



**METROPOLITAN  
POLICE**

## TOTAL POLICING

<b>Freedom of Information Act Publication Scheme</b>	
<b>Protective Marking</b>	<b>Not Protectively Marked</b>
<b>Publication Scheme Y/N</b>	Yes
<b>Title</b>	Operation Herne - Report 3
<b>Version</b>	
<b>Summary</b>	Operation Herne - Report 3 - Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns
<b>(B)OCU or Unit, Directorate</b>	
<b>Review Date</b>	July 2018
<b>Date Issued</b>	July 2014

Operation

# Herne

Special Demonstration Squad Reporting:  
Mentions of Sensitive Campaigns

July 2014

**Mick Creedon**

Chief Constable Derbyshire Constabulary



## Contents

- 1 Introduction - p1
- 2 SDS Statement of Purpose - p8
- 3 Entryism - p9
- 4 Authorities - p9
- 5 Collateral Intrusion - p10
- 6 Intelligence Flow from SDS to 'C' Squad - p12
- 7 Document Retention and Disposal - p13
- 8 Search Parameters - p15
- 9 Indices - p15
- 10 Operation Trinity - Peter Francis Allegations - p17
- 11 N81 Account - p20
- 12 Intelligence Reporting on Individuals - p22
- 13 Conclusion - p24

# 1 Introduction

- 1.1 **Operation Herne** is the title given to the independent investigation led by Derbyshire's **Chief Constable Mick Creedon QPM** into the **Special Demonstration Squad (SDS)**. The SDS was a covert unit of the **Metropolitan Police Special Branch (MPSB)**. 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.
- 1.2 This report examines "collateral reporting" and "mentions" of Justice Campaigns recorded within SDS intelligence submissions. Following the Peter Francis allegations that the SDS targeted the family of murdered teenager Stephen Lawrence, Operation Herne has investigated the extent of similar information held within SDS documentation.
- 1.3 This report will refer to SDS reporting on a number of Justice Campaigns. A "Justice Campaign" would usually form as a result of family or public concerns surrounding the:
- Investigation, detention or treatment of a subject who died in police custody,
  - Investigation, detention or treatment of a subject who died following police contact
  - Victim of a murder
  - High profile prosecution or investigation
  - Miscarriages of Justice

The majority of these cases involved black males, hence the commonly used term "Black Justice Campaign."

- 1.4 Operation Herne has identified emerging evidence that in addition to the Stephen Lawrence Campaign, a number of other Justice Campaigns have been mentioned within SDS records. Seventeen such Justice Campaigns have been identified so far. These range between 1970 and 2005 and are as a result of deaths in police custody, following police contact and the victims of murders. It is the intention of Chief Constable Creedon and Operation Herne to inform all of the families involved and share, where possible the knowledge and information held. This process will inevitably take time to research and complete given the historical profile of many of the events and the natural difficulties in tracing some families. The work to identify such families or campaigns continues and those identified will be personally appraised of the detail by investigators from Operation Herne.

- 1.5 Operation Herne is treating this matter with the utmost sensitivity having resurrected potentially difficult memories and emotions from some years ago. Operation Herne does not intend to publicly identify the grieving families involved to ensure that their privacy is respected and that no further distress is caused.
- 1.6 Operation Herne will also seek to ensure that no SDS undercover officer is identified, compromised or exposed to any increased risk and threat through this report.
- 1.7 The SDS utilised a “Statement of Purpose” that guided their operational activity and explained their role. This statement evolved over time and can best be described as an organic document. In 1998, it detailed their objective as *“providing quality service in the gathering and dissemination of high grade intelligence concerning terrorism, public order events, the activities of groups involved in politically motivated crime and crime related to animal rights and environmental activity”*. To achieve this, they infiltrated groups assessed as being capable of violent protest.
- 1.8 The Home Office Guidelines on Special Branch Work in Great Britain dated July 1994 give specific detail about the role of Special Branches and their requirements. It states:
- “Special Branches exist primarily to acquire intelligence, to assess its potential operational value, and to contribute more generally to its interpretation. They do so both to meet local policing needs and also to assist the Security Service in carrying out its statutory duty under the Security Service Act 1989 - namely the protection of national security and, in particular, protection against threats from espionage, terrorism and sabotage from the activities of agents of foreign powers and from actions intended to overthrow or undermine parliamentary democracy by political, industrial or violent means.”*
- 1.9 The guidelines continue by stating, *“.....In order to discharge their role in maintaining the Queens Peace, Chief Officers need accurate assessments of the public order implications of events such as marches and demonstrations. They need such an assessment in order to ensure:*
- *the physical safety of participants and the wider public.*
  - *that the rights of the participants to participate and of members of the wider public to go about their lawful occasions are upheld: and*
  - *that proportionate and cost effective policing arrangements are made to deal with any likely disorder or violence.”*

- 1.10 They further state: *“Because of the particular sensitivity of [Special Branch] information concerned it is essential that only information relevant to those functions is recorded. Close attention to [terrorism, espionage, sabotage, subversion and counter proliferation] is necessary in deciding what information should be recorded. Data on individuals or organisations should not under any circumstances be collected or held solely on the basis that such a person or organisation supports unpopular causes or on the basis of race or creed.”*
- 1.11 *“It is also important to ensure that, wherever possible, information recorded about an individual is authenticated and does not give a false or misleading impression. Care should be taken to ensure that only necessary and relevant information is recorded and retained. Each Special Branch should therefore maintain an effective system for both updating information where necessary and for the identification and destruction of information which can no longer be clearly related to the discharge of its functions.”*
- 1.12 It concludes by adding *“The collection and analysis of intelligence for Chief Officers about threats to public order remain a key Special Branch responsibility. Chief officers do, in addition, routinely look to other parts of their organisation to provide information on public order events where the possibility of politically motivated violence or subversive influence does not arise. Whether or not the Special Branch is involved, the need for a police assessment of the likely conduct of a march or demonstration does not imply any police interest in the nature of the views being championed, or any interference with the rights of peaceful protest within the law...”*
- 1.13 Operation Herne has identified many brave and innovative operations that were undertaken and some hugely courageous and good covert operatives who provided a valuable service in keeping the communities of London and further afield, safe over many years. In considering this report and the work of the undercover officers it is important that this fact is recognised.
- 1.14 Despite the above, Operation Herne has identified some behaviour that was not appropriate and in time will report upon the culture, leadership and management of the unit which was insulated from both internal scrutiny by the **Metropolitan Police Service (MPS)** Executive Leadership of the day and any realistic parallel external scrutiny. Over the forty years that the unit existed, senior MPS management of the day either knew nothing about the existence and activities of the unit, or when they did they appeared to have allowed the SDS to exist in secret

isolation in a manner that was complacent and possibly negligent. The secrecy added to the culture and complacency of some SDS managers. Operation Herne is already investigating potential acts of negligence, misconduct and even criminality by some. This work will continue, and will identify further vulnerabilities for the MPS.

- 1.15 This report intends to detail some identified vulnerability for the MPS in terms of the collateral reporting or mentions of high profile London based Justice Campaigns recorded within SDS intelligence submissions. Following the recent allegations of Peter Francis that the SDS targeted the family of the murdered teenager Stephen Lawrence, Operation Herne has investigated the extent of similar information held within SDS documentation.
- 1.16 Operation Herne has examined the information and intelligence that the SDS undercover officers reported on identified Justice Campaigns and this report seeks to explain the context in which the information or intelligence was obtained. The report is restricted to those campaigns identified by officers working within Operation Herne - it may still be that there are a number of other campaigns, London based or elsewhere, where there was also SDS reporting of information or intelligence. Elements of the work of the SDS have already been extensively reported on, and have described their long term deployments into groups assessed at the time as having the potential to carry out significant crime or be involved in violent protest. It was inevitable that officers deployed within the target organisations would as a result of their covert deployment receive information or develop knowledge about a wide range of issues and this report explains how officers received information regarding Justice Campaigns, primarily through conversations held in public meetings.
- 1.17 The practice of SDS undercover officers working covertly was not to use pocket notebooks or corroborate their information. As a result the knowledge, intelligence and information they amassed was passed in its entirety to their supervisors and managers who were ultimately responsible for recording, analysing, editing, sanitising and the onward dissemination of the information they received. On many occasions this resulted in much of the intelligence product they received being recorded unedited and then retained within SDS and the MPS Special Branch records. There is no evidence of onward dissemination of this intelligence, bringing into question the very collection and retention in the first place.



- 1.18 Whilst it is understandable that there are concerns about the routine covert collection and retention of material with limited operational value, it is a fact that this is how the SDS was expected to work. It is wrong to criticise individual officers as this was how they were trained and deployed, just like a covert listening device or surveillance camera would record everything 'overheard' or 'seen'. Given the tactic, the gathering of this information is unavoidable. However, once gathered all information should be considered in terms of collateral intrusion, retention, further dissemination and weeding.
- 1.19 This report is very clear that any criticism should be aimed at those who created and maintained the structures, systems, processes and culture within the SDS and the MPS Special Branch. It is this that led to the routine collection and retention of such sensitive knowledge and information, and line managers should have taken responsibility for properly assessing this information for relevance and then treating it appropriately.
- 1.20 The SDS undercover officers, deployed in isolation, routinely gathered all of the information and knowledge that they became aware of and passed it on to a line manager through either verbal or written communication. The operatives, working without specific and detailed objectives or 'use and conduct' guidelines now commonplace in **Regulation of Investigatory Powers Act 2000 (RIPA)** authorities of today, would not themselves filter the information that they had become aware of. Operatives would gather and report all of the detail relevant to the groups that they infiltrated.
- 1.21 This report is highly critical of the management of SDS undercover officers' product that came from their authorised covert deployments and in some cases were focused on obtaining knowledge rather than intelligence that was not in respect of "*terrorism, public order events, the activities of groups involved in politically motivated crime and crime related to animal rights and environmentalist activity*" as outlined in the somewhat aspirational "Statement of Purpose."
- 1.22 Although it is apparent that the knowledge obtained was not disseminated outside of MPS Special Branch, Operation Herne has discovered that the SDS did report a range of information regarding campaigns for justice and even allowing for the collection as a consequence of the deployment, much of this information did not meet the requirements stated within the 'Statement of Purpose' and should not have been retained.

- 1.23 It is important to recognise that the SDS and the covert operatives did not directly ‘target’ such campaigns but became exposed to them as a result of the activities of the groups that they had infiltrated – often for many years. These protest groups aligned or associated themselves with the family’s campaigns for justice. Very often, family members and representatives of these Justice Campaigns would attend a range of public meetings in order to promote their respective message to the authorities. Representatives would include close family friends, community leaders, other supporters and solicitors representing the families.
- 1.24 **Whilst Operation Herne reporting has referred to “intelligence” and “information” gained by SDS undercover officers, in reality most of the detail subject of this report that was collected and subsequently retained about these Justice Campaigns was little more than “mentions” and the information submitted was normally in the public domain and had been openly discussed at the public meetings.** Although targeted at identified specific protest groups, SDS practice was to report all of the information and knowledge they accumulated. Once collected MPS Special Branch managers would then assess and analyse this knowledge, sanitise and share with other MPS Special Branch indices. Often these “mentions” reported by SDS undercover officers would simply be a direct reporting and repetition of opinions and speeches voiced at these meetings, and the information was rarely disseminated further across the MPS.
- 1.25 This practice of the mass collection and retention of ‘knowledge’ identified by Operation Herne undoubtedly begs the question, *“Why report, record and retain this information if it provided no operational benefit in targeting crime or preventing disorder and if it was not disseminated outside Special Branch for any operational or investigative purpose?”*
- 1.26 At this time Operation Herne has not identified a documented rationale or policy decision for the collection and retention of this material. It simply appears that this had become the standard practice developed by the SDS and MPS Special Branch and as new undercover officers were recruited, this was the operating methodology they were taught. SDS undercover officers were trained by their peers and even when the **National Undercover Training Course (NUTC)** was developed in the 1980s and 1990s, SDS officers did not attend it meaning their internal operating philosophy was unchanged and effectively unchallenged. In

some cases it is appropriate and in fact necessary to report and retain certain covertly collected detail to provide context around specific information and thereby assist the informed assessment of potential serious public disorder and the appropriate policing of such events. Operation Herne has found evidence that supports that the SDS operated in this way.

1.27 However to date, Operation Herne has clearly established that this general operating methodology and the mass of information stored in MPS Special Branch records was not always subject of consideration in terms of the collateral intrusion it should have commanded by today's standards. The current **Management of Police Information (MOPI) guidance 2010 (second edition)** provides clear guidance that the collection, recording and retention of such information would not be justified unless in order to:

- Protect life and property,
- Preserve order,
- Prevent the commission of offences,
- Bring offenders to justice and
- Any duty or responsibility arising from Common or Statute law.

Some of the information recorded clearly did not meet this criteria.

## 2 SDS Statement of Purpose

- 2.1 The Special Operations Squad (SOS)** was formed in 1968 by the MPS Special Branch in response to mass Anti-Vietnam War demonstrations in Grosvenor Square, London. From March to October 1968 a small number of Special Branch officers were deployed to mass public order and political protests. Their role was to assimilate themselves with the protestors and report back on the tactics used by demonstrators, the numbers expected on particular demonstrations and identify the core participants.
- 2.2 From its inception in 1968, the SOS was directly funded by the Home Office and reviewed firstly on a six monthly basis and subsequently on an annual basis until 1989, when responsibility and long term funding was handed to the MPS. The SOS was renamed Special Demonstration Squad (SDS) between November 1972 and January 1973.
- 2.3 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 Detective Chief Inspector which detailed the unit's activities.
- 2.4 The first detailed ideology or 'Statement of Purpose' for the SDS is recorded on **26th November 1968**. It reads as follows:
- "The primary object is to provide information in relation to public order problems: the secondary by-product is that our knowledge of extremist organisations and individuals active in them is considerably enhanced."*
- 2.5 The 'Statement of Purpose' further stated that: *"The advantages to be gained by using police officers rather than relying on traditional methods are:*
- *The information gained in this way is more accurate because the information gatherers are trained observers.*
  - *The delay occurring when the authorities have to wait for public announcements, or the reports of informants is eliminated.*
  - *We are able to make much more accurate assessments of future trends and developments."*
- 2.6 The 'Statement of Purpose' evolved over time (as is reflected in the 1998 Statement of Purpose referred to earlier" and in 1997, the name of the unit changed from the Special Demonstration Squad to the **Special**

**Duties Section.** The reasoning behind this change was recorded at the time as “...to reflect the increasing remit, and to meet customer requirements.” This change was implemented by the Detective Inspector and Operation Herne cannot find any more senior level involvement in this change, which also dealt with the unit having a more national focus. This is highly surprising and demonstrates the considerable autonomy and influence that the Detective Inspector had within the management structure of the unit, and the apparent lack of Senior Management and Executive oversight.

- 2.7 As the unit developed, they infiltrated groups assessed as capable of violent protest. These politically motivated groups would, in an attempt to further their own cause, associate themselves with other groups and causes.
- 2.8 This was achieved using the tactic of “entryism”.

### 3 Entryism

- 3.1 **‘Entryism’** is defined as *‘the infiltration of a political party by members of another group, with the intention of subverting its policies or objectives’*. Groups targeted by the SDS used this tactic to reach a larger audience and to recruit more members. Lesser known activists utilised entryism to promote their own political agendas. The same tactic was used by violent protest groups to exert influence on a number of Justice Campaigns. As a result it was inevitable that undercover officers would find themselves reporting on the Justice Campaigns that were linked, at some stage, to these organisations.

### 4 Authorities

- 4.1 When the SDS was instigated in 1968 there was no specific legislation covering covert policing and undercover activity and the first clear guidance came with a **Home Office circular dated in 1969**. The original authorisation for deployment of SDS undercover officers was contained in a letter from the Home Office on **16th December 1968**. Until 1989, continual authority and funding for SDS operations remained with the Home Office, although individual deployments were authorised by **Commander Operations, Special Branch**.

- 4.2 From 1989 until the implementation of RIPA, annual authorisation of the SDS operation became the responsibility of the **Assistant Commissioner Specialist Operations (ACSO)**, while Commander Special Branch continued to act as signatory authority for individual operations. The only guidance or legislation provided pre RIPA was Home Office Circular 97/69.

## 5 Collateral Intrusion

- 5.1 **Collateral Intrusion** is a term that was introduced following the introduction of RIPA which provides the legislative framework for a range of covert law enforcement activity, including the use of **Covert Human Intelligence Sources (CHIS)**. A CHIS can either be a warranted officer (and undercover officer) or a non-police source, previously referred to as an “informant.” RIPA defines collateral intrusion as “**private information**” and it is covered under **Section 26 (10)** of the Act. It states “**private information in relation to a person, includes any information relating to his private or family life.**” This definition in itself is quite broad and can be interpreted in a variety of ways. Whilst collateral intrusion is now widely understood, and often referred to, this was not the case prior to RIPA, and it was not something routinely considered during covert deployments.

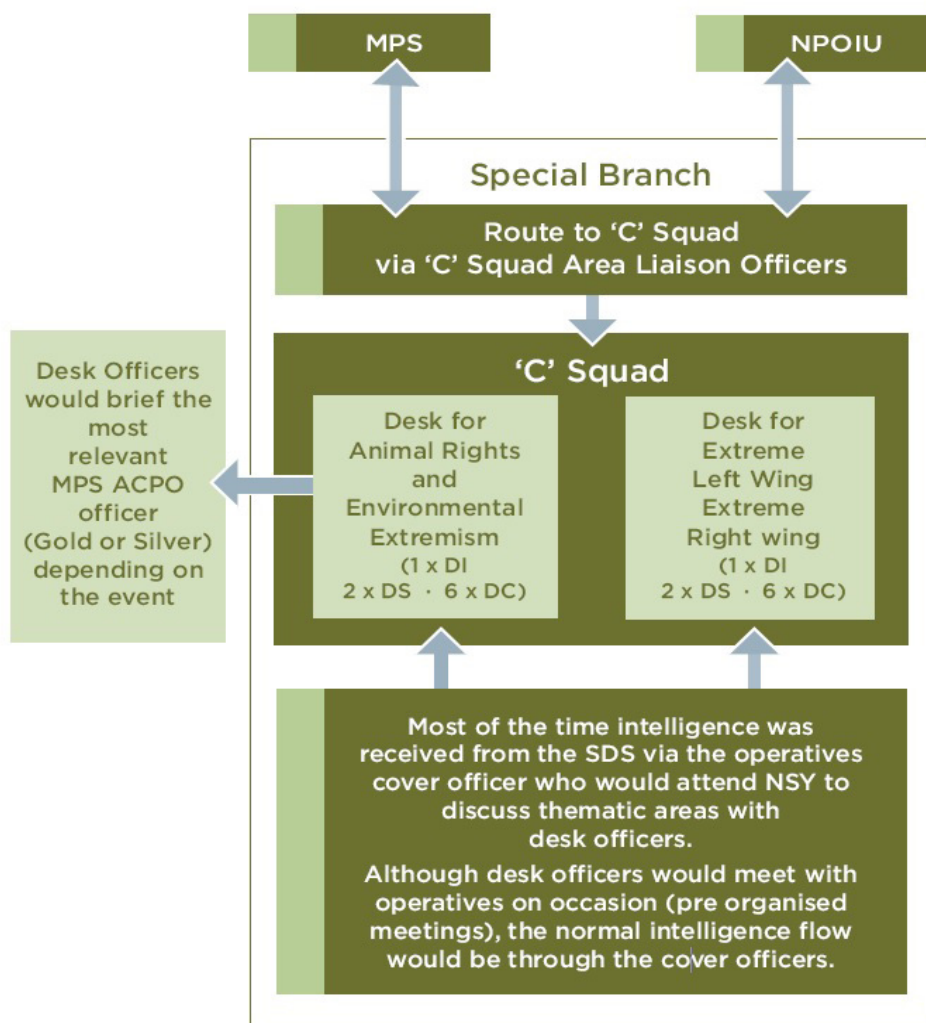
The post RIPA / National Undercover Course provides instruction regarding collateral intrusion. Apart from dealing with RIPA, the **National Undercover Training Assessment Centre (NUTAC)** course created in the late 1980s was consistently updated to reflect legislation requirements including **Criminal Procedure and Investigations Act 1996 (CPIA)**. However as the SDS worked in isolation they did not undertake this training.

- 5.2 “SDS targeting strategies” were fluid and SDS undercover officer’s deployments were subject to dynamic alteration dependent upon the intelligence and what the SDS management referred to as ‘customer requirements’. The nature of the SDS deployments and their gathering of knowledge, information and intelligence meant that it was inevitable that there would be the potential for significant collateral intrusion. There is no question that the management of such information and collateral intrusion should have been subject of greater scrutiny and control within the MPS as a whole and in particular MPS Special Branch.

- 5.3 There is no mention of collateral intrusion or the consideration of obtaining private information in the pre RIPA targeting strategies or authorities within the SDS records. Even post RIPA when this was enshrined in legislation, there is only very brief reference to this necessary requirement in the authorities. In terms of how the SDS worked, this reflects the fact that their methodology failed to keep pace with the broader developments and advances in covert and undercover policing. Operation Herne has spoken with numerous SDS undercover officers and they have confirmed they received no training in respect of collateral intrusion and their collection of intelligence and information took no account of such considerations. As stated, had the SDS undercover officers received the available national undercover training of the time and had the post RIPA management and authorising officers complied with the law, there should have been less recording of sensitive information as outlined in this report.
- 5.4 The only evidence regarding any effective management of collateral information is the fact that the identified intelligence reports submitted by the SDS to MPS Special Branch were all prefaced with the term ***'no downward dissemination without reference to Commander Special Branch'***. It is abundantly clear that this matter was not given the consideration and application that would be expected by today's RIPA Authorising Officers or from the Office of Surveillance Commissioners who oversee such activity by law enforcement.
- 5.5 In considering the activity and record keeping, it is clear that information that did not relate to the primary objectives should not have been retained or shared with the broader Special Branch. Having stated this, given the clear remit of the SDS, it was essential that intelligence with a direct bearing upon potential public disorder was collected and shared and would necessarily require reference to the event or location. This may involve naming the individuals or the campaigns involved.

## 6 Intelligence Flow from SDS to C Squad

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





## 7 Document Retention and Disposal

- 7.1 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.
- 7.2 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. Also that they are easily retrievable when required and are disposed of either by destruction or transfer to an archive at the appropriate time.

### 7.3 **Management of Police Information (MOPI)**

The code was initially developed by the Home Office under the Police Act 1996 and 1997. This developed further following the **Bichard Inquiry** which looked at information availability failures relating to the Soham murders in July 2002. The Home Office produced a Code of Practice for the Management of Police Information which was published **14th November 2005**. 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). This led to the publication of the **Association of Chief Police Officers (ACPO) Guidance to Management of Police Information** in 2006.

- 7.4 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 and
  - Any duty or responsibility arising from Common or Statute law.

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

#### **7.5 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 the MPS 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 Section 7 of that document or any corporate MPS Retention and Disposal Schedule that may be published.

- 7.6 Registered files are reviewed and, where appropriate, destroyed by the MPS Records Management Branch. The responsibility for the disposal of non-registered records rests with local management. Records over twenty 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 Search Parameters

- 8.1 To identify reporting, each individual campaign was searched across three databases containing all documentation held by Operation Herne. A search of the “Commander’s Archive” was also performed.
- 8.2 Across the databases there is considerable duplication of documents, and some documents were found to contain more than one variation of a name. As a result all documents identified had to be individually reviewed to establish their relevance to this enquiry. Only fully verifiable identifications of the names were considered as ‘traced’ based on the context of the information provided.

## 9 Indices

### 9.1 HOLMES / ALTIA

‘**HOLMES**’ - **Home Office Large Major Enquiry System** is an investigative tool. **ALTIA** is a system that scans and stores documents and has a search function that can include “Boolean” searches for either strings of characters or for whole words together with other words included in the same document. This also includes scanned SDS original paper documents which were generated in the pre-computer era.

### 9.2 Hard Drive

The **Hard Drive** contains electronic copies of documents that were created by the SDS. These include intelligence reports, policies and correspondence. Intelligence reports on the Hard Drive have also been found within MPS Special Branch records in a sanitised version. SDS files from the 1970’s to the early 1990’s do not exist in electronic format on the Hard Drive as computers were not common place at this time.

### 9.3 Forensic Tool Kit (FTK)

The **FTK** enables a more precise search method of the material held within the Hard Drive whilst preserving its integrity. Importantly the FTK can also access and display deleted or corrupted files which the Hard Drive system on Microsoft Word cannot.

#### 9.4 Special Branch Records

MPS Special Branch records is an information storage system that holds intelligence handled within Special Branch unsuitable to be stored on other MPS databases. It contains documents that have a protective marking of “Secret” or below. This allows for the receipt, assessment, creation, amendment, deletion and dissemination for entry onto the **National Special Branch Intelligence System (NSBIS)**. For the purposes of this initial report, only those records identified as relating to the SDS have been scanned onto ALTIA and have been reviewed.

#### 9.5 Commander’s Archive

This archive contains sensitive documentation which is not stored in MPS Special Branch records. A search of the document titles contained within the Commander’s Archive spreadsheet was completed and those files identified as relevant to this enquiry then examined.

## 10 Operation Trinity - Peter Francis Allegations

- 10.1 On **24th June 2013**, **Peter Francis** publicly identified himself claiming to be an ex-SDS undercover officer. He appeared on the **Channel 4 Dispatches** programme where he made a series of allegations. The allegations were further repeated within the book '**Undercover - The True Story of Britain's Secret Police**' and widely reported within the national media.
- 10.2 The media articles, broadly reflect the following claims:
- SDS "targeted" 'Black Justice Campaigns' that were formed in response to deaths in police custody.
  - SDS officers were tasked to obtain intelligence that might be used to 'smear' the Stephen Lawrence Campaign and his family.
  - SDS officers were tasked to obtain intelligence that might be used to 'smear' Duwayne Brooks.
- 10.3 As a result of these serious allegations, Operation Herne commenced an investigation into his claims. The **Home Secretary Theresa May** also tasked **Mark Ellison QC** to complete a review of the role undercover policing held within the original investigation into the murder of Stephen Lawrence as a part of his wider review into MPS corruption and the murder investigation. Operation Herne worked closely with Mr Ellison and played a pivotal role in identifying and disclosing all the relevant material and intelligence held, to him, to assist him in his task and complete the report that was ultimately laid before Parliament.
- 10.4 Operation Herne has proactively sought to interview Peter Francis in respect of his allegations. To date, despite numerous requests, he has refused to engage with the enquiry team. Peter Francis has however provided an account to Mr Ellison, and instructed him not to share this account with the Operation Herne Enquiry Team.
- 10.5 On the **6th March 2014** Mr Ellison's report detailing his findings was published by the Home Secretary who subsequently announced that a Public Inquiry would be held into the SDS and undercover policing. On the same day, Operation Herne publicly reported its findings under the title "**Operation Trinity**" following an investigation of the allegations of Peter Francis. The findings of both Mr Ellison and Operation Herne regarding the SDS confirmed there was no witness or documentary evidence to support the allegations of Peter Francis.

- 10.6 Within his report Mr Ellison made specific comment surrounding the deployment of an SDS undercover officer identified as **N81** who reported some knowledge relating to the family of Stephen Lawrence. N81 accompanied their target group when they attended the **Macpherson Inquiry**. Mr Ellison referred to N81 as ***“...a MPS spy in the Lawrence Family camp during the course of judicial proceedings in which the family was the primary party in opposition to the MPS.”*** This description was used by the Home Secretary in her response to Parliament and it resulted in extensive and occasionally inaccurate media reporting and widespread public condemnation of what was interpreted as the deliberate deployment of an undercover officer directly into a murder victim’s family and their subsequent campaign for justice.
- 10.7 The Ellison report also strongly criticised the failure to reveal to the Macpherson Inquiry the role of N81 and their sporadic attendance both outside and within the venue. It states: ***“...We believe that revelation to the Public Inquiry of what is now apparent in terms of the nature of the undercover policing around the time of the Inquiry and the use that was made of it, would have greatly troubled the Chairman of the Inquiry and his advisers as it troubles us, the Commissioner at the time and the Deputy Commissioner at the time, as well as others who were on the Lawrence Review Team who were unaware of it.”***
- 10.8 This criticism is also reflected within the Operation Trinity report, which states, ***“...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 judgment on how to deal with the matter. It is quite apparent that the SDS ethos and culture of total secrecy caused this failure.....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.”***
- 10.9 The focus on N81 emanated from a meeting on **18th August 1998** instigated by **Detective Chief Superintendent Colin Black**, between **Acting Detective Inspector Richard Walton** of the Lawrence Review Team, **N10** and SDS undercover officer N81. N81’s target group were described as being active in a number of Justice Campaigns in the area and were at the forefront of the Stephen Lawrence campaign, attempting to cause unrest at the Macpherson Inquiry. Both Mr Ellison and Operation Herne were critical that this meeting took place. Both reports expressed concern at the information provided during this meeting and recommended further investigation.

- 10.10 This matter has been referred to the Independent Police Complaints Commission (IPCC) and is the subject of an IPCC independent investigation. It should be highlighted that the IPCC are not investigating the conduct of N81.**
- 10.11 It should also be emphasised that N81 was engaged on a long term covert infiltration into the target organisation which they were tasked to do by the MPS Special Branch. It was assessed that the group was involved in, or had the potential to be involved in serious public disorder. This activity was initially authorised on an annual basis, utilising early Home Office Guidance, and this was prior to the relevant legislation now in place (RIPA).**
- 10.12 It is a clear in both the Trinity and Ellison reports that there was no evidence found that N81 was tasked to infiltrate the Stephen Lawrence family or any other family campaigning for justice. Their focus was on their target group.**

## 11 N81 Account

- 11.1 In a statement provided to Operation Herne, N81 disclosed that the target group became involved in the Stephen Lawrence Inquiry with the clear objective of exploiting it for their own purposes. They wanted to befriend the Stephen Lawrence Family and promote their own often violent agenda but were unsuccessful because it became apparent that **Suresh Grover** and **Imran Khan**, the Stephen Lawrence family's solicitors, sought to protect the family. The family and their legal advisors wanted a wholly peaceful Justice Campaign and distanced themselves from any violent protest groups who they saw could undermine their work.
- 11.2 N81 also noted that the group didn't just focus on the Stephen Lawrence Family and the reality was that they were constantly trying to 'cast their net' in order to become involved with a number of Justice Campaigns.
- 11.3 **The Operation Herne report confirmed that N81 was never directly or indirectly asked or tasked by anyone at any level in the MPS to do anything in relation to the Stephen Lawrence family or campaign. They were not tasked or directed at any stage into any Justice Campaign. N81 never met Neville or Doreen Lawrence, nor attended their home or even spoke to them during this deployment.** This detail is corroborated by the Ellison review who also interviewed N81.
- 11.4 Both Operation Herne and Mr Ellison have previously reported that N81 did report some personal information about the Stephen Lawrence family. Since the publication of the reports, this information has been shared and discussed personally with Baroness Lawrence and her solicitor Imran Khan. Unfortunately the opportunity to apprise Mr Lawrence in person has not been achieved as he has left the country and he has been informed via a letter to his solicitors. The information relates to personal information which was not widely known at that time. This knowledge was obtained by N81 who was present at a public meeting where it was announced by the speaker addressing a large crowd.
- 11.5 There is no evidence to suggest that "collateral intrusion" was a consideration or factor in N81's deployment or that there was any apparent consideration given to how the SDS Management would address it, despite the fact it would be an inevitable consequence of



the deployment and covert collection. It is evident that post RIPA, some aspects of the intelligence and knowledge N81 (and all other SDS undercover officers) obtained would (based on today's standards and legislation) now be considered as "collateral intrusion".

- 11.6 Notwithstanding the implied criticism of the activity described above, following an interview conducted with N81 Mr Ellison made specific comment and observations regarding N81.
- 11.7 Mr Ellison stated that he found N81 to ***"...be a credible individual, who saw the job of intelligence gathering to be just that : to gather and describe all kinds of details that might, or might not, be of some use to those who collated, analysed and sanitised SDS undercover officers intelligence for onward dissemination as they deemed to be appropriate"***.
- 11.8 Mr Ellison also observed that N81 ***"had tried to do as professional a job as possible according to tasking given by superiors and using the methods N81's superiors encouraged to use."***
- 11.9 Both the Ellison report and the findings of the Trinity report detailed investigation into the claims of Peter Francis concur in the following significant areas:
- There is no evidence discovered that any SDS undercover officer was ever "targeted" into the Stephen Lawrence Campaign or to his friend, Duwayne Brooks.
  - There is no evidence that any SDS undercover officer was ever "targeted" into any "Black Justice Campaign"
  - There is no evidence that any SDS undercover officer was ever tasked to obtain intelligence specifically on a "Black Justice Campaign" or the Stephen Lawrence Campaign.
  - There is no evidence that any SDS undercover officer was given any direction to "smear" the Stephen Lawrence Campaign, Stephen Lawrence himself, nor his family.
  - There is no evidence that any SDS undercover officer was directed to obtain intelligence to "smear" Duwayne Brooks.
- 11.10 However, Operation Herne has identified the fact that SDS records contain references to a number of other Justice Campaigns.
- 11.11 The identification of the individuals and the associated campaigns investigated by Operation Herne are as a result of officer's personal knowledge and recollections – it is not necessarily a complete and

comprehensive list. Research was made through the **Directorate of Professional Standards (DPS)** ledgers that recorded deaths following or associated with police contact and those enquiries continue and it is intended that there will be further reporting from Operation Herne. The Justice Campaigns mentioned in SDS reporting will be the subject of further Operation Herne investigation. It is possible that further public reporting may occur when the families or legal representatives of those involved have been informed and enquiries are finalised.

## 12 Intelligence Reporting on Individuals and Justice Campaigns

- 12.1 At this current time Operation Herne has identified a number of individual Justice Campaigns that are mentioned within SDS intelligence reporting. These campaigns cover several decades from the 1970s through to the first decade of this century. However the earliest SDS reporting identified so far is in the mid 1980s.
- 12.2 The Justice Campaigns identified come from known events researched against the Operation Herne database and the identified indices and parameters. There is of course the potential for there to have been other campaigns that have not yet been identified.
- 12.3 Operation Herne does not intend to publicly identify the individual campaigns for justice that have been subject of the covert reporting. This is as a result of both specific requests from grieving families who have been spoken to and also to ensure that Operation Herne does not inadvertently cause unnecessary greater distress. It is however right and proper that families are made aware of this reporting and covert collection in the same way that the family of Stephen Lawrence have been. To date a number of families and lawyers have received personal briefings however there remain several families that have not yet been contacted and briefed and potentially others that will emerge as enquiries continue. Operation Herne is cognisant of the sensitivities involved and the potential for distress to the families and although some might argue a broader public interest, Operation Herne will not undermine the privacy of those involved.
- 12.4 Further to this Operation Herne also has a duty to protect the identity of the officers involved and while families have, wherever possible, been briefed in relation to information held by the MPS, to share this

information publicly would be irresponsible as it could lead to the identification of the officer and an increase in risk and threat. It should be remembered that these officers behaved in line with their training and instruction from senior managers and whatever disquiet there may be, they did exactly what was asked of them by their organisation – the Metropolitan Police Service. In collecting and reporting this information and knowledge they have not committed any type of misconduct and are not under investigation for their behaviour. To identify them would not be appropriate. Their stories cannot be told, the risk to them remains.

12.5 As reported previously, it would not be appropriate to identify the individuals or Justice Campaigns that Operation Herne has identified were subject of this collateral intrusion. However to provide an explanation and understanding of the nature of this breach of privacy some anonymous examples are appropriate to share. In the vast majority of cases the reports refer to protests or marches being organised by various groups in support of or attended by campaign groups. Other examples include details of disagreements in ‘strategy’ between protest groups and campaign groups.

12.6 A specific example is:

An Intelligence report detailing an individual’s planned attendance at a funeral. There was no intelligence to indicate that the funeral would have been anything other than a dignified event.

## 13 Conclusion

- 13.1 Although enquiries continue, the findings of Operation Herne indicate that the information or 'mentions' reported by SDS undercover officers on these Justice Campaigns are as a result of information and knowledge that was obtained from conversations often in public meetings or by members of the target group. Operation Herne does not criticise the officers that collected this material. There is no evidence of covert operations targeted against any of the respective families or Justice Campaigns.
- No documentation has been identified detailing any targeting or infiltration by the SDS into any family member of any Justice Campaign or any Justice Campaign itself.
  - There are no references to any SDS undercover officers directly meeting or being tasked in relation to solicitors or legal representatives engaged to represent any family member of any Justice Campaign.
  - No recording of personal information about family members has been identified.
- 13.2 Notwithstanding the above findings there remains a large quantity of material held within the MPS Special Branch and SDS records that should either not have been recorded, or when it had been should not have been retained, and has been held in direct contravention of RIPA and MOPI. The stated SDS remit, the operating methodology and requirement placed on its officers meant that such a collection of information by them was inevitable. For the most part it was appropriate and enabled an informed assessment of potential disorder, and references to provide context could be justified. However some information recorded simply does not meet this criteria. The concern is that there is no apparent MPS policy statement that properly dealt with how such collateral information should have been dealt with - both pre and post the RIPA legislation.
- 13.3 It is quite clear that maintaining the secrecy of the unit and protecting the identity of the officers was of paramount importance to all involved - and in being so focused on this aspect the management of the SDS, of the MPS Special Branch and ultimately the MPS Executive Leadership of the day collectively failed. They failed in respect of keeping abreast of changes in practice and legislation, in considering the clear risks of

collateral intrusion by the “hoovering” covert collection methodology ,and in failing to effectively weed “community gossip” that appears to have limited operational value as it was rarely, if ever, disseminated to the wider MPS organisation. They failed in their not embracing and using the available national undercover training course which would have ensured that the operatives and supervisors better understood their personal responsibilities and the concept of collateral intrusion, necessity and proportionality. They failed in not working strictly to RIPA which would have ensured that authorising officers would have set clear objectives for the covert deployments and the collection of only appropriate and relevant intelligence. They failed in not applying MOPI which would have led to a proper assessment of relevance and the weeding of unnecessarily retained irrelevant personal information.

- 13.4 Ultimately the Metropolitan Police Service failed in not working to the nationally accepted Home Office Guidelines on the workings of Special Branch – had they done so this activity may well not have taken place, the intelligence would not have been recorded and if it had been it would have been rapidly weeded as it did not relate either directly or indirectly to the discharge of Special Branch functions.
- 13.5 Operation Herne remains a significant major enquiry, and is still properly assessing over 6,000 paper records and 50,000 electronic files. There is a vast amount of information within these and as a result of the work being done, the possibility that other campaigns for justice will be identified. Working within the agreed Terms of Reference and with the support of the Commissioner of the MPS, Operation Herne has researched all known intelligence and mentions in relation to the identified families involved and wherever possible will provide a full explanation to them of the context and circumstances of the material obtained prior to any further public reporting. Operation Herne intends to brief all legal representatives and family members, with the authority of the MPS and the support of **MPS Digital Policing Unit**. Because of the unique circumstances Operation Herne will ask the MPS to step outside legislation and consider releasing the relevant information held to the relevant party. It is clear that this process will also lead to a number of **Data Protection Act** Subject Access Requests.
- 13.6 The SDS obtained information and knowledge relating to some sensitive high profile campaigns as a result of their deployments into extreme activist groups either involved in serious violence or assessed by the MPS Special Branch as having the potential to become involved in such activity. It is hugely important to draw a clear distinction that the

deployment was never against a grieving family or a particular Justice Campaign, but rather into the target group. The nature and rationale for every SDS deployment between 1968 and 2008 is currently being investigated, and at present there has been no evidence found in the Operation Herne documentation viewed and assessed that suggests that SDS officers were deployed to specifically infiltrate these families or the associated sensitive campaigns, or gather information on them.

- 13.7 The SDS remit was to provide intelligence on the potential for public disorder and serious criminality and there is a wealth of documentation which supports that this objective was carried out effectively on many occasions. As an inevitable consequence of their long term deployments, SDS undercover officers were invited to meetings and demonstrations on single issue campaigns by virtue of their alignment with a range of organisations and they subsequently reported back in general terms. There is a noticeable lack of personal and private information contained within the reporting found which suggests that individuals and their families were not directly infiltrated.
- 13.8 However the recording and retention of information mentioning individuals should not have occurred unless it related to potential crime and disorder - a general Special Branch thirst for knowledge and retention of information 'just in case' cannot ever be a sustainable rationale. Some information recorded about Justice Campaigns did not meet the 'potential crime and disorder' criteria and was retained in contradiction of both RIPA and MOPI.
- 13.9 Although Special Branch existed to primarily acquire intelligence to meet both local policing needs and to also assist the Security Service, it is clear that the culture and complacency that MPS Special Branch adopted in their quest for knowledge became blurred. While providing assessments in relation to public order and the safety of the general public, they gathered and retained a range of information which was not appropriate. The long term retention of this information is in contradiction of policy and guidelines.
- 13.10 It is highly ironic that had MPS Special Branch complied with established policy, little of this information would have been uncovered as it should have been "weeded" several years ago. Operation Herne has only identified this knowledge and information due to the remarkably comprehensive SDS and MPS Special Branch records that have been maintained over several decades.

- 13.11 The public would do well to understand and respect the work of undercover officers who are deployed to infiltrate individuals, groups and organisations so as to protect the broader community. These officers give up their private lives, they place themselves at risk and it is through their bravery that the police service of England and Wales is able to protect the public and attack criminality at all levels – and this includes extreme public disorder that can and has led to the loss of life and destruction of property. The majority of SDS undercover officers performed their role in line with their training often in dangerous and high risk situations that demonstrated their skill, bravery, and initiative. During the collection of intelligence, the SDS undercover officers recorded all the information they gathered and did not consider any immediate filtering or sanitising as this was not their role.
- 13.12 Operation Herne is critical of the lack of management and supervision of the processes and controls in respect of the retention, storage and weeding of such intelligence which contained information that can now be regarded as ‘collateral intrusion’. However no criticism should be levelled towards the operatives who were simply performing their role, as that was what their training taught them to do.
- 13.13 The SDS and MPS Special Branch management of the day failed to intrusively supervise the above processes and there is no apparent evidence of effective Executive oversight or scrutiny of what was both an extremely valuable but intrusive and sensitive part of the Service. Some decision making surrounding the retention of the information that was collected was flawed as a proportion of this information did not relate to the prevention of crime and disorder and following assessment, it should have been ‘weeded’.
- 13.14 This demonstrates the complacency and lack of due process that was required by guidance and legislation, and that SDS and MPS Special Branch supervisors of the day failed to enforce.





Operation

# Herne

July 2014