policing the concept of tasking was informal and ad-hoc, and differed to current practices. Indeed 'direct tasking' was avoided on the grounds that it could compromise an operation.

SDS correspondence and witness accounts detail a regular liaison between the Security Service (MI5) and the SDS. The security service would express interest in particular subversive groups and as a result receive intelligence from SDS undercover officers whose covert deployment had generated intelligence on those groups.

Day-to-day management of the SDS was provided by a DI and DCI who had full time responsibility for the unit. They in turn reported to senior officers with a larger portfolio.

6 Structure of the SDS

6.1 The structure of the SDS was as follows:

- Commander Special Branch.
- Detective Chief Superintendent Special Branch.
- Detective Superintendent 'S' Squad.
- Detective Chief Inspector SDS.
- Detective Inspector SDS.
- Detective Sergeants in cover office /administration roles.
- Undercover officers.
- Administrative staff.

6.2 In 2005 the amalgamation of Special Branch (SO12) and the Anti Terrorist Branch (SO13) resulted in the SDS sitting within the operational support strand of the new Counter Terrorism Command (SO15) overseen by a Detective Chief Superintendent.

7 Legislation

7.1 Home Office Circulars

Prior to the introduction of RIPA there was little legislation and independent guidance about undercover work. For a number of years, aside from Common Law, the only advice available was contained within the following Home Office Circulars:

- 97/1969 'Informants who take part in Crime'.
- 35/1986 'Consolidated Circular to the Police on Crime and Kindred Matters'.

These short documents provided guidance and advice about the dangers of being an 'agent provocateur' and confirmed the principle that, 'The police must never commit to a course which, whether to protect an informant or not, will constrain them to mislead a court….' This issue was later addressed within Special Branch with the introduction of the National Code of Practice for Special Branch Operations and a joint ACPO HMRC guidance on covert law enforcement techniques (1999).

7.2 Regulation of Investigatory Powers Act 2000 (RIPA)

In September 2000, Part II of RIPA became effective. This legislation provided a framework in the authorisation of the use or conduct of Covert Human Intelligence Sources (CHIS) (otherwise known as 'a source'). Part II provides a statutory basis for authorisation and use, by law enforcement and other public authorities of covert surveillance, agents, informants and officers working under cover. RIPA provided a statutory framework for all covert operations including the SDS.

A review of the available SDS RIPA material indicates that the unit followed best practice in terms of the authorisation documents' content. Aside from a few minor administrative breaches, post 2000 the SDS complied with the new legislation. The authorising officer ensured that the authorisations were proportionate, legal, accountable and necessary. With the introduction of RIPA, the authorising officer for each individual deployment remained the Commander Special Branch Operations. The SDS DCI and Detective Superintendent signed off the authorities as part of the management process.

In compliance with RIPA, the authorisations were granted for twelve (12) month periods. The SDS reviewed their authorities monthly (Sec 29(3) RIPA). In all cases, it was recorded that undercover officers were deployed for the purposes of preventing or detecting crime, or to assist with preventing public disorder.

7.3 Police and Criminal Evidence Act 1984 (PACE)

The implementation in 1984 of PACE had little or no impact on how the SDS operated. This was due to their objective being to obtain intelligence rather than gathering evidence. The objective and rationale of the SDS was to obtain information to assess the threat posed by particular groups and to assist with policing public disorder and extremist activity. Every effort was made to distance the deployments from investigations for protective security, as any judicial proceedings or court process generated potential risks for exposure of the officer and the tactic.

7.4 The Human Rights Act 1998

The Human Rights Act 1998 came into force in October 2000. Prior to this, case law and UK legislation were influenced - but not determined - by the European Convention of Human Rights (ECHR). The most significant elements for the SDS deployments of both the Act and the Convention included article 2 (Right to life), article 6 (Right to a fair trial) and article 8 (Right to Privacy). These principles are reflected in the RIPA applications and to a certain extent in the pre-RIPA process.

7.5 Disclosure

Before 1997 disclosure was covered by Common Law and Attorney General Guidelines. On 1 April 1997 the Criminal Procedure and Investigations Act 1996 (CPIA) became effective and determined the law for all aspects of disclosure. The Common Law rules governing Public Interest Immunity (PII) also became formalised. Agencies had a duty to conform to disclosure requirements in two (2) aspects: primary and secondary, these being what material may undermine a prosecution, and what would assist the defence.

7.6 The National Intelligence Model

The NIM was developed by the National Criminal Intelligence Service (NCIS) and endorsed by ACPO. The foreword described it as, 'A Model for Policing' that ensures information is fully researched, developed and analysed to provide intelligence which enables senior managers to determine strategy, tactics and to manage risk.' NIM was adopted as ACPO policy and was later granted a statutory basis, under the Police Reform Act, with a requirement for all forces to implement it by April 2004.

Between the years 1968 to 2000 the SDS processes to manage and develop intelligence complied with Special Branch practices. Review of documentation held and the witness accounts provided confirmed that prior to NIM there was little directed tasking, and requests were informal. Instead the management focus was more strategic. Individual field officers had a significant freedom and discretion in deciding how their operations developed. Whilst this allowed for dynamic decision making and the officer and their supervision to determine their actions, this

methodology clearly carried considerable risk and it is totally at odds with current practice and legislation where the 'use and conduct' of an undercover officer is tightly defined and managed.

The tasking of an undercover officer is a formal, audited process which involves a police manager giving direction and focus for a deployment. Currently, taskings are authorised, detailed, reviewed and recorded. Specific operational parameters are always set and objectives defined. At the relevant time, SDS tasking was more informal and often verbal.

7.7 Document Retention and Disposal

In common with records and information management throughout the public sector, the MPS is subject to a number of statutory regulations and controls. These derive principally from Acts of Parliament and associated Codes of Practice or powers vested in regulatory organisations such as the Office of the Information Commissioner. These regulations and controls can be summarised as follows:

7.8 Public Records Acts of 1958 and 1967

This applied to MPS records created before 1 April 2000. It places a statutory duty on organisations whose records are covered by the Act to maintain records about their business activities. It also requires effective review and disposal policies to be applied to non-current records.

7.9 Data Protection Acts 1984 and 1998

The Data Protection Act 1984 created a statutory scheme for the regulation of automatically-processed information. It did not apply to document records. The Act established eight (8) data protection principles with which 'data users' had to comply when processing personal data. If the Data Protection Registrar (renamed the Information Commissioner) was satisfied that a registered data user had contravened any of the data protection principles, he could serve an enforcement notice requiring that person to take steps to comply. The 1998 Act concerns the management of personal data in both IT based and document filing systems. It provides rights of subject access and privacy safeguards.

7.10 Freedom of Information Act 2000 (FOIA)

This Act provides the public with a right of access to records and information held by public authorities. Some types of information are exempt such as those dealing with national security or personal information.

7.11 Information Commissioner

The Information Commissioner is an office created under the Freedom of Information Act 2000. The Commissioner has the following roles:

- Promote observance of the statutory Code of Practice that accompanies the Act;
- Enforce the Code of Practice and issue recommendations for improvements or enforcement notices where appropriate;
- Investigate alleged breaches of the Act and enforce disclosure where necessary.

7.12 Definition of Records

A record is defined as recorded information, in any media or format, which is created or received in the course of an individual's or organisation's activity that provides reliable evidence of policy, actions and decisions records management is the function of creating, organising and managing records to ensure they provide evidence of activity, decision-making and policy, that they are easily retrievable when required and are disposed of either by destruction or transfer to an archive at the appropriate time.

7.13 Management of Police Information (MoPI)

The code was developed by the Home Office under the Police Act 1996 and 1997. This followed recommendations made by the Bichard Inquiry which looked at information availability failures relating to the Soham murders in July 2002. The purpose of The Code is to ensure that there is broad consistency between police forces in the way information is managed within the law. Also to ensure effective use of available information within and between individual police forces and other agencies, and to provide fair treatment to members of the public. The Code of Practice describes policing purposes relating to information management at a high level and sets out the principles governing the management of information (including personal information).

The Guidance states that police information is information required for policing purposes. Policing purposes are:

- Protecting life and property
- Preserving order
- Preventing the commission of offences
- Bringing offenders to justice
- Any duty or responsibility arising from common or statute law

These five (5) policing purposes provide the legal basis for collecting, recording, evaluating, sharing and retaining police information.

7.14 MPS Record Management Policy

Records should be retained only for the minimum period required commensurate with policing purpose, administrative purposes and any relevant legal provisions. There are no circumstances where records may be retained on an indefinite basis. Retention periods for administrative records will normally be set by the relevant portfolio holder or lead branch after consultation with Records Management Branch, which retains a database of retention/disposal periods. The setting of sensible retention periods may involve accepting a degree of risk about the effect of destruction at a particular time. Records that support the policing purpose as set out in the Guidance on the Management of Police Information should be reviewed, retained and disposed of in accordance with the guidelines set out in Sec.7 of that document or any corporate MPS Retention and Disposal Schedule that may be published.

Registered files are reviewed and, where appropriate, destroyed by Records Management Branch. The responsibility for the disposal of non-registered records rests with local management. Records over twenty (20) years of age for which the MPS has no further policing or administrative use and which appear suitable for permanent preservation maybe transferred to The National Archives or other suitable place of deposit. All other records should be destroyed.

8 Neither Confirm Nor Deny Principle (NCND)

8.1 The principle of 'neither confirm nor deny' (NCND) is adopted where there are concerns that an answer to a specific question could compromise the identity of a source or some other covert asset. It appears that the principle, although long accepted as best practice, did not derive from specific legislation. However, it has been incorporated into both Criminal Procedures and Investigatory Powers Act (CPIA) 1996 and the Freedom of Information Act 2000, in regards to the management of sensitive and public interest immunity information. It is a long established position by the police service, other law enforcement agencies and Government.

The NCND approach is paramount in the undertaking that is implicit between the individual charged with undertaking an often dangerous undercover role and the organisation that places them at risk.

The concept of NCND has its roots in common law and has been regularly applied in a number of stated cases. It also has a basis in the Human Rights Act 1998 under Article 2 (Right to life), Article 6 (Right to a fair trial) and Article 8 (Right to Privacy). Essentially a police officer will only identify an informant if required under law.

8.2 Relevant cases include:

- R v Agar 1990: Case law prevents the defence from questioning to identify the existence of a potential informant.
- Attorney General v Briant 1846 (15 M. & W. 169) and Mark v Beyfus 1890 (25 QBD 424).

Both support that an informant's identity should be protected on public interest grounds, to ensure that potential future informers are not put off from providing assistance to Law Enforcement Agencies.

8.3 In R v Agar, the defendant appealed against conviction on the ground that the judge had erred in ruling that questions could not be put to police witnesses for fear of identifying informants, thereby weakening the defendant's attack on the police. The Court of Appeal held that notwithstanding the special rule of public policy which inhibited the disclosure of the identity of informants, the public interest in ensuring a fair trial for a defendant outweighed the public interest in protecting the identity of a police informer if the disclosure of the informer's identity was necessary to enable the defendant to put forward a tenable case that he had been entrapped by the police and the informer acting in concert.

In Mark v Beyfus, the Judge stated that – 'I do not say it is a rule which can never be departed from; if upon the trial of a prisoner the judge should be of opinion that the disclosure of the name of the informant is necessary or right in order to show (sic) the prisoner's innocence, then one public policy is in conflict with another public policy, and that which says that an innocent man is not to be condemned when his innocence can be proved is the policy that must prevail. But except in that case, this rule of public policy is not a matter of discretion; it is a rule of law, and as such should be applied by the judge at the trial, who should not treat it as a matter of discretion whether he should tell the witness to answer or not.'

8.4 The principle is further illustrated in the much more recent case of Scappaticci (2003) NIQB 56 where the Permanent Under Secretary of State for the Northern Ireland Office stated -

'To confirm a person is an undercover police officer would place that person in immediate and obvious danger. To deny a person is an undercover police officer may place another person in immediate and obvious danger. To comment either way in one case raises a clear inference where there is a refusal to comment in another case that there is something to hide in that case, i.e. the inference will be that individual in that case is an undercover police officer, and he or she may be subject to reprisals (and his or her life may be at risk) It is only by maintaining the NCND policy so far as possible across a whole range of cases that this risk can be avoided.'

8.5 The CPS Disclosure Document states '…it is a standard response to adopt a neither confirm nor deny (NCND) approach.' This is reiterated in the NPIA Guidance on the Lawful and Effective Use of Covert Techniques (2008) which states that, 'Neither confirming nor denying in all cases ensures that a failure to deny in any particular case does not amount, in effect, to confirmation. Confirming that there was no CHIS in a particular case would not cause immediate harm but could contribute to incremental damage in the longer term.'

8.6 The most recent relevant guidance is the Authorised Professional Practice (APP) published by the College of Policing. Within the media guidance section this APP states that: - 'There must be a credible media strategy that does not allude to the use of undercover techniques, even when they have been referred to in court or elsewhere in the public domain.

A media strategy should contain entries to the effect that no information will be passed to the media that might lead to:

- The identification of an undercover officer of covert human intelligence source.
- Revelations of covert tactics/techniques or methods.
- Revelations regarding the existence or details of particular items of technical equipment.
- Disclosure of any other sensitive process or procedure.'

8.7 The Regulation of Investigatory Powers Act (RIPA) provides that undercover officers are dealt with by the legislation for covert human intelligence sources (CHIS) and that any authorisation must consider the potential risks against the CHIS. A risk assessment is required with consideration of other safety measures. RIPA creates obligations for the authorising officer to protect all CHIS, and this responsibility will be ongoing, even when a CHIS has ceased acting as an informant.

Although undercover officers may eventually be required to give evidence, in many cases a court will grant them special measures to protect an officer's identity. This practice is specifically to recognise the personal security risks and the ongoing need to protect the officer.

8.8 The principle, although best practice, did not come from specific legislation, but from Common Law. However, it has been incorporated into both the CPIA and the Freedom of Information Act 2000, in regards to the management of sensitive and PII information.

Lastly, under common law, as an employer the MPS also has responsibilities for the safety of its staff, and potentially the identifying of an officer as an undercover officer could expose them to risk. This duty of care remains for officers who have left the service.

9 Peter Francis

9.1 Operation Herne will not confirm or deny Peter Francis was an undercover officer. To avoid placing any individual in obvious danger this principle is paramount . Despite Peter Francis making public claims and allegations for Operation Herne to comment either way will raise clear inferences in other cases where no comment is made. The position is essential to ensure that danger and additional risk can be avoided.

He has made a number of public claims regarding his background and alleged police career. These are detailed below.

In the book 'Undercover - The true story of Britains Secret Police' Peter Francis claims that he joined the Metropolitan Police Service initially serving at Bromley Police Station. Following a short spell in uniform, he joined Special Branch in 1990, initially working at Heathrow monitoring Irish dissidents on 'B' Squad. In 1993 he moved to 'C' Squad who had a remit of monitoring subversives. Following his interview of a Socialist Worker Party (SWP) detainee his report allegedly attracted a large amount of interest from the SDS.

9.2 He claimed in the book that he attended an interview at the SDS office in January 1993 he began with the SDS. He started 'as a back office boy for the initial months doing menial work and then he was plunged into the world of the far left.' He had two covert names, 'Peter Black' and 'Peter Daley'.

Peter Francis claimed that his original targeting strategy was changed at short notice and that he was redirected into an emerging, violent left-wing group 'Youth Against Racism' in Europe (YRE). This also incorporated groups known as 'Militant Labour' and 'Workers Power'.

In September 1993 he allegedly started his undercover role at Kingsway College, monitoring the YRE. Peter Francis claimed he was deployed in his covert role to the serious public disorder at the BNP bookshop in Welling, Kent on 16 October 1993. He subsequently claimed to have met the Commissioner Sir Paul Condon at SDS premises.

9.3 During the Summer of 1995, he describes going camping in the Bavarian Forest with anti racist activists at a summer camp organised by the YRE. He had a cover job of working in a school which he did for free. He never developed any long term relationships with women but had sex with two activists

Peter Francis claims that he became the branch secretary of the YRE during his deployment.

He claims in 1995 he began a dual role of working for the SDS and MI5. In the summer of 1997 he began his withdrawal plan, although he was not happy about leaving the SDS. He left on the 27 September 1997. After a six month break he began new duties. By 1998 he claimed extreme stress was affecting him and his family.

Peter Francis claimed that he retired from the MPS in April 2001 aged 36 and received a pension. He further states that he and an SDS colleague accepted an out of court sum in 2006, and that he received a commendation at New Scotland Yard in 2007.

10 The Chronology of Allegations

10.1 When considering the allegations Peter Francis makes, it is important to examine them chronologically, as they alter over time. The references made in the media to Officer A and Peter Black are all believed to relate to Peter Francis.

10.2 March 2010 - The Observer

On 14 March 2010, The Observer newspaper published a series of articles regarding the alleged role of 'Officer A' within the SDS. These included:

- That he had slept with two (2) members of his target group. This was not sanctioned; such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.
- That he became the Branch Secretary of the YRE, and took part in the serious disorder that occurred at Welling in Kent, when the BNP bookshop was attacked.
- That the SDS targeted 'black campaigns'. These were pressure groups that had formed in response to various high profile events such as death in police custody and serious racial attacks.
- That his presence in groups was to prevent disorder by 'providing intelligence, you rob these groups of the element of surprise. If every time they have a demo, the agitators are prevented from causing trouble, they are less effective; once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'
- That an undercover officer refused to come out of the field because he enjoyed being with his contacts so much, that he was willing to give up his police salary in order to stay with them.
- That an undercover officers cover was blown when he was confronted with his pseudonym's death certificate, and had to jump from a second floor window to escape.

On 21 March 2010 The Observer published a further article, detailing the covert work and nature of the SDS. This was attributed to 'Officer A' as it mentioned that this source had been the branch secretary of the YRE. The National Secretary of the YRE remembers Officer A well, but was 'furious' at the implication that the group was involved in violence. She said, '…we organised mass peaceful protests against racism and the BNP. In doing so, we often faced violence from the far right and the police.'

The article continued with an account from the chair of the YRE, at the time of Officer's A deployment, who commented about the use of 'police spies' and queried whether the SDS were still operational.

10.3 January 2011 - The Guardian Articles

On 22 January 2011, The Guardian newspaper published an article that undercover police officers routinely adopted a tactic of promiscuity with the 'blessing' of senior commanders. The same article alleged that sex was used as a tool to help officers blend in, and was widely used as a technique to glean intelligence.

On 19 October 2011, The Guardian newspaper claimed that if 'a police spy was in danger of being locked up; prosecutions of the officer and other activists would be mysteriously dropped'.

Between 19 and 26 October 2011 The Guardian published further articles identifying their source as a police officer who had worked on the SDS. He identified himself as Peter Black. 'Peter Black' alleged that prosecutions of undercover officers in role were allowed to go ahead as this helped to build their credibility. He also added that being prosecuted was part of their cover.

On 26 October 2011, Peter Black stated 'junior officers should not be made scapegoats or prosecuted for doing what they were authorised to do by their superiors.' He claimed there was a secret file listing details of the authorised crimes committed by undercover officers during their deployments, and that senior officers gave them retrospective authority to commit crime.

On 23 June 2013, The Guardian disclosed that their source for this and the previous 2011 reporting was Peter Francis. In this article he claimed he was the 'frontline of a mission to monitor and at times even smear the campaign for justice for Lawrence.' Peter Francis said that he and three (3) other SDS officers were tasked with gathering intelligence on groups campaigning for justice for Stephen Lawrence. This is the first occasion that any reference to 'smearing' is made.

10.4 June 2013 - 'Dispatches' Television Programme, Channel 4

On 24 June 2013, Channel 4 broadcast the programme 'Dispatches - The Police's Dirty Secret'. Peter Francis said:

- That his superiors wanted him to find 'dirt' that could be used against members of the Stephen Lawrence family, in the period shortly after Stephen's murder in April 1993. Also that he passed back hearsay about them to his 'superiors'.
- That the purpose of monitoring people visiting the Stephen Lawrence family home was in order to formulate intelligence on who was entering the house, as to which part of the political spectrum they were in. This was to determine maybe which way the campaign was likely to go.
- That 'they wanted any intelligence that could have smeared the campaign…

there is this general remit so had I, through my circles, come up with something along the lines of they, the family, were political activists, if someone in the family was involved in demonstrations, drug dealers, anything' … He said that he 'wasn't successful in doing this.'

- That the Family Liaison Officers assigned to the Stephen Lawrence family at the time of the murder of Stephen were passing back intelligence to Special Branch. He claimed that the SDS was asked to comment on the intelligence.
- That he and another officer went through the media material, and that he identified Duwayne Brooks participating in criminality. He passed this information through the same chain of command in Special Branch. This formed the decision to go and arrest Duwayne Brooks. He added that they (the chain of command) seemed 'pleased'.
- That it was part of his persona, that he was the sort of person who had 'casual sex'.
- That he does not see any circumstance that long term relationships, especially the fathering of children can be condoned or allowed. He stated that he believes that 'the use of casual sex by undercover police maybe warranted in very exceptional circumstances.'

10.5 Undercover Book Publication

On 25 June 2013, the book 'Undercover - The True Story of Britain's Secret Police' was released for sale.

The book refers to these allegations:

- Peter Francis had two short term sexual relationships with women whilst deployed.
- He and other SDS officers used the identities of dead children for their covert legends and that this was accepted practice.
- Senior officers wanted to 'smear' the Stephen Lawrence Family campaign. '...They were trying to tar Stephen Lawrence, if we could come up with anything like that, that was genius. We were trying to stop the campaign in its tracks.'
- The MPS resorted to 'appalling dirty tricks' to undermine the Stephen Lawrence Family.
- He was tasked to contribute to a concerted effort to 'find dirt' and 'malign' Duwayne Brooks who was becoming involved in anti-racist campaigning. It did not appear at the time Stephen Lawrence or his family could be undermined.

- He campaigned internally and argued strongly for the SDS involvement to be included in the Macpherson Inquiry and that the decision not to was taken 'at the top of Special Branch'.

10.6 18 September 2013 - Channel 4 News

On 18 September 2013, Peter Francis appeared on Channel 4 News. He told journalist Andy Davies that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family.'

Peter Francis continued, 'I was told expressly to look for any intelligence that could be used to undermine them.' (Stephen Lawrence family)

During this interview Peter Francis was asked, 'Is there a possibility that given what you've been through in the past, the nervous breakdown, the post traumatic stress disorder that your recollection of events of what actually happened , of what you were actually tasked to do has become distorted over time?'

Peter Francis replied, 'None whatsoever…because this is what my post traumatic stress disorder is all about. I relive incidents, I relived these things. This is what post traumatic stress is all about and I am hundred percent the…is correct. These are my nightmares, this is what I am trying to move on for, and this is what this is all about, this isn't Pete Black fighting them. This is Pete Peter Francis declaring what Pete Black did. I have no master anymore. The Metropolitan Police left Pete Black out there, they left him….'

11 Operation Herne

11.1 Operation Soisson commenced with four (4) members of staff in October 2011. Additional resources were provided in July 2012 following DAC Gallan's appointment as ACPO lead. Operation Herne now consists of thirty-seven (37) members of staff from the MPS, and six (6) external staff from the East Midlands.

The investigation is led under the direction of Chief Constable Mick Creedon. The Inquiry is managed on a secure computer system. All personnel have an appropriate level of vetting/security and have been subject to an inclusion policy.

Following the Dispatches programme allegations, Operation Herne made numerous attempts to contact Peter Francis. Initial contact was requested through The Guardian journalist. This was followed by two (2) written requests sent to his home address. When no response was received, Inquiry officers visited him personally. Peter Francis said he was awaiting some legal advice through The Guardian before making a decision as to whether or not he would agree to be interviewed. Peter Francis was informed that Operation Herne sought to interview him only as a witness. Any interviews would not be conducted under caution given the desire to treat him only as a witness and at no stage was Peter Francis threatened with prosecution.

11.2 Peter Francis made it clear that he wanted to be granted immunity from prosecution and he used the media to convey this point. The Operation Herne investigation team was advised by the CPS that it would not be appropriate to give Peter Francis any assurances with regard to immunity from future prosecution. The Senior Investigating Officer subsequently wrote to Peter Francis to inform him of this and to explain that, although immunity from prosecution would not be granted, he wished to interview him as a witness, not as a suspect. Peter Francis did not respond. He has since been interviewed by Mark Ellison QC and has refused to allow Operation Herne access to these transcripts.

Despite every attempt and all reasonable safeguards, Peter Francis has refused to engage with officers from Operation Herne and it has therefore not been possible to carry out an appropriately planned interview with him. Despite the many interviews he has chosen to give Operation Herne has not been able to fully explore, understand, test and even challenge the allegations he has made.

12 Investigation Operation Trinity

12.1 Following the allegations made by Peter Francis on 24 June 2013 within the 'Dispatches' programme and the subsequent publication of the 'undercover' book the priority for Operation Herne was tasked by the Commissioner to complete a comprehensive and timely investigation into his claims.

The Home Secretary had already appointed Mark Ellison QC and subsequently expanded his remit to include the Peter Francis allegations that related to the Stephen Lawrence Inquiry and the subsequent allegations made concerning Duwayne Brookes. Prior to the introduction of computers in the late 1990s within the SDS, it proved difficult to locate the original intelligence product submitted by undercover officers. A strategy was implemented to locate any reporting relating to the Peter Francis allegations, the Lawrence family and Duwayne Brooks.

Ten (10) separate MPS indices were identified which could hold material relevant to the Inquiry. These are detailed below.

12.2 Search Parameters

To ensure that any reference to the Stephen Lawrence family or Duwayne Brooks was identified, a comprehensive set of parameters was compiled. This included all reasonable permutations of spellings, and the potential for human error in the inputting of data. The Inquiry team completed up to approximately four hundred (400) individual searches in relation to significant individuals.

The following individuals were of significant interest in addition to Peter Francis as they were either undercover officer's deployed at the time of the allegations with potential to report on the family or the subjects themselves.

- Peter Francis
- N81
- N78
- N123
- Stephen Lawrence
- Neville Lawrence
- Doreen Lawrence
- Duwayne Brooks

12.3 Hard Drive

All data recovered from the thirty-eight (38) original computer exhibits was downloaded onto a 'stand alone' hard drive, to enable examination. This resulted in approximately fifty thousand (50,000) electronic files to be reviewed. The hard drive does not hold deleted material.

12.4 Forensic Tool Kit (FTK)

The Forensic Tool Kit (FTK) is a software program which allows the Inquiry to conduct a wider search within files seized from the exhibits. Specifically there is a facility to recover and view all deleted files.

12.5 Counter Terrorist Home Office Large Major Enquiry System (CT HOLMES)

This is a storage system which allows Inquiry teams to record and store a large number of documents. This includes images and other documentary exhibits. The Operation Herne account has recently merged the other strands of the investigation in order to simplify searching. The CT aspect means a higher level of access and security due to the protective marking of the documents the Inquiry are dealing with. HOLMES also incorporates ALTIA, which is the software used to scan and store documents.

12.6 Operation Fishpool

Operation Fishpool was the operation name given to the original Stephen Lawrence murder investigation. This HOLMES account includes the May 1993 Welling disorder as they are linked to key witnesses such as Duwayne Brooks.

12.7 SO15 Intelligence Records

SO15 manage a sensitive paper record storage and management facility which also contains historical Special Branch material. All reporting is graded at or above Government Protective Marking System (GPMS) Confidential and relates to SO15 matters. These files are not routinely available to other departments within the MPS.

12.8 General Registry

General Registry is the Metropolitan Police Services general archive. These records include personnel records, some crime reports and other material that has been deemed worthy of retention. This archive is subject to the MPS's retention policy.

12.9 Commanders Archive

The archive consisted of two (2) safes which historically stored sensitive files. Some of the reports relate to policy, whilst others are very specific (i.e. they relate to disciplinary issues and particularly sensitive operations).

12.10 Directorate of Legal Service (DLS)

Operation Herne has been permitted to review relevant DLS records

12.11 Personnel Records

Every member of MPS staff has a personnel record updated throughout their service. These are retained and archived at the conclusion of their employment.

12.12 Directorate of Professional Standards

The DPS internal database for storing allegations and investigations of misconduct and criminality.

12.13 CHIS records / references

The SDS Management team were proactive in regards to the implementation of Part II of RIPA (September 2000). In 1997 they made the decision to register SDS operations as Covert Human Intelligence Sources (CHIS). The rationale was to enable intelligence to be introduced safely, without attributing it to the SDS, for relevant product to be distributed onwards where appropriate.

Records have been researched for references to SDS undercover operations. A quantity of intelligence product files was recovered. This material has been further reviewed for relevance to the Ellison Inquiry and onward disclosure where relevant.

12.14 SDS Internal Guidance

Within the SDS paper records were a number of documents providing advice and suggestions on how to perform the role of a Undercover officer. These were compiled into a collection of folders including basic legislation and ideologies of the various groups.

13 Intelligence Submission Process from SDS to Special Branch

13.1 The SDS intelligence handling processes are not like the covert intelligence processes today whereby intelligence, although sanitised, can be attributed to a specific source through a series of firewalls. The process adopted within SDS and Special Branch in the mid 1990's means that great efforts were made to mask and protect the covert source and it is difficult to identify and confirm any specific intelligence.

Throughout deployment, intelligence would be recorded personally or via cover officers. This report would then be sanitised by the back office staff, to remove all references to the operative or the SDS. Anonymity would be ensured by the term 'Secret and Reliable Source'. A copy of the report would also be placed on the file of the organisation or individual subject of the intelligence.

Intelligence would normally be disseminated to a Special Branch 'C' Squad officer who would filter the product out to the relevant desk or department. On occasion this would be passed direct to a relevant interested party.

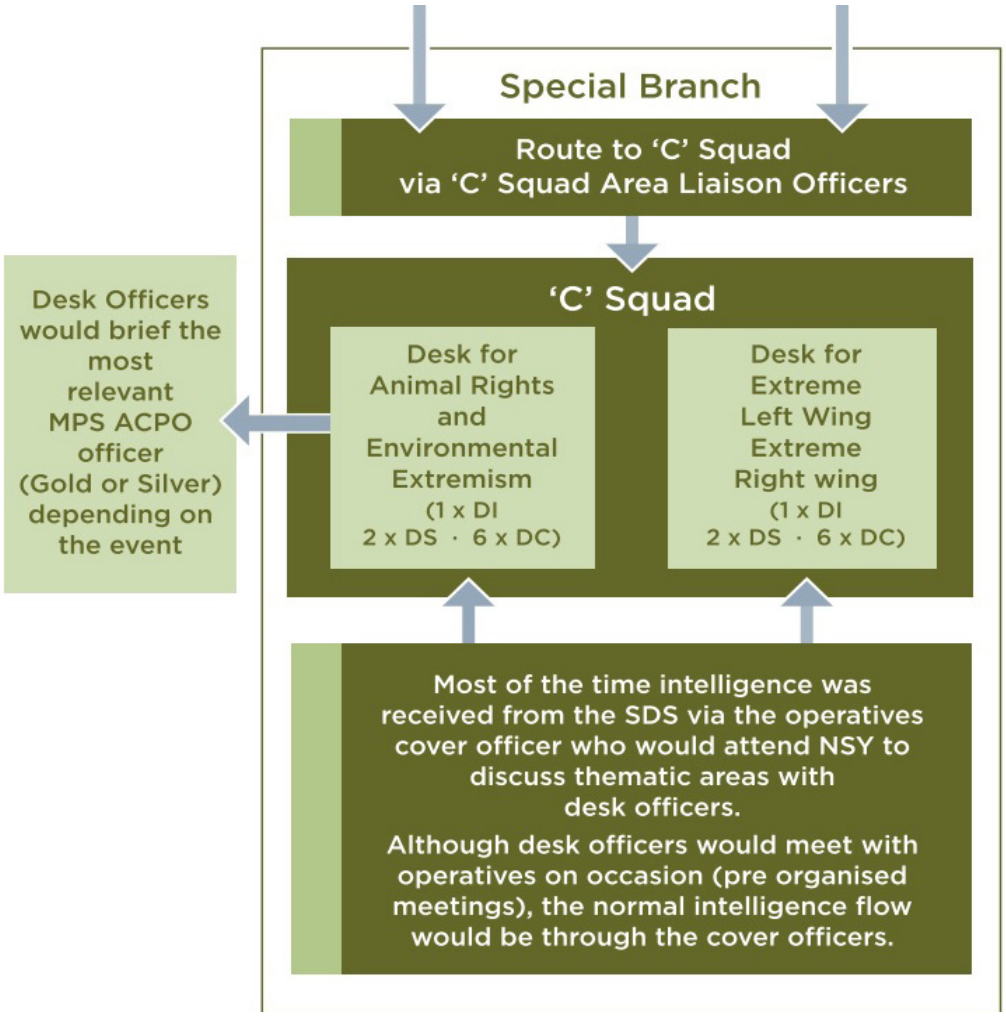
Pre 1998, records, documents, and intelligence files were almost exclusively paper based. N53 makes reference to the fact that they were responsible for instigating the use of computers within the unit at that time.

Operation Herne has interviewed officers who have worked on both 'C' Squad and the SDS in order to understand the intelligence flow between the two.

13.2 Prior to the introduction of computers raw intelligence product would be completed by the undercover officer and stored within an individual folder within the SDS Office. It would be sanitised by the SDS Detective Sergeant and then passed in a paper format to 'C' Squad on a weekly basis. Sometimes undercover officers could meet Desk Officers from 'C' Squad in order to address certain submissions. The sanitised product would go to the respective field desk such as: animal rights, far-left etc and if appropriate the intelligence would be passed on to the respective borough or department. Desk Officers would brief relevant senior officers in respect of the intelligence they required as and when the need arose. Operation Herne has not

located raw intelligence product files from any SDS operative prior to 1998. It would appear that dependant on the supervisors of the day, paper records would either be destroyed upon submission of product to Special Branch 'C' Squad or at the conclusion of an officer's deployment.

13.3 'C' Squad and SDS (1996-1998)



13.4 SDS Officers and the Identification of Suspects

One of the processes that Operation Herne examined was the identification of suspects by SDS officers. Often other MPS departments required identifications and the SDS was well placed to assist.

The SDS operative would be contacted by their cover officer or unit DI/DCI, and asked if they would be able to identify persons of interest. This could be at a number of different locations. It was unusual for SDS officers to attend police premises in order to complete identifications.

Routine desk officer identification was fairly frequent. Other identifications were

usually specific to large-scale disorder or events.

N40 stated, 'Images were viewed in a wide range of media - individual stills, spotting sheets of photos, albums of surveillance photos and occasionally video. Given that they were for intelligence purposes, these were not usually handled as exhibits.'

The identification of subjects and/or suspects was usually for one of two reasons;

1 Intelligence monitoring - all of the thematic desks were expected to know their key nominal subjects. Images from protests, demonstrations and occasionally surveillance were compiled in order to build up a picture of an organisation, its membership and intentions. When a new person arrived on that scene it was normal for the desk to ask SDS to view images to put a name and antecedent details to the face (for example, you might only know a first name, the type of vehicle they drove and membership of other groups but even that was useful to the thematic desks).

2 Suspect identification - Subjects were monitored because of their propensity for committing offences or creating the circumstances whereby offences would be committed. Post-demonstration reactive enquiries were normal business for the police. Special Branch, on the other hand, mainly concerned itself with pre-event intelligence. However, identifying subjects post-event to assist investigations was routine. The primary evidence for police in prosecuting public order offences is invariably imagery.

N10 recalled that officers from 'C' Squad would attend SDS meetings, and would bring images with them in order to assist in identification. This was on an intelligence only basis, and that the images maybe left in the SDS office for some time. This individual stated that if identification had been previously made, then the SDS would not look at the images and it would not come into the office.

14 Witnesses

14.1 To examine and investigate the allegations made by Peter Francis one hundred and fifteen (115) serving and former officers and members of staff have been interviewed as a priority. These witnesses range from the rank of Commissioner to Constable, and include individuals who managed and had oversight of the unit. All SDS staff who were operational throughout the period of Peter Francis' claims have been contacted and interviews requested. Officers involved in the intelligence collection and dissemination process have been interviewed as have a number of officers on the Macpherson Inquiry Team.

The initial intention was to treat all witnesses as significant and record their accounts on tape. However most individuals expressed concerns around their

personal safety and the potential to be identified by their voices. As a result written records of these interviews were completed.

Only five (5) potential witnesses have refused to speak or give an account to Operation Herne - this includes Peter Francis. This could be assumed to result from their fears regarding operational and personal security. The officer responsible for the implementation of SDS targeting strategy in 1993 is one of those who has also refused to speak to Operation Herne. Two (2) potential witnesses are dead.

15 The Change of Operational Focus of the SDS

15.1 In 1997 a new set of written instructions and guidance regarding the unit were issued. The report stated, 'If large scale public order events of one kind or another once provided a common focus for our endeavours, it is now overwhelmingly the case that we serve independent groups of customers with entirely distinct requirements. Very often these requirements entail the long term targeting of key individuals who have little or no interest in demonstrations.'

These instructions clearly show a change of direction for the unit. Customers are those that provide tasking requests. Requirements show the move away from targeting organisations to a focus on individuals.

'Equally, if weekends once regularly saw the majority of the team variously engaged with their target groups in London, these same intelligence requirements have now extended our field of operation well beyond the MPD (Metropolitan Police District). It is now quite usual to have operatives working in different parts of the country on the same day.' These instructions show the shift away from large scale public order infiltration to a more personal focus on individuals and the change of 'customers'. It is at this point that the Special Demonstration Squad was renamed the 'Special Duties Section' to reflect their widening remit.

15.2 The whole issue of how the SDS worked and was directed will be the subject of more detailed reporting in the future. What is clear from these instructions is that the post 1968 rationale for the unit had changed, and the focus was far wider, not just about public disorder and was often outside of the Metropolitan policing area. There are considerable implications in this policy position, not least the constitutional position of the Chief Constable responsible for policing within a defined geographic (force) area and the potential they would not know of covert activity in their area being carried out by another force. It is perhaps even more concerning and demonstrates the developing insular nature of the SDS that this

significant policy change appears at the minute to have been made by a junior manager with no apparent documented reference to MPS Executive or senior management – even within Special Branch.

16 Allegations by Peter Francis - sexual relationships

16.1 Peter Francis was reported as saying in The Observer in March 2011, 'He himself had slept with two members of his target group. Although not officially sanctioned, such activity among SDS officers – both male and female – was tacitly accepted and in many cases was vital in maintaining an undercover role.'

Peter Francis repeated this allegation between January and October 2011, when the articles were published and claimed that 'sex was used as a tool to help blend in'. Later, in the Dispatches programme Peter Francis said 'There was a couple of provisos come advice (in respect of sexual relationships) …one was make sure you use a condom, and it was given as an example by Bob Lambert because he referred to another officer who allegedly was tricked into having a child when he was deployed. And the other one was you shouldn't fall in love.'

Some individuals publicly claiming to have been SDS undercover officers have admitted involvement in inappropriate sexual relationships whilst deployed. There is evidence within the 'tradecraft' document which provides informal tacit authority and guidance for officers faced with the prospect of a sexual relationship. No evidence has been found of sexual activity ever being explicitly authorised and to date no evidence of sexual activity being utilised as a management supported tactic to aid infiltration has been found.

It has been identified that officers were provided with limited instruction and in effect left to make individual choices while operationally deployed. There is evidence of some managers within the SDS expressly forbidding sexual relationships. Officers have admitted to inappropriate sexual relationship whilst deployed undercover. There is no evidence SDS management between 1993 -1997 endorsed or authorised the activity. The 'Tradecraft' document provides advice recommending that if there is no other option officers should try to have fleeting and disastrous relationship.

On the 20 February 2011 legal advice was sought in respect of what offences, if any, may have been committed if an officer deployed undercover embarked on a sexual relationship with an activist. Counsel was asked to consider offences such as rape, indecent assault, and procurement of a woman by false pretences and misconduct in a public office. The written advice received was that in their opinion those offences were that the behaviour alleged did not amount to a sexual offence. There is no doubt that the conduct of undercover officers engaging in sexual relationships is complicated in that their training was unstructured and ad-hoc.

No allegations that Peter Francis engaged in sexual relationships have been received by Operation Herne.

Operation Herne is currently investigating allegations of inappropriate sexual relationships. Some women are currently engaged in civil actions against the MPS in relation to this. Only one (1) evidential account has been provided to the investigation.

16.2 Conclusion

There are currently a number of civil actions lodged against the MPS by several females alleging intimate relationships with undercover officers; Three (3) children are alleged to have been born as a result of these relationships. Operation Herne has contacted the solicitors concerned in order to speak to the claimants. Only one (1) evidential account has been provided. At this time the remaining claimants have not engaged with Operation Herne.

No contact or complaint has been received from any individual claiming to have had a sexual relationship with Peter Francis.

Independent legal advice has been sought in respect of what offences, if any, have been committed in these circumstances. No offences contrary to Sexual Offences legislation are deemed to be complete although offences of Misconduct in a Public Office might have been committed. There is no evidence at this time to suggest sexual relationships between undercover officers and activists were ever officially sanctioned or authorised by the SDS management.

However, documents suggest that there was informal tacit authority regarding sexual relationships and guidance was offered for officers faced with the prospect of a sexual relationship. This is an ongoing criminal investigation and an advice file has been submitted to the CPS for consideration as to whether the conduct alleged may give rise to potential criminal charges. Counsels' advice has been received that a consensual sexual relationship between an undercover officer and a subject is unlikely to be an offence under sexual offences legislation. A decision has yet to be made by CPS. This is not in respect of Peter Francis.

Irrespective of the more recent introduction of RIPA legislation and the improved training and management of undercover officers, there are and never have been

any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and their position as a police officer and an individual and organisational failing. It is of real concern that a distinct lack of intrusive management by senior leaders within the MPS appears to have facilitated the development and apparent circulation of internal inappropriate advice regarding an undercover police officers engagement in sexual relationships.

17 Allegation - Use of Deceased Children's Identities

17.1 On the 14 March 2010 The Observer newspaper published an article about the SDS. Under the pseudonym of 'Officer A', they disclosed details of his SDS deployment which included use of a deceased child's identity. They constructed their identity by using the same methods as Frederick Forsyth had described in 'The Day of the Jackal'. This involved the research of a dead child with a similar date of birth to themselves and then using this to create a credible covert identity.

Within the book 'Undercover - The True Story of Britain's Secret Police' Peter Francis claims he and other SDS officers used the identities of dead children for their covert legends and that this was accepted practice.

17.2 The Operation Herne report into this matter was published on 16 July 2013 and it showed that the tactic was used. It was officially sanctioned and was seen at the time as the most appropriate means of securing and maintaining the covert identity. The report explained that the tactic largely ceased towards the end of the 1990's and despite being seen by many as distasteful, it was not actually in contravention of any laws of the land nor any MPS or national policy guidance at the time.

The Commissioner has publicly apologised for distress the practice may have caused and has confirmed that deceased identities are no longer used by undercover officers.

18 Allegation - The SDS targeted 'Black Justice Campaigns'

18.1 The term 'Black Justice Campaigns' was commonly used at the time to describe high profile issues involving members of groups largely from minority ethnic backgrounds. They were sometimes named after individuals, but were also associated with minority communities. Many of the groups were launched by campaigners following a death in police custody, and some focused on stop and search, alleged miscarriages of justice, and perceived police racism. Some of the campaigns were seen by the MPS as a vehicle to promote disorder. In line with the overarching remit of the unit, the SDS infiltrated those groups they assessed to be violent protest groups who aligned themselves with these justice campaigns.

A source known as 'Officer A' claimed in The Observer in March 2010 that the SDS 'targeted black campaigns' that had been formed in response to deaths in police custody, police shootings and serious racial assaults. 'Officer A' also added that 'once the SDS got into an organisation it is effectively finished. This effectively made justice harder to obtain.'

The remit of the SDS was to obtain intelligence about violent protest groups and to stop violence in the Capital – it was neither an investigative unit nor about gathering specific intelligence to support another investigation – such as a murder investigation.

As N587 minutes in the 1985 SDS Annual Report, 'Questions are always being raised subsequent to major black racial disorder as to whether or not there was an organised political direction by black extremist groups.' He hoped, 'If our endeavours are successful we will be better placed to assess this element.'

It is important to highlight that a number of other campaigns that were not 'black justice' matters were reported on by SDS undercover officers because of the violent protest groups infiltrated by the SDS in connection with these campaigns.

18.2 Conclusion

SDS undercover officers were tasked into groups across the political spectrum of the day. This included both extreme left and right wings, racist and anti-racist groups, and animal rights groups. A tactic of 'entryism' was used by activists to

promote their own political agendas. It was inevitable that undercover officers would find themselves reporting on these groups that would become embroiled with their target organisation. There is no evidence to suggest that any SDS undercover officer was directly tasked into any 'Black Justice Campaign' associated to the murder of Stephen Lawrence.

There are occasions where undercover officers did provide material that would now be considered as 'personal information'. At that time, there was no relevant legislation to regulate such action as the concept of 'collateral intrusion' as clearly defined in RIPA had not been considered. The potential intrusion of SDS reporting was not limited to 'Black Justice Campaigns' and covered the political spectrum from left to right in support of their objective to gain intelligence surrounding violent protest groups. It remains relevant and important to repeat that SDS Undercover officers were not gathering evidence to support criminal investigations, but were seeking to gain intelligence with a view to stopping violent protest.

19 Allegation - SDS officers appeared at court in covert identities without the knowledge of the court

19.1 On 19 October 2011, The Guardian reported that, '…if a police spy was in danger of being locked up, prosecutions of the officer and other activists would be mysteriously dropped.' The source for these articles was named as 'Peter Black' who was later confirmed to be Peter Francis. Subsequent articles followed claiming that prosecutions were progressed in order to build undercover officer's credibility.

Given the nature of their work and their regular presence at public demonstrations, SDS officers were sometimes arrested in their covert identities, and in order to maintain 'cover' they would stay in the identity throughout the custody process. This was to enhance that cover with their companions and the organisations they infiltrated over the years. Between 19 and 26 October 2011 in The Guardian, 'Pete Black' alleged that prosecutions of undercover officers in role were allowed to go ahead as this helped to build their credibility. He also added that being prosecuted was part of their cover.

During February 2013, The Guardian published several articles about the alleged

use of deceased children's identities by SDS officers when appearing at court. Peter Francis does not provide detail about giving evidence in a covert name or refer to any arrests or prosecutions.

Over the forty (40) years of SDS operations, twenty-four (24) undercover officers are known at this time to have been arrested in their cover identities. Some were arrested more than once. Ten (10) undercover officers are known to have given evidence in court proceedings, two (2) of whom gave evidence as witnesses for the defence. Further enquires are still ongoing to ascertain the numbers involved and this will be subject of liaison with the Crown Prosecution Service and the Criminal Case Review Commission. Further detailed reporting on this issue will follow.

19.2 Conclusion

There are no allegations that Peter Francis appeared at court and gave evidence in any pseudonym although he does allege this practice took place within the SDS. No records have been identified that suggest Peter Francis was arrested or gave evidence in any pseudonym. Some SDS officers were arrested and subsequently attended court. One reason given was to maintain their cover. Documentation has been identified which supports the premise and is clear that the SDS management should have been informed of these occasions.

SDS officers were authorised to engage in minor criminality in order to maintain their cover. Operation Herne sought legal advice from Counsel in respect of what offences, if any, were committed by officers attending court in their false identities. The advice received was that as long as their identity was not subject to the charge and they did not lie under oath, no offences had been committed.

This aspect of Operation Herne is still being examined and will be subject of future detailed reporting to the Commissioner. Despite the generic advice obtained, Operation Herne is proactively examining the individual cases that have been identified. The investigation will also identify the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS. Operation Herne is also in contact with the Criminal Cases Review Commission (CCRC) in relation to any potential miscarriages of justice that might be identified from the activities of the SDS.

20 Allegation - The SDS supplied intelligence to 'The Blacklist'

20.1 Blacklisting was the recording and management of a list of people identified due to their political stance or perceived disruptive/subversive activity within the workplace. This was maintained by a commercial enterprise known as the Economic League (EL), which closed in 1993. The Consulting Association (CA) was started by a former employee of Economic League's Services Group around this time. Both organisations were funded and supplied with information by subscribing member companies, and checked their records in order to make informed decisions regarding suitability for employment.

On 18 August 2013 in The Guardian, Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a 'black listing agency'. He claimed that he provided information regarding two specific individuals and that their details subsequently appeared on the 'list'.

The first notification received by the MPS into allegations of blacklisting stem from a complaint from Christian Khan Solicitors in November 2012. This was made on behalf of the Blacklist Support Group. They allege that the MPS and Special Branch (including SDS) were complicit in the supply of information to the Consulting Association and similar organisations. They asserted that this practice led to people being unable to obtain employment. In February 2013 the allegation was referred to the Independent Police Complaints Commission (IPCC) who initially elected to supervise the investigation. Between May and June 2013, they reviewed this decision and directed a local investigation, returning it to force to investigate.

Open source material was recovered and a number of key documents identified. It was established that the Scottish Affairs Select Committee (SASC) had previously held an investigation into the wider issue of blacklisting, in which many of the key stakeholders had given evidence. All of their discussions were published on the UK Parliamentary website.

In sworn testimony to SASC, a member of the Consulting Association stated that his organisation had no link to the police, although he admitted that its predecessor the Economic League did. The Economic League link was confirmed by a former head of intelligence for the group, who stated that he met various police officers on a relatively regular basis, but that any such discussions would not routinely involve individuals.

Much of the media coverage has focused on a statement from the Information

Commissioner's Office (ICO), in which it was claimed that much of the information could only have come from the police and security service. On request, the ICO have provided a copy of the seized blacklist and corresponding personal records.

There is no dispute that the individuasl named by Peter Francis appear on the blacklist. However, Peter Francis claims to have been deployed between 1993 and 1997. The CA record is dated from 1999, two (2) years after Peter Francis alleged deployment ceased.

SO15 records show one documented instance of the exchange of information between Special Branch and Economic League, dating from 1978. This related to a police enquiry about terrorism offences. The officer-in-the-case inadvertently disclosed the terrorism link to emphasise the importance of the inquiry. The Economic League recorded this disclosure as fact, leading to the individual being refused work at a later stage. A complaint was made which was investigated and subsequently corrected. This complaint was brought to the attention of both Assistant Commissioner Specialist Operations and the Home Office. This incident was widely reported in 1981, subject to newspaper reports and a Panorama programme.

On 3 November 1978, Special Branch issued a Memorandum to all officers in relation to the disclosure of information and how seriously they regarded it. It reiterated Metropolitan Police Standing Orders, Paragraph 13 that prohibited searches of Special Branch on behalf of commercial organisations. It also documented that such 'improper' disclosure constituted a disciplinary offence. This memo came directly from the then Head of Special Branch.

20.2 Conclusions

Operation Herne has established that the individuals identified by Peter Francis appear on the blacklist. However, Peter Francis claims to have been deployed between 1993 and 1997. The CA record is dated from 1999, two (2) years after Peter Francis alleged deployment ceased.

There is no evidence to suggest that SDS exchanged any information with either the Economic League or the Consulting Association. Twenty (20) test records have been highlighted by the ICO as being the most likely to be the result of police information. These records have been investigated, revealing numerous alternative sources for information. A Special Branch officer has stated in interview that, 'The flow of information was purely one way' the Economic League were a 'conduit of information' driven by their sense of 'civic duty'. The Economic League was treated as a source of information. It was not Special Branch policy to pass information to

them or any other external organisation. There is no evidence that any information reported by SDS operatives was ever shared with the Consulting Association.

The investigation into this matter continues and will be subject of reporting to both the complainants and the Commissioner.

21 Allegation - SDS officers were tasked to gain information on the Stephen Lawrence Family

21.1 In June 2013 during the Dispatches broadcast, Peter Francis claimed that he was tasked to 'smear' the Stephen Lawrence family campaign. He said, 'They wanted any intelligence that could have smeared the campaign…so had I, through my circles come up with something along the lines of they, the family were political activists, if someone in the family were involved in demonstrations, drug dealers, anything… There were rumours and conjecture at the family itself may have not been a loving caring home. That was passed on about the family that could have, may have been used if they were really desperate to try and smear the family…'

Widespread reporting and understandable public concern followed this allegation, and it was of interest to the Home Affairs Select Committee and the Home Secretary. In order to investigate his claims Operation Herne had to identify and revisit key witnesses, including operatives, supervisors and managers within the SDS, along with Special Branch officers engaged in the tasking and intelligence process. Operation Herne also interviewed senior officers within Special Branch, members of the Stephen Lawrence review team and the Commissioners of the day.

21.1.1 Operation Herne has reviewed all available documentation and evidence within its indices. These included all tasking strategies, SDS deployments and any document that related to SDS reporting on the Stephen Lawrence family. Evidential opportunities, lines of enquiry and witnesses were identified. Search parameters were set within the time frame of 1993 to 2005. Operation Herne searched both

permutations of Stephen's first name, and four (4) permutations of his surname. Searches also included Doreen and Neville Lawrence. These were examined to determine what the tasking and reporting entailed and if there was any evidence of 'smearing'.

21.1.2 On 18 September 2013, Peter Francis appeared on Channel 4 News. He said that he wanted to clear up the 'ambiguity' around the term 'smearing'.

Peter Francis said, 'The word 'smear' if that implies at all anywhere in anyone's mind that would involve the word 'lying' that's what I would like to basically correct. Under no circumstances was my remit [to] lie about any of this so, when I go out, what I am basically looking for is any solid intelligence on the family…. I was told expressly to look for any intelligence that could be used to undermine them.'

21.1.3 On 5 November 2013 Operation Herne interviewed Lord Paul Condon, the Commissioner of the day. He had no memory of any suggestion of any undercover work linked to the Macpherson Inquiry. Lord Condon stated that he was deliberately "ring fenced" because of the sensitivity of the Inquiry. This meant he was remote from it and it was dealt with by other senior officers under his command.

Lord Condon stated that he had no knowledge of a connection between the undercover officer, Macpherson and Lawrence and found the allegations toxic.

In his interview Lord Condon discussed the political arena in 1993, the events surrounding the murder of Stephen Lawrence and the activity of the extreme left and right-wing organisations. He also commented about the build up to the Welling disorder in May and October that year, and how he had genuine fears of death and serious injury to people. He believed that there would therefore be legitimacy in the monitoring of the extreme left-wing. In respect of Peter Francis's allegations of 'smearing' the Stephen Lawrence family, he said that there was no rationale for this and that no-one would have tolerated the accusations.

21.1.4 On 15 October 2013 N183 was interviewed by Mark Ellison QC. He said he was a DI on the Macpherson Inquiry Team and was part of the organisational response set up to implement change as a result of the criticism levelled against the MPS. Commander John Grieve formed the Racial and Violent Crime Task Force (RVCTF) and one of their tasks was the responsibility to re-investigate the murder of Stephen Lawrence. He was tasked to complete a thorough review of material from the original murder investigation. John Grieve was to directly advise the then Commissioner, Sir Paul Condon.

21.1.5 N183 recalls a conversation with an SDS officer arranged via Commander Black from Special Branch. N183 quoted Commander Black from memory saying he 'had some coverage as you can imagine, on the periphery around the Lawrence Family because we are concerned about extremist groups infiltrating the Lawrence campaign, and we are also concerned about extremism on the back of the Lawrence campaign, driving public order.' Commander Black also told him 'we need

a conduit to ensure that anything you pick up, particularly from SDS can be fed into support your re-investigations of Lawrence, Menson and Ricky Reel….we need to be absolutely certain that John Grieve got the whole story and whole picture. As you know. . . , we have got good coverage…Are you comfortable in receiving intelligence related to the SDS at this time?' N183 confirmed they were.

N183 recalls Commander Black stated, 'Look, we will do it, it will not be on paper. It will be personal briefings to you.' N183 agreed with this arrangement and recollected a meeting with N10 and N81. N183 knew N10 from Special Branch 'C' Squad. N183 confirmed that they met N81 once.

21.1.6 Commander Black wrote 'D/Supt S Thank you. These papers confirm that SDS, is as usual, well positioned at the focal crisis points of policing in London. I am aware that N183 of CO24 receives ad-hoc off-the-record briefings from SDS. I have reiterated to N183 that it is essential that knowledge of the operation goes no further. I would not wish N183 to receive anything on paper. I have established a correspondence route to DAC Grieve via N406, formerly of SO12, and opened a SP file for copy correspondence with CO24. It will, of course, fall to 'C' Squad to provide the bulk of that material they will undoubtedly consult SDS as appropriate. Signed 14.09.98.'

21.1.7 N10 created the following report:

'On Friday 14 August, I had a meeting with N81 and N813. N183 is currently working with the Stephen Lawrence Review team. N81 talked about the Stephen Lawrence Inquiry from a (details of the target group removed) perspective and N183 from theirs. It was a fascinating and valuable exchange of information concerning an issue which, according to N183, continues to dominate the Commissioners Agenda on a daily basis.'

21.1.8 N183 thanked N81 for their invaluable reporting on the subject in recent months. An in depth discussion enabled N183 to increase their understanding of the Lawrence's relationship with the various campaigning groups (Details of target group removed) - this, N183 said, would be of great value as they continued to prepare a draft submission to the Inquiry on behalf of the Commissioner. (Details of target group removed) future plans were also discussed at some length.'

N183 explained a lot of the behind the scenes politics involving the home office. It emerged that there is great sensitivity around the Lawrence issue with both the Home secretary and the Prime Minister extremely concerned that the Metropolitan Police could end up with its credibility - in the eyes of London's black community - completely undermined. N183 explained the three main areas that N183's team are addressing:

1 How to respond to the charge of Institutionalised racism: Here the team seems likely to admit the essence of the charge. What is exercising their minds is merely the terminology to use. There is a preference for phrases like 'unconscious racism' and 'a lack of understanding of black culture'. The team realises that, however expressed, such a frank admission of failure will shock many serving police officers who have, thus far, been fed a much more upbeat response to the enquiry in the Job.

2 How to handle the second stage of the Inquiry: N183 explained that the Commissioner plans to stage a series of public forums in the months ahead at which he will attend personally and set out the Met's position. One proposed venue was Lambeth Town Hall and N81 was able to advise N183 of the vulnerability that such a meeting would have to disruption from (Details of target group removed) and local black youth. As regards to the second stage itself, there continued to be daily discussions within N183 office as to the best tactics to adopt. The question of the Commissioners resignation and that of his assistant Ian Johnson is regularly addressed.

3 How to regain the confidence of the Black community: Commander Grieve is now in charge of post Lawrence Black Community relations and is clearly hoping to be able to draw a line under the affair and work towards a more positive relationship. N81 was able to highlight the enormity of this task as regards sections of the black community in and around Brixton. They were able to provide N183 with some specific and positive information as regards those community groups who might be prepared to build bridges.'

21.1.9 N183 also explained however Home office was very sensitive about the wider implications of the Lawrence case, in particular, the potential for rioting or disorder by sections of the black community in the wake of an irretrievable loss of confidence in the police. Allied to this, was a concern about the damaging effects of sustained political pressure from hard left and anti-police elements. N10 18 August 1998.'

On 4 February 2014, N183 provided further clarity to Operation Herne regarding their recollection of the N81 meeting. N183 suggested that at the time of the meeting they already started a new role in CO24 and believed the record of N10 contained inaccuracies. N183 stated they had no suspicion that the undercover officer was close to the Lawrence family. The officer could not recall informing their line management in CO24 of the meeting explaining the meeting was at the behest of a commander in SO. N183 could only recall receiving one single briefing and saw nothing from SDS or any other stream that was intelligence relating to the Lawrence family.

21.1.10 N81 was a undercover officer on the SDS at the relevant time. N81 was deployed into extreme left-wing groups associated with violent protest. Operation Herne has identified a number of intelligence reports submitted during the time of the

Macpherson Inquiry by N81. N81 has provided a statement and said they were never tasked into the Stephen Lawrence Family at any time, or asked, instructed or ordered to 'smear' the family or the names of Stephen Lawrence or Duwayne Brooks. Intelligence suggests Duwayne Brooks saw some of the protest groups as a way to support his cause and so he attended a few demonstrations. These protest groups wanted to befriend the Stephen Lawrence family in order to promote their own agenda; however this was not successful due to shielding from Suresh Grover and lawyer Imran Khan who wanted peaceful public support.

21.1.11 Examination of documents available show that N81 reported on personal information regarding Doreen and Neville Lawrence. N81 states that they were given information by a third party regarding Doreen and Neville Lawrence and included this intelligence in subsequent reporting. This information would have been seen to have been of significance to DAC Grieve who was in regular contact with the family in his role within the MPS. It is acknowledged that this information could be considered as personal. There is no evidence to suggest this intelligence was universally disseminated and was a matter brought to the attention of N81 within the group infiltrated

21.1.12 The collection and use of such intelligence would now almost certainly be considered as 'collateral intrusion'. Accepting this modern standard, at the time it was the role of the SDS undercover officer to report all information, and not to differentiate between what may have been personal or private matters. Such methods now require the authority of a senior officer. RIPA introduced specific methods to manage the collection of private information.

21.1.13 In interview N10 said, 'I had pretty sort of intensive briefing when I started so therefore I can be reasonably confident that the allegation of smearing the Lawrence family wouldn't have arisen during that previous six months' (speaking about the period from the murder of Stephen Lawrence to when N10 started, April to October 1993)

N10 also stated that the suggestion of targeting the Stephen Lawrence family was 'a ridiculous idea.'

N10, 'without question, my recollection is that the SDS was principally concerned with issues of violent disorder, issues of clashes between the right and the left were the day-to-day SDS priorities….you know at the time, some of our targets…. who were being proportionally targeted, according to agreed targeting strategies at the highest level… they are shown to be infiltrating campaign groups. In this case, the Lawrence campaign…'

21.1.14 N216 was spoken to about the allegations of smearing the Stephen Lawrence family, the targeting of Duwayne Brooks and the withholding of information from the Macpherson Inquiry. N216 statement was, 'I was outraged by Peter Francis'

suggestion…. It was certainly not something which I would have sanctioned and I do not recognise it as anything my contemporaries would have countenanced.'

N78, who was a Undercover officer on the SDS at the relevant time stated in an account given to Operation Herne, '…that they never heard, saw or expected anyone in SDS to have said anything along the lines of: 'We want the dirt on the Lawrence's.' This would not have been in SDS' remit.' N78 continued, 'These extremist organisations were very manipulative, calculating and cynical in their approach to causes and campaigns. As regards the 'Lawrence Campaign', almost every anti-establishment/left-wing group wanted to be associated with it, for its own ends.'

21.1.15 N72 stated in their account on 23 March 2013 that they 'knew' that N81 was 'tasked to the Stephen Lawrence Inquiry and this would have come directly from Sir John Stevens, who gave the go ahead.' N72 claimed, 'that tasking and discussion were done separately away from normal SDS meetings.' and that these were protected by what they call 'Chinese walls.'

21.1.16 The Commander of Special Branch at the time, stated in an account to Operation Herne 'As I passed through the ranks up to Commander, my service transcended the MPS. This meant that the Lawrence Investigation and Campaign were all within my service. I have never heard the term 'smear' used until these latest revelations on the Dispatches programme. From a senior officer perspective, risks were taken to make sure everything to do with the Lawrence's was carried out professionally. Every level of support was given to the family. I find the word 'smear' all too alien in terms of Special Branch. This was not what they were there for. Why would Sir John Grieve want his beloved Special Branch to destroy the relationship he had created with the Lawrence's? It is a complete nonsense.'

21.2 Conclusion

SDS undercover officers reported on potentially violent protest groups surrounding the Stephen Lawrence Campaign - as well as many other violent protest groups and campaigns across the Capital. There is no documentary or verbal evidence whatsoever that supports the allegation that any SDS undercover officer was tasked or directed into the Stephen Lawrence family or its campaign. None of the intelligence records attributed to the groups that Peter Francis claims to have infiltrated contain reporting on Stephen Lawrence, the Stephen Lawrence family or

its campaign. There is no evidence or suggestion that any undercover officer ever met with or engaged with members of the Stephen Lawrence family

An SDS officer does make reference to N81 being tasked into the 'Stephen Lawrence Inquiry' and that this tasking was separate from normal SDS meetings. This officer was not part of the SDS at the time of the Stephen Lawrence campaign or during Peter Francis's alleged deployment. N72 recollection is also refuted by N81 who stated in their account that they were not tasked directly into the Stephen Lawrence family or campaign. Therefore their account can only be treated as hearsay.

21.2.1 There is no doubt that attempts were made to influence the Stephen Lawrence Campaign by a number of violent protest groups assessed by the MPS as having the potential for violence. However, these efforts were resisted by key advisors to Mr and Mrs Lawrence, such as Imran Khan and Suresh Grover, who sought to maintain the campaign as wholly peaceful. Operation Herne has been unable to find any evidence that SDS undercover officers were tasked to 'smear' the reputation of the Stephen Lawrence family. N10 and N81 stress that the intention and actions of the SDS were to indirectly support the Stephen Lawrence family. Former SDS Undercover officers and Special Branch officers all maintain that smearing 'was not what Special Branch was about.'

21.2.2 There was reporting by N81 who recorded personal intelligence regarding Mr and Mrs Lawrence that was not widely known at the time. Whilst this is undoubtedly personal information and would today be classed as collateral intrusion and unnecessary it would be entirely appropriate that the SIO conducting the investigation into Stephen's murder was given this intelligence.

It is clear that N183 had a significant role to play and Operation Herne is concerned about the intelligence N183 was given and the failure to disclose this to the broader MPS response in to the Macpherson Inquiry. N183 was an Acting Detective Inspector (A/DI), a middle ranking role with significant responsibilities. N183 was employed to look at the organisational response to the Inquiry, but through Commander Black, was given direct access to covert sources within the SDS.

N183 met on at least one occasion with a manager and undercover officer and was given 'direct and off the record briefings – along with a clear instruction from Commander Black that 'knowledge of the operation goes no further', N183 'should not receive anything on paper.' This meeting was clumsy and inappropriate.

21.2.3 Unless the documents are false and the recollection of N10 and N81 is flawed, it is clear that N183 fully understood the significance of the Macpherson Inquiry. Records show that N183 commented on the personal interest for the Home Secretary, the Prime Minister and the Commissioner. N183 does not appear to have considered

the disclosure aspects nor the clear conflict in receiving the covert reporting whilst the Inquiry was 'live'.

21.2.4 Operation Herne has looked specifically at the issue of undercover activity against the Stephen Lawrence family and was not charged to consider issues such as those commented on above. Nevertheless, there is a clear conflict in the role N183 had as an A/DI working on the MPS response to the Macpherson Inquiry and the covert, sensitive and 'off the record' unrecorded briefings N183 was receiving from SDS management and staff. It is considered that this matter does require proper and further investigation.

Following the accidental disclosure of an appendix from the Macpherson Inquiry, containing witness and security information an officer from the Witness Protection Unit (WPU) was assigned by DAC Grieve to the Mr and Mrs Lawrence. This officer's role was to assist and provide advice to the Mr and Mrs Lawrence regarding their personal security and safety. Their assignment began on 23 September 1999. As a result, the officer had unequivocal access to both Neville and Doreen Lawrence and their family.

21.2.5 The officer maintained a log of advice and actions. These revolved around the security of the family and contained no anecdotal information. The officer was in a unique position of having detailed knowledge of the family and could easily have gained far more information than any complex covert undercover officer intrusion through an associated pressure group. In an account provided to Operation Herne it was confirmed that N315 was never approached by any member of the MPS or asked for personal information or rumour surrounding the Stephen Lawrence family.

22 Allegation - Family Liaison Officers (FLO) assigned to the Stephen Lawrence Family reported intelligence to Special Branch

22.1 At the time of Stephen Lawrence's murder there was no formal definition or training for the role of Family Liaison Officer. Accredited training was introduced post the Stephen Lawrence investigation. Prior to this, officers were referred to as Victim Liaison Officers, whose primary function was that of an investigator. The role involved facilitating contact between the family and the enquiry team.

'Victim Liaison Officers' were provided to the Stephen Lawrence family when Stephen was murdered on 22 April 1993. Peter Francis alleged that these officers reported back personal information to Special Branch during this time.

Peter Francis alleged during the Dispatches broadcast 'The family liaison officer who was in Stephen Lawrence's house was taking all the details of all the family members who were there, all the visitors who actually gave their details. This was then passed to the area Special Branch, the area Special Branch then passed it through the Special Branch to the Special Demonstration Squad and we were asked to comment on these individuals whether or not in their words they were politicos or what, who, they were.'

22.1.1 When Peter Francis was asked whether he, or any other SDS officers were then to give intelligence about that individuals political persuasion who had visited the Stephen Lawrence family during this time, he replied 'one hundred percent because that would then allow us to make the assessment which way this campaign was likely to go in the public disorder arena.'

DS John Bevan and DC Linda Holden were identified as performing the role of family contact officers in April 1993. They performed this for the first ten (10) days of the murder investigation. DS John Bevan had not been deployed before whilst DC Linda Holden only had minimal experience. Both are retired and have been interviewed by Mark Ellison QC. Both deny this allegation of passing information back to Special Branch. The role of liaison officer was subsequently assumed by Senior Officer on 6 May 1993. He took over following a meeting with the family and Imran Khan. He recorded his rationale under policy file note 37. He indicated that the family and their solicitor, did not want any victim liaison but requested a weekly meeting with the Senior Officers involved. He thought, that as the Stephen Lawrence family wanted information, he was the best person to provide it.

22.1.2 Operation Fishpool records refer to a Special Branch Liaison Officer. This individual has been identified as PC Alan Fisher, Plumstead's Racial Incidents Officer (RIO). PC Fisher confirmed that he was appointed shortly after the murder to be the liaison between Special Branch and Operation Fishpool. This role involved him passing details of potential suspects and right wing groups to Special Branch reserve. During the investigation he was contacted by Special Branch officers as to whether he knew of particular named suspects. At the time of the murder he was unaware of the existence of the SDS and had no contact with any officer from the unit. Mr Fisher was adamant that any request for information submitted to Special Branch to him would have been on an official HOLMES major incident action form and

returned as such.

22.1.3 All available SDS records to date have been searched for references to the officers and against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting. Due to the covert nature of the SDS other MPS departments would not be aware of their existence. This included Senior Investigation Officers (SIO).

The current role of a FLO is a specialist and investigative function. This involves the day-to-day communication between the family and the enquiry team. They gather evidence and information from the family in a sensitive manner. This contributes to and preserves the integrity of the police investigation/action. A FLO co-ordinates response to the needs of families. They ensure that family members are given information about support services and that referrals are made to Victim Support (VS). It is recognised now, nationally, that the primary role of the FLO is 'an investigator'.

22.2 Conclusion

Operation Herne identified that DS John Bevan and DC Linda Holden performed the role of 'victim liaison officers' to the Stephen Lawrence family following the murder of Stephen. The Macpherson Inquiry said that there were 'a large number of people who surrounded Mr and Mrs Lawrence in the very early days.' Both DS Bevan and DC Holden asked these visitors to 'identify themselves' and to say what organisation they represented. Both deny this allegation of passing information back to Special Branch.

The role of 'family liaison officer' was in its infancy at the time of Stephen Lawrence's murder. The current role of a FLO is a specialist and investigative function. This involves the day-to-day communication between the family and the enquiry team. They gather evidence and information from the family in a sensitive manner. It is recognised now, nationally, that the primary role of the FLO is 'an investigator'. It is known that the officers recorded names of visitors, in accordance with her role. All available SDS records to date have been searched for references to the officers and against a list of names supplied by Mark Ellison QC. No trace has been found of the names within SDS reporting.

There is no evidence or suggestion that the victim liaison officers or FLO's passed any information to Special Branch.

23 Allegation - Smearing of Duwayne Brooks

23.1 During the Dispatches programme, Peter Francis claimed that as the SDS could not find 'dirt' on the Lawrence family, they then looked to target friends and those associated with the family such as Duwayne Brooks. He said, 'We did start to look at Duwayne (Brooks) to see if there was a possible way that we could then smears the best way his campaign via a different direction… myself and another SDS officer went through the material we had, the media we had and between us we'd identified him participating in some criminality, perceived criminality, this was then sent through the same chain of command, Special Branch DI, DCI, out to division, and again the decision was obviously made to go and arrest Duwayne for said offences.'

Peter Francis claimed that in respect of his alleged supervisors, 'yes they did seem pleased that we had found out… and I think it also provided the first in ever in the Stephen Lawrence Campaign. This is a clear whiter than white campaign, it can't be tarnished, the public is all behind it and all of a sudden Stephen Lawrence's friend was actually a violent activist.'

23.2 Conclusion

Operation Herne has reviewed all the material in its possession, including computer and documentary records. The search parameters consisted of twenty-seven (27) different permutations of Duwayne Brooks' first name, and ten (10) on his surname. Potential witnesses, managers and undercover officers were identified and interviewed about this aspect. The Inquiry has identified forty one intelligence reports that referred to Duwayne Brooks. These were examined to determine what the reporting entailed and to identify if there was any evidence of 'smearing'.

Duwayne Brooks was present on 22 April 1993 when his friend Stephen Lawrence was murdered in Eltham. On 7 May 1993, he attended Southwark Identification Suite, to take part in an identification parade relating to Stephens murder. PC Simon Bull from the Territorial Support Group (TSG) was also in the suite to find volunteers for the identity parade that involved suspects for the murder of Stephen Lawrence. PC Bull noted Duwayne Brooks and his distinctive clothes.

On 8 May 1993, serious public disorder took place in Welling, Kent. The YRE attended a march against a BNP premises. Approximately four thousands

demonstrators took part in the march which broke down into clashes with both the police and far right activists. 42 police officers were injured , acid was thrown, thirty buildings were seriously damaged, shops looted and numerous cars were damaged. Following the disturbances, 25 people were arrested as part of an investigation and charged with various offences connected with the incident. Duwayne Brooks was present during the disorder and is alleged to have damaged a BMW vehicle and was armed with a stick. Footage of the riot was recorded by evidence gatherers. The subsequent investigation into the disorder was called 'Fewston'.

24 Operation Fewston Identification Process

24.1 DI Roger Bailey was from Orpington Borough and was seconded to Operation Fewston. He became the deputy SIO investigating the public disorder and formalised the identification process. The viewing room was set up by DC Eleanor Greenhough on 24th June 1993, and this comprised of eighty-four (84) colour photographs on six (6) display boards. Viewing of images consisted of reviewing both video evidence and photographic evidence. DC Greenhough was responsible for compiling a schedule of numbered suspects, from one (1) to fifty-five (55) Thirty-three (33) of the images were 'stills' taken from two (2) videos of the disorder. Fifty-one (51) were images taken by police evidence gatherer.

DI Bailey completed a set of 'Standing Orders' detailing instructions for the viewing of photographs at Southwark Police Station. These are recorded under Action 229 in the Operation Fewston Account. The instructions formed of:

1 An introduction and purpose sheet from SIO.

2 A Witness Pro-forma.

3 A Witness Information Sheet.

4 Op Fewston ID Suite Standing Orders.

24.1.1 On 8 June 1993 a witness appeal was sent out to MPS officers who were on duty at the disorder. PC Bull responded to the appeal and completed an appeal pro-forma. Action 350 was created on the 30 June 1993 to 'arrange PC 308SE Bull to view video/photos'. The action detailed '3TSG Officer on serial U323 at march who saw disorder & could possibly identify persons responsible'. The action was allocated on 30 June 1993.

PC 130RY Lucy Burrows updated the action on 30 July 1993 with the following information: 'Appointment made at Welling identification Suite had to be cancelled by viewing officer due to key for suite missing. PC Bull has since been engaged on other operations and has been unable to attend.' This entry was noted by DC Greenhough.

On the 7 September 1993, Action 474 was created to arrange for PC Bull to view video/photographs, on direction of DI Bailey. On the 13 September 1993, it was allocated to DC Greenhough.

On 23 September 1993 at 2.50pm, DI Bailey completed the action by recording result: 'Attended MD 22-9-93 who viewed photographs and videos and identified suspect no 54 as Dwayne Brooks. Statement obtained.' This is recorded as Statement S267. There is a note at the top of the action 'Not Disc'.

After all available witnesses had viewed the images, a circulation of the clearest photographs were disseminated via Police Gazette Special Notice 03/09/93. This was disseminated to all police stations. This contained eleven (11) pictures of suspects. The image identified as Duwayne Brooks (suspect 54) was not one of them.

24.1.2 On 8 October 1993, Duwayne Brooks was arrested, interviewed and charged with violent disorder and criminal damage to motor vehicle. He appeared at Bexley Magistrates Court on the 12 October 1993. On the 16 October 1993, a second demonstration took place at Welling. It is evident that SDS officers attended the October 1993 demonstration. The case against Duwayne Brooks was stayed in 1994.

In his report, when referring to the Violent Disorder/Criminal Damage matter from 8 May 1993, Sir William Macpherson said 'It should here be said that there was clear evidence of the actual conduct which founded that prosecution.' The defence depended upon medical evidence which indicated that Mr Brooks was already and understandably affected and disturbed by 8 May as a result of his terrible experiences. It was proposed that the difficult defence of automatism should be raised. That resulted in the obtaining of the opinions of all officers who had been in contact with Mr Brooks since the murder by means of questionnaires.

On 7 February 2014 PC Bull was interviewed by Operation Herne and he described the process above. He had no knowledge about the loss of the keys to the suite and attended the suite as soon as practicable. He has no knowledge of any other subsequent or prior identification concerning Duwayne Brooks.

On 14 February 2014, DI Bailey was interviewed. He said that the time delays within the identification process were due to the collating of footage from third parties. He

did not have any Special Branch liaison or any contact with them. He was unaware of any Special Branch intelligence that would have contributed to the identification of Duwayne Brooks.

24.1.3 N40 said in respect of contact between the SDS and the team: 'investigation teams and third party units never had access to SDS officers, or indeed knew that SDS existed.' The Investigation team would not have known about the SDS. N40 also said, 'SDS was assisting in identifying persons arrested in criminal offences as part of a police strategy to prevent public disorder.'

N10 states that Duwayne Brooks was not a specific named target or formed part of any targeting strategy. N10 does confirm that part of the role of the SDS field officer was to assist in identification of offenders concerned in serious disorder.

As Duwayne Brooks was subject of press interest and a significant witness in the Stephen Lawrence investigation, any such intended arrest was brought to the attention of chief officers. N10 stated in interview, 'it was not in the service's interest to smear or conduct such operations to smear.'

N10 states that Duwayne Brooks was not 'targeted' specifically. The officer said that the SDS would be tasked to assist in identifications appeals concerning large scale disorder, and so it would be normal for SDS officers to review footage of the Welling disorder. N10 does not recall any SDS officer making any such identification concerning Duwayne Brooks from Welling in May 1993.

N216 said in respect of the targeting of Duwayne Brooks 'SDS activity targeting individuals in a public order context may have brought certain officers into contact with, or in the close proximity of Duwayne Brooks, but, if that did happen, this would not have been in response to the murder investigation, or any connection with the family.'

24.2 Conclusion

There is no documented evidence of any involvement of any SDS officer in the formal identification of Duwayne Brooks for his alleged involvement in serious public order offences at the Welling bookshop. There are however complete records including statements and identification material that provides robust evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure carried out by other non SDS officers that adhered to policy. This premise is further supported by Peter Francis's own alleged timeline of deployment which claims that he was deployed in September 1993 and reported on the subsequent demonstration at Welling (October 1993)

It was not an uncommon practice for the SDS operatives to become involved in

intelligence gathering identifications post public disorder. They were ideally placed in these events and had the potential to identify nominals known to them through their covert deployments. It is highly likely that SDS undercover officers were tasked to view images from the Welling Riot in October 1993. It is known that most SDS undercover officers were deployed at Welling and reported on the extreme violence between both left and right-wing.

There is SDS reporting on Duwayne Brooks. This related to general intelligence regarding his interaction with the protest groups infiltrated by the SDS. Some of this reporting is not connected to public order. However, there is no evidence of any intention to smear his reputation.

25 Allegation - Withholding material from the Macpherson Inquiry

25.1 Following the failed police investigation into Stephens murder, the then Home Secretary Rt Hon Jack Straw MP announced in July 1997 that an Inquiry would be launched. The original objective was to review the police investigation and to learn lessons to assist with the investigation of racially motivated crime. Sir William Macpherson was appointed to lead the Inquiry, which opened in March 1998. In February 1999 the results of the review were published, which heavily criticised the Metropolitan Police Service leadership, investigative failures and labelled the Service as being institutionally racist. The Macpherson Report produced seventy (70) recommendations aimed mainly at the police service, but also designed to impact upon all public bodies.

25.1.1 Peter Francis claimed within the Dispatches programme on 24 June 2013 that 'vital information' was held back from the Inquiry despite his attempts at the time to get Special Branch 'to come clean' and disclose their involvement. Peter Francis said, 'So when I actually informed them, it went first to DI Lambert, it then went to Superintendent in the Special Branch, who's responsible for the overall decisions, it actually then went up to the Commander Special Branch who came out to see me. It can be encapsulated roughly along the following lines: If the public was to find out that you were undercover there, they still would be battling on the streets in about a year to come, so the whole idea is to prevent disorder - if we go in there and say we were undercover in there it would re-ignite disorder that hadn't taken place with Lawrence for quite a while.'

Peter Francis claimed that there was no mention of SDS involvement in the Macpherson Inquiry and that 'they (SB) were totally clear of everything despite.' After this, a pre-recorded response from Lord Condon was shown denying knowledge of withholding information from the Macpherson Inquiry.

25.1.2 The MPS Director of Intelligence in 1999 has been interviewed by Operation Herne and stated, 'Between 1997 and 1999 I was Head of OPS, Special Branch. The Macpherson Inquiry ran between these years. I have no recollection at all of any 'plans' to mislead the Inquiry, and would have been/I am appalled at the suggestion that the MPS would have undertaken such a strategy. I believe any decision of this type would have been taken by the higher echelons within the MPS, namely the Head of the DLS and the Commissioner. I believe that if, and it's a big if, the 'misleading' had occurred, I, as the Head of Ops, would have been included in such information.'

Peter Francis alleged that N218 came out to see him in respect of withholding information from the Macpherson Inquiry. In interview N218 stated that this meeting or request never happened.

25.2 Conclusion

There is no evidence that any SDS undercover officer was prevented from providing information to the Macpherson Inquiry or disclosing the role of the SDS, or that any officer was prevented from doing so by SDS management.

However, it is clear that the role of the SDS and its undercover officers was never disclosed and this is a clear failing already commented on. Whilst Operation Herne has not fully investigated this aspect, it does not appear that the role of the SDS around linked support/protest groups and within the Macpherson Inquiry itself was ever brought to the attention of the Commissioner or the senior managers of the team tasked to prepare and manage the MPS response. It is clear however that the activity was known of at a senior and chief officer (Commander) level within the MPS Special Branch.

Evidence indicates that SDS reporting on the hearings at the Macpherson Inquiry focused on the internal and external public disorder aspects. Specifically detailed were the risks to Sir Paul Condon should he attend the hearing at Hannibal House, he might be at physical risk of attack.

25.2.1 There is no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or their presence at the hearings themselves.

N81's role and immersion within the infiltrated organisation prevented a sudden

absence or exit strategy. The nature of the deployment was such that N81 would be expected to accompany the group regardless of where they were. To refuse to enter or leave the hearing would be out of character and as a result have the potential to raise suspicion. The hearing was open to the public and representatives of the police service who attended on many occasions in uniform. In reality all N81 could have reported on in relation to the Inquiry would have been that which was publicly available to all and was being reported on in the media every day. N81 reason for being with their group was to monitor and report on their potentially violent protest activity. The presence of an undercover officer does not appear to result in the obtaining of information from the Inquiry that was not in the public domain.

There is however, no record of any disclosure to the Macpherson Inquiry of the involvement of any undercover officer in either the campaign support groups or of the regular presence of an undercover officer at the hearings themselves. Operation Herne considers that it is a realistic assessment that had the involvement of an MPS undercover officer deployed in the proximity of a grieving family seeking justice been publicly disclosed, this could have resulted in large scale public disorder. It would have been problematic to have extracted N81 from this deployment at short notice without some significant operational and personal risk. It is also clear to Operation Herne that this deployment was not known to the Commissioner or his staff responsible for the MPS response to the Inquiry.

25.2.2 Regardless, the role of the undercover officer in this matter should have been revealed to Sir William Macpherson to allow him to make his own judgement on how to deal with the matter. It is quite apparent that the SDS ethos and culture of total secrecy caused this failure. There is no evidence to suggest this was a deliberate act, rather it appears that this was never even considered by SDS management as necessary. This is all the more remarkable as the overall supervision and detailed knowledge of the SDS within the MPS Special Branch went right up to Commander level. Whilst it might be reasonable to assume the constables on the unit may not be aware of the huge significance of the Macpherson Inquiry and the relevance of disclosure, officers working at the Executive level and a part of the MPS senior management should clearly have understood the importance of this deployment. Whilst the Inquiry was not a criminal trial, it is relevant that by this time disclosure legislation was in place and the default position should have been to disclose and explain rather than hide. It is inexcusable that the senior management of the SDS and the MPS Special Branch chose not to disclose the presence of N81 to the Commissioner's office in order that a proper executive decision on disclosure to Sir William Macpherson could have been made.

26 Summary of Conclusions

26.1 At its inception the SDS was at the forefront of the development of undercover policing. This led to the progression of the tactic to aid law enforcement to prevent disorder. It is clear the majority of undercover officers conducted themselves professionally and with integrity, and undertook difficult and dangerous work in challenging circumstances which undoubtedly included saving lives, protecting property, disrupting extremist groups and preventing disorder.

The recent allegations made by Peter Francis have led to these being prioritised within Operation Herne. They form only a small part of the Inquiry.

The investigation into his claims was initially frustrated by his refusal to engage with the investigation. He publicly claimed that he had been threatened with prosecution for breaches of the Official Secrets Act. This is not the case; he was offered the opportunity to engage with the Inquiry team as a witness on three (3) separate occasions. Despite every attempt and direct contact with him, with his legal representatives and with journalists Peter Francis has refused to engage. Peter Francis sought immunity from prosecution which was not appropriate in the circumstances. Following assurances from the Attorney General he engaged with Mark Ellison QC. He refused permission to allow Mr Ellison QC to share his interview with Operation Herne.

26.1.1 As a result the Inquiry has had to assemble information and allegations from the available sources. The media articles, the television programme and the book broadly reflect the following allegations:

- That SDS officers engaged in sexual relationships whilst deployed
- That the SDS used deceased children's identities in the creation of their covert identities
- That the SDS targeted 'Black Justice Campaigns'
- That SDS officers appeared at court in their covert identities
- That SDS officers supplied intelligence to the 'Blacklist'
- That SDS officers were tasked to gain information that might be used to 'smear' the Stephen Lawrence family
- That Family Liaison Officers assigned to the Stephen Lawrence family reported intelligence to Special Branch
- That SDS officers were tasked to gain information that might be used to 'smear' Duwayne Brooks
- Peter Francis was prevented by senior officers from disclosing SDS involvement to the Macpherson Inquiry

26.1.2 This report has been necessarily abridged and will not breach the principle of 'neither confirm nor deny' (NCND) and therefore will not confirm or deny if Peter Francis was an undercover police officer. To avoid placing any individual in danger this principle is paramount. To comment either way will raise clear inferences in other cases where no comment is made. The position is essential to ensure that danger and additional risk can be avoided.

The public allegations of Peter Francis are made almost twenty (20) years after his alleged deployment as an undercover officer between 1993 and 1997.

Although they have altered over time, there is credibility to a number of matters that have been raised by Peter Francis, particularly those regarding the use of deceased children's identities and sexual relationships which are both corroborated in some way. Likewise, it is a fact that SDS officers were sometimes arrested and are known to have attended court proceedings in their covert identities

It is an accepted fact that SDS officers were trained and instructed to adopt the identity of a deceased child for what were considered to be legitimate and necessary operational grounds. The NCND principle has been consistently applied in respect of the use of this practice and no family whose child's identity was used or any individual that has enquired about the use of their child's identity has been informed. This matter has been subject of a previous report by Chief Constable Mick Creedon.

26.1.3 There is evidence that the management of the SDS were aware of the potential for undercover officers to become involved in sexual relationships while deployed. Potentially confusing guidance was provided in order to advise and assist officers. It is believed that this guidance was not any type of official MPS policy, but was rather some form of tactical advice developed dynamically by operatives within the unit and based on their own experiences. It may have been deemed to be helpful at the time but there is no doubt that it allowed for and even condoned behaviours to develop which would not be accepted now. They would almost certainly not have been acceptable at the time to senior managers and Chief Officers had they been aware of it. Little or no support was in place to prevent or avoid such compromises for officers who were sometimes deployed and hugely isolated for many years. The internal 'Tradecraft' document references concerns that officers were effectively operating in isolation. Ambiguous advice regarding sexual relationships was offered.

26.1.4 In 2010 a series of articles in The Observer Newspaper began to make a number of claims regarding SDS activity. These were attributed to the source 'Officer A' by the authors.

In January 2011 further revelations named undercover officers and exposed inappropriate sexual relationships. In November 2011 details regarding the arrests and prosecution of alleged SDS undercover officers in cover were published.

In June 2013 Peter Francis publicly claimed to be an undercover officer and he was confirmed as a source for The Guardian. He claimed that he had been tasked by senior MPS officers to 'smear', the Stephen Lawrence campaign. In a series of interviews and newspaper articles he further alleged that the Stephen Lawrence family liaison officers had passed intelligence about visitors to the family back to Special Branch. Peter Francis claimed he had also been tasked to obtain information on Duwayne Brooks and find 'dirt ', on the Stephen Lawrence family.

In July 2013 the book 'Undercover - The True Story of Britain's Secret Police' was published, it contained additional allegations that Peter Francis argued with SDS management for their involvement in the Stephen Lawrence campaign to be disclosed to the Macpherson Inquiry.

In September 2013 in an interview on Channel 4 News Peter Francis clarified his earlier 'smearing' claims, and stated that at no time was he directed to lie. He maintained his claim that he was told to look for intelligence that could be used to undermine the Stephen Lawrence family.

26.1.5 Although there are clear inconsistencies and unexplained deviations in Peter Francis's claims, at the request of the MPS Commissioner, Operation Herne has investigated all of the allegations impartially.

The alleged deployment of Peter Francis was prior to the introduction of the Regulation of Investigatory Powers Act 2000 (RIPA). This was the only significant legislation specific to undercover operatives. Prior to RIPA, the only available direction came from Home Office Circular 97/1969. This provided guidance on 'informants who take part in crime'. His alleged deployment also pre-dated the introduction of the National Intelligence Model (NIM) which provided a formal and recognised tasking process not associated with policing in the early 1990's. ACPO subsequently introduced Codes of Practice and a National Manual of Standards for Undercover Policing. This provided official guidance for the authorisation, management and deployment of operatives.

The SDS worked exclusively within Special Branch and had no interaction with the MPS undercover unit SO10. SO10 was formed in 1988 and introduced formal undercover training. A set of instructions followed for undercover officers who, unlike the SDS, were expected to provide evidence in criminal proceedings. SO10 utilised a formal authorisation process which included regular reviews of authorised activity, usually with specific objectives and instructions to operatives.

The SDS maintained an internal training and selection process and specifically

chose not to adopt the developing MPS and national practice for the deployment of undercover officers. The SDS did not utilise pocket note books or seek technical corroboration, and were deployed solely with a remit to provide intelligence in relation to public disorder. There was no expectation that they would provide evidence before a criminal court and in fact every effort was made to ensure this never happened. SDS authorities tended to be long term and be at a strategic level with a wide remit to target groups assessed by the MPS as being associated with violent protest and public disorder. Pre RIPA there is no evidence of any formal process to regularly review the authorisations.

These criticisms should be viewed in the context of the era. From 1968 the SDS was at the forefront of the development of undercover policing with what was then a wholly new and innovative approach. It evolved and introduced many excellent examples of long term and highly effective infiltration, the benefits of which are difficult to quantify but will undoubtedly have included savings lives, protecting property, disrupting extremist groups and preventing disorder – over several decades. They operated within a Home Office authorised and funded, secretive environment and in an attempt to preserve operational security they did not engage with other units that utilised this tactic. Due to the requirement to maintain and manage the cover of operatives in long term deployments, they developed internal policies and guidance and adopted tactics that were unconventional.

26.1.6 Some officers publicly claiming to have been SDS undercover operatives have admitted involvement in inappropriate sexual relationships whilst deployed. There are currently ongoing civil actions lodged against the MPS by a number of females alleging intimate relationships with undercover officers. There is evidence within 'Tradecraft' which provides informal tacit authority and guidance for officers faced with the prospect of a sexual relationship. No evidence has been found of sexual activity being commonplace, or of it ever being explicitly authorised and to date no evidence of sexual activity being utilised as a management supported tactic to aid infiltration has been found.

26.1.7 It has been identified that officers were provided with limited instruction and in effect left to make individual choices while operationally deployed. There is evidence of some managers within the SDS expressly forbidding sexual relationships. There is no evidence to suggest that managers on the unit between 1993 and 1997 during Peter Francis alleged deployment endorsed or authorised the activity. The 'Tradecraft' document provides advice recommending that if there is no other option operatives should try to have fleeting and disastrous relationships with individuals who are not important to your sources of information.

26.1.8 Allegations of inappropriate sexual relationships are still under investigation by Operation Herne. Counsel has provided advice indicating that there are no sexual

offences committed however; the offence of Misconduct in Public Office may be applicable. Evidence has been provided to the CPS for advice. No complaints have been made against Peter Francis although he admitted to two such inappropriate sexual relationships whilst allegedly deployed. Enquiries into this aspect continue.

26.1.9 Irrespective of the more recent introduction of RIPA legislation and the improved training and management of undercover officers, there are and never have been any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and their position as a police officer and an individual and organisational failing. It is of real concern that a distinct lack of intrusive management by senior leaders within the MPS appears to have facilitated the development and apparent circulation of internal inappropriate advice regarding an undercover police officers engagement in sexual relationships.

For a period of time the SDS did utilise the identities of deceased children to create covert identities for operational use. This matter has been investigated and reported upon by Operation Herne.

Peter Francis has alleged that he was tasked to provide information on 'Black Justice Campaigns'. There is evidence that confirms the SDS did attempt to obtain intelligence in relation to 'black racial disorder' and 'black extremist politics' as early as 1969. Subsequent deployments in the late 1980's recorded the infiltration of 'black political groups in an attempt to anticipate any future public disorder.'

26.1.10 Prior to 1998 operatives produced their own original intelligence notes or records which were then shared with supervisors to enable intelligence reports to be created. These documents were not retained in their original form, but this should not be viewed with suspicion. SDS practice at the time was to destroy the original intelligence documents after the submission of the sanitised intelligence to 'C' Squad or at the conclusion of the operation. There are no original intelligence product files held on any operatives file prior to 1998 when computers were introduced. However, the intelligence product submitted to 'C' Squad has been retained and Operation Herne has now been able to attribute individual intelligence reports to the originating undercover officers.

26.1.11 Evidence of intelligence being reported regarding high profile 'Black Justice Campaigns' has been recovered. SDS operatives were tasked into support groups assessed by the MPS as having potential for violence and there is evidence that these groups associated themselves with, or attempted to align themselves with these emotive campaigns. This resulted in intelligence surrounding 'Black Justice Campaigns' being reported. It was common practice for an operative to report

back all of the information they obtained. The strategic methods employed by the SDS encouraged this as they were not obtaining evidence to support criminal investigations but intelligence to prevent public disorder.

As a result, what would today be classed as 'collateral intrusion' occurred. RIPA legislation specifically addresses the issue of collateral intrusion, but prior to the legislation there was at best limited consideration paid to the acquisition of personal information. Accepting this modern standard, at that time it was the role of the SDS to report all information and not differentiate between what may have been personal or private matters. The collection of such material did not always result in further dissemination as the majority of this information was filed within MPS Special Branch intelligence systems. What was ultimately disseminated to operational command teams was hugely sanitised and limited so as to best protect the source and the techniques.

26.1.12 Peter Francis claimed that SDS undercover operatives were arrested in their covert identities. This has been confirmed and Operation Herne has worked closely with the Criminal Case Review Commission in this regard. It is apparent that deployed officers would on occasion be arrested for committing minor criminality with members of their target group. This matter remains under investigation by Operation Herne and where appropriate will be referred to the CPS and findings will be subject of future reporting to the CPS and the Commissioner. There is no evidence to suggest that Peter Francis was ever arrested or charged with any criminal offence.

Operation Herne is proactively examining the individual cases it has identified. It will be essential to fully investigate the potential impact of this practice to establish if any matter requires referral to and consideration by the CPS.

26.1.13 Peter Francis claimed that he gathered intelligence on Trade Union Activists and passed it to a 'Blacklisting agency'. He claimed that he provided information regarding two individuals and that their details subsequently appeared on the 'list'.

The 'Blacklist' maintained by a commercial enterprise known as The Consulting Association was a record of individuals it believed to have disruptive or subversive stances that could adversely affect the workplace. Operation Herne is currently investigating claims that Special Branch routinely shared information with the organisations responsible for managing the 'Blacklist'. There is no evidence to suggest that Special Branch or the SDS shared information and historical MPS Special Branch documents providing explicit instruction forbidding this practice exist.

Peter Francis claims to have been deployed between 1993 and 1997. The Consulting Association record is dated 1999, two years after Peter Francis' claim of alleged deployment ceased. There is no information to link the events and there is witness testimony denying that the practice occurred. There is no evidence that any SDS intelligence was shared with the Consulting Association.

26.1.14 The original intelligence product file of SDS undercover officers was routinely destroyed in line with SDS practice. A review of the groups into which Peter Francis claims he was deployed has taken place and detailed searches of MPS indices have been conducted in an attempt to identify what reporting did occur. Operation Herne has now been able to establish and identify the reporting of undercover officers at this time and conclusively attribute intelligence to specific operatives.

26.1.15 There is no suggestion from the information reviewed that there was ever any MPS or Special Branch tasking to 'smear' the Stephen Lawrence family or that any intelligence could have been used in this way. The focus of the SDS was to report and assist in the prevention of public disorder. There is minimal reporting within YRE and Militant Labour files that refers to the Stephen Lawrence family. This is in the form of a 'flyer' and a reference to Stephen's inquest. Peter Francis claimed in interview to have failed in his alleged task.

26.1.16 The allegation of FLO's reporting intelligence to SDS or Special Branch has been examined and there is no evidence to support this. The appointed FLO's and the SB liaison officer all deny this occurred. There is no intelligence to suggest that this happened. SDS exposure to major crime SIO's or borough liaison officers did not take place due to the secretive nature of the unit and the concern surrounding their operational security.

26.1.17 The allegation that Peter Francis was tasked to smear Duwayne Brooks or view images to associate him with criminality from which he was subsequently charged appear to be untrue.

During media interviews Peter Francis claimed that in the month after Stephen's death he was tasked in relation to Duwayne Brooks. Peter Francis has publicly suggested that in May 1993 he was not an active operative. Peter Francis claims he was deployed in September 1993, he also claims that initial planning to target the anarchist movement. He claims this strategy was altered at short notice by supervisor.

There is no documented evidence of any involvement of Peter Francis in the identification process of Duwayne Brooks for serious public order offences. There are complete records including statements and identification material that provides

robust evidence that the identification of Duwayne Brooks in September 1993 was an evidentially sound procedure that adhered to policy and did not involve any member of the SDS.

It is highly likely that SDS operatives were involved in other intelligence gathering identifications post public disorder. This was not an uncommon practice for SDS operatives. It is credible that serving SDS operatives were tasked to view images from a second Welling Riot in October 1993.

There is intelligence reporting on Duwayne Brooks from another undercover officer. This reporting emerges from Duwayne Brooks' relationship and association with a potentially violent protest group that attempted to influence the Stephen Lawrence family campaign to further its own ethos. Some of the reporting contains personal information that does not relate to public disorder.

26.1.18 Allegations that Peter Francis was made to withhold information from the Macpherson Inquiry have not been substantiated. SDS and Special Branch managers refute the allegation that any person ever approached them to reveal the SDS involvement to Sir William Macpherson.

There was an undercover officer deployed into a protest group closely associated to the Stephen Lawrence family campaign. This officer denies ever being tasked to infiltrate the family although readily accepts that they reported intelligence regarding both the family and Duwayne Brooks. The officer attended the Public Inquiry together with members of their target organisation to report on potential public order and to maintain cover and credibility. The officer did not report on the content of the hearings that they witnessed. This individual's intelligence has been located and examined by Operation Herne.

The existence of this officer was never disclosed to the Macpherson Inquiry. Non disclosure of SDS activity will be subject of further investigation. It is apparent that the SDS utilised their desire to maintain operational and personal security, their intelligence only remit, the secrecy afforded by Special Branch and historical Home Office approval to operate outside of expected standards of disclosure.

There is evidence that a member of the Stephen Lawrence Review Team engaged with this officer in August 1998. SDS managers reported this and documented the content of the meeting. The record discussed how the MPS should respond to the charge of institutionalised racism. It also discussed the MPS response to the second phase of the Inquiry and the potential for public disorder. It also commented on how to regain the trust of the black community.

26.1.19 A large number of officers holding roles within the SDS or within management positions at the time, including the Commissioner, have been interviewed. All but one emphatically deny the allegations made by Peter Francis in relation to the Stephen Lawrence family. The one dissenting provides hearsay evidence.

This individual made a statement that they were aware of tasking into the Stephen Lawrence family. This officer was not in post during Peter Francis's alleged deployment. They were recruited as DI in 2005. The officer provides hearsay evidence having left the unit in 2008 in discordant circumstances. In excess of 100 witnesses have been interviewed regarding the allegations of Peter Francis. Only a very small number of officers have not engaged with Operation Herne. Some may hold relevant information. N86 was responsible for the SDS recruitment and tasking strategy in 1993, and have refused to engage.

26.1.20 Any SDS tasking pre dated the National Intelligence Model. Tasking of the SDS was a complex matter. The existence of the SDS was an absolute secret outside of Special Branch and only a few individuals within Special Branch were made aware. Tasking of the SDS took place at management level. SDS would liaise with Special Branch 'C' Squad who received their intelligence. 'C' Squad would disseminate intelligence and request tasking of operatives when appropriate. Witnesses indicate that there was no such tasking in relation to the Stephen Lawrence family.

In 1999, following the accidental disclosure of an appendix from the Macpherson Inquiry an officer from the witness protection unit was assigned by DAC Grieve to the Stephen Lawrence family. The officer's role was to assist and provide advice to the family regarding their personal security and safety. This role continued for several years.

26.1.21 This officer had unprecedented access to the family. At no point was this officer requested to provide information about the family by any member of the MPS. Records confirm that they did not record anecdotal information. This individual was in a unique position and could have easily gained far more information than any undercover intrusion.

27 Findings

27.1 In conclusion no evidence has been discovered to confirm that:

- Peter Francis was tasked to smear the Lawrence family or their campaign
- He was tasked to smear or investigate Duwayne Brooks
- He was tasked to provide information on 'Black Justice Campaigns'
- Managers within Special Branch prevented Peter Francis from making disclosures to the Macpherson Inquiry
- FLO's shared information with Special Branch
- Peter Francis obtained information which was subsequently provided to the Consulting Association.

27.2 Some allegations of Peter Francis are credible and can be corroborated:

- SDS use of deceased children's identities
- Inappropriate sexual relationships took place

27.3 These later matters are subject of continued investigation by Operation Herne, as is the issue of SDS officers being arrested, giving evidence at court in false names and of their substantive involvement not being properly disclosed in judicial proceedings.

27.4 The fact that Peter Francis has not assisted the investigation initially frustrated the search for the truth; however, the Inquiry has established the facts through extensive investigation, the examination of records and the testimony of witnesses.

27.5 There are a number of matters that require further detailed criminal and misconduct investigation. These relate principally to the tactics and methods employed by the unit. These matters, mostly documented within SDS guidance are no doubt issues that impacted upon the deployment of all SDS operatives. All matters under investigation have been referred to the Independent Police Complaints Commission who supervise a number of individual strands.

27.6 Throughout its existence of the achievements of SDS undercover officers should not be under estimated. Their deployments significantly contributed to the security and safety of the United Kingdom.

27.7 For the majority of its existence the SDS operated without the guidance and rigour of appropriate legislation. Intelligence deployments and the careful dissemination of sanitised intelligence prevented judicial examination of evidence. The secrecy and insular nature of the unit limited but should not excuse opportunities for intrusive

management. The SDS evolved internally to deal with the significant challenge of long term deployment of undercover officers into committed and resourceful potentially violent protest groups across the political sphere. This process was managed by the coaching and mentoring of officers by peers and previous operatives. It must be acknowledged that some of the tactics utilised at the time were inappropriate and do not appear to have been scrutinised by senior managers.

27.8 Due to its isolation the unit failed to evolve and take appropriate cognisance of developments in legislation, case law and practices within other areas of undercover work. This promulgated what must be considered as inappropriate advice and practice.

27.9 Upon the amalgamation of SO12 and SO13 to form the new Counter Terrorism Command (SO15) external managers were introduced to the SDS. These managers with SO10 experience attempted to enhance the unit, ensuring compliance with nationally recognised standards. These managers ultimately introduced significant challenge, sought to bring in new ways of working and ultimately in 2008 the unit was disbanded.

27.10 It is apparent that the closure of the unit in 2008 coincided with changes in operational focus and a desire within the MPS and undercover policing nationally to learn from previous lessons and further professionalise undercover policing

27.11 Introduction of RIPA legislation, adoption of accredited training for all operatives and the introduction of Authorised Professional Practice for undercover officers deployments has now provided a robust framework. Added to this is a proper legislative framework for granting authority , reviewing and renewing undercover deployments, coupled with external scrutiny provided by the Office of the Surveillance Commissioner. This new national landscape minimises the opportunity for individual officers or accredited units to work outside of recognised guidance. None of the practices identified by Peter Francis in relation to the use of deceased children's identities or inappropriate relationships would be condoned or authorised today.

27.12 The authority process associated with the deployment of undercover officers has developed significantly and the long term deployments associated with the SDS would not now be permitted without appropriate oversight, governance and intrusion. It is a fact that for a time and post RIPA, the National Public Order Intelligence Unit (NPOIU) worked in a similar fashion to the SDS. The NPOIU developed its tactics and practices from the SDS and indeed some officers moved from the SDS to the NPOIU when it was created.

27.13 Recent developments with a Memorandum of Understanding between CPS and ACPO together with the RIPA Order 2013 provide additional ACPO and OSC oversight and approval for undercover operations. The current HMIC inspection will also provide reassurance and assist in restoring public confidence.

27.14 Operation Herne has focused upon the public allegations of Peter Francis and found that other than the concerns around live criminal investigations and civil actions his claims lack credibility and cannot be substantiated. The matters under investigation by Operation Herne will be subject of separate reporting to the MPS Commissioner which will ensure accountability of those involved.

27.15 Operation Herne is an independent Inquiry working closely with the CCRC, CPS and under the supervision of the IPCC. The terms of reference agreed for the Inquiry provide Operation Herne with the ability to investigate all allegations of criminality and misconduct that have been alleged.

27.16 The operation is also examining and will subsequently explain the creation of the unit and how it operated throughout its existence. This work will deal with the myriad of associated issues such as recruitment and selection, supervision and management, deployment and tasking, intelligence collection and dissemination, involvement in criminality and disclosure, links to other agencies, forces and countries and the range of groups infiltrated and any associated rationale. In addition the operation will explore and explain the development of undercover policing both within the SDS and nationally.

27.17 Operation Herne has already investigated and reported upon the use of deceased children's identities and provided significant reassurance in relation to the extent of this practice and identified that it no longer occurs.

27.18 There are a number of other strands that will be reported to the Commissioner in due course. Operation Herne is tasked to ensure that all matters are investigated proportionately and comprehensively and seeks to ascertain the truth, identify learning and make recommendations in relation to criminal or misconduct proceedings.

27.19 It is acknowledged the majority of undercover officers conducted themselves professionally and with integrity. They undertook difficult and dangerous work in challenging circumstances. Their endeavours undoubtedly led to the saving of lives, the protection of property, the disruption of extremist groups and prevented serious public disorder. The personal risks to undercover officers and their families which are a consequence of these deployments mean that we all have a duty of care in managing the continuing risk to their personal safety and security.

Operation

Herne

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