

Email to Scottish Ministers dated 22 January 2017

We write you on behalf of 14 victims of political undercover police spying in Scotland. All 14 are among the 200 seriously affected people given 'core participant' status at the Pitchford Inquiry into undercover policing, and all 14 were also targeted by these officers in Scotland.

Every party in Holyrood supported the call for Scotland to be included in the Pitchford Inquiry, implying an understanding of the need for a proper, credible investigation. We are frustrated that the Justice Secretary did not see fit to consult with any victims of this police abuse before commissioning a review by HM Inspectorate of Constabulary in Scotland.

HMICS is a body of senior police, those commissioned to undertake the review have close connections with the subject matter, and their remit is limited to just the last few years. This response could scarcely be less appropriate.

We have written to the Justice Secretary requesting a meeting, and are writing to share the text of the letter with you. Your support would be appreciated.

Best regards,

[REDACTED]  
[www.campaignopposingpolicesurveillance.com](http://www.campaignopposingpolicesurveillance.com)<<http://www.campaignopposingpolicesurveillance.com>>

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Dear Secretary for Justice Michael Matheson,

Request to meet in light of release of terms of reference for the HMICS review of undercover policing in Scotland.

We note with dismay the terms of reference set out for the HM Inspectorate of Constabulary in Scotland review of undercover policing announced last week - a review you commissioned. They singularly fail to address the many abuses of which we have complained, and exclude the abuses experienced by many more. The terms of reference exclude transparency and accountability; worse still, they prioritise the abusers over the victims, by giving only the police a voice in the process - an intolerable situation, devoid of any justice.

On top of this, it is simply impossible to have faith in the HMICS team given their closeness to those they are supposed to be investigating. The assurances of independence ring hollow and are not borne out by the facts.

We, all people who were spied upon in Scotland, do not understand how this can be a step towards resolution when we are being excluded from a process that should revolve around us and those in our position. For this reason, we must go further than not simply supporting this review, but condemn it as a betrayal of all those deceived. As there is clearly a lack of understanding of these issues, we ask that you meet with a group of us at the earliest possible convenience.

Yours,

[REDACTED]



[REDACTED]

The above individuals were spied upon in Scotland and are core participants in the Pitchford Inquiry into Undercover Policing. A number of them were deceived into relationships which were partially conducted in Scotland, including prior to 2000.

Response dated 17 February 2017 to email dated 22 January 2017

You emailed recently regarding the issue of undercover policing. On behalf of the Scottish Ministers, I would like to acknowledge that correspondence. You mentioned that a meeting has been requested with the Cabinet Secretary for Justice, Mr Michael Matheson. I am aware that Mr Matheson's Private Secretary has written to say he would welcome a meeting, and that arrangements are now being taken forward to arrange that.

Timeline of events compiled in February 2017

<b>Undercover Policing Timeline leading to the Pitchford Inquiry</b>	
The Special Demonstration Squad (SDS) (1968-2008) and the National Public Order Intelligence Unit (NPOIU) (1999-2011) existed within the Metropolitan Police's former Special Branch.	
14 March 2010	<i>The Observer</i> published articles regarding alleged role of 'Officer A' in the SDS.
21 October 2010	Mark Kennedy (former Met Police Officer attached to NPOIU who infiltrated many protest groups from 2003–2010) was unmasked by political activists as an undercover officer (UCO).
24 October 2010	<i>Indymedia UK</i> confirmed this was the case.
09 January 2011	<i>The Guardian</i> reported on Mark Kennedy's infiltration of a number of protest groups.
22 January 2011	<i>The Guardian</i> published an article that undercover officers routinely adopted a tactic of promiscuity with the 'blessing' of senior commanders.
2011	Further media reports during 2011 made allegations of misconduct during undercover operations by the SDS.
19-26 October 2011	<i>The Guardian</i> published articles identifying its source as a police officer who worked in the SDS. He identified himself as Peter Black.
Oct-11	Sir Bernard Hogan-Howe, Met Commissioner, ordered a review and investigation of the use of UCOs by the SDS - Operation



	Soisson.
2012	The scope of the Hogan-Howe review was expanded to include further allegations of misconduct and became known as Operation Herne.
04 January 2012	Two men were sentenced for the murder of Stephen Lawrence, who was murdered in a racially motivated attack on 22 April 1993.
July 2012	<p>Home Secretary, Theresa May, appointed Mark Ellison QC to carry out a review of the police investigation into the murder of Stephen Lawrence for the purpose of examining allegations reported in the media that:</p> <ul style="list-style-type: none"> <li>I. the investigation had been tainted by corruption, and</li> <li>II. the Met failed to make proper disclosure to the Macpherson Inquiry* of that taint of possible corruption.</li> </ul> <p><i>*On 31 July 1997, the then Home Secretary, Jack Straw, asked Sir William Macpherson to carry out an inquiry into the matters arising from the death of Stephen Lawrence. The report was published in Feb 1999 and Macpherson concluded that the Met. was institutionally racist.</i></p> <p><i>In September 1997, Peter Francis. UCO in the SDS completed his undercover mission and was reassigned to other duties in Special Branch. He argued that his undercover work should be disclosed to the Macpherson inquiry but was overruled.</i></p>
04 February 2013	The Met received a public complaint from the family of Rod Richardson, a young boy who died in the 1970s. It was alleged that a UCO in the NPOIU used this child's details as his covert identity. This complaint was referred to the IPCC then returned to the Met for 'local investigation'.
05 February 2013	Home Affairs Select Committee questioned Dep Ass Commissioner Gallan about using dead children's identities as cover for UCOs. Gallan was in overall command of Op Herne.
09 February 2013	Due to media and Parliamentary interest, Met Com appointed an independent lead - Mr Mick Creedon, the Chief Constable of Derbyshire, to lead Op Herne.
11 February 2013	Home Sec endorsed and publicly announced the decision.
23 June 2013	<i>The Guardian</i> disclosed that its source for the 2011 reporting was Peter Francis.
24 June 2013	Home Sec announced in Parliament that she had commissioned HMIC to inspect the current effectiveness of undercover policing.
24 June 2013	Peter Francis (UCO in Stephen Lawrence investigation) appeared on the <i>Dispatches</i> programme.
25 June 2013	A book <i>The True Story of Britain's Secret Police</i> by Paul Lewis and Rob Evans ( <i>Guardian</i> journalists) was published. The TV, media and book's allegations included that SDS officers engaged in sexual relationships, used deceased children's identities, SDS officers appeared in court using their covert identities, and were tasked to gain information to smear Stephen Lawrence's family.
July 13	Report 1 Operation Herne - <i>Use of Covert Identities</i> was published.



July 13	Terms of reference for Ellison review extended to embrace further allegations: (i) whether undercover policing had played any role in the Lawrence case, (ii) if so, who ordered it and why, (iii) whether undercover police involvement had been withheld from the Macpherson Inquiry and (iv) if so, to what effect, (v) whether "any intelligence or surveillance activity [had been] ordered or carried out by police forces nationally" into Stephen Lawrence's family at the time and in respect of the Macpherson Inquiry, and (vi) "what was the extent, purpose and authorisation for any surveillance of Duwayne Brooks and his solicitor.
06 March 2014	Mark Ellison QC published his report <i>Possible Corruption and the Role of Undercover Policing</i> in the Stephen Lawrence case.
Mar-14	Report 2 Operation Herne - <i>Allegations of Peter Francis</i> published. The report concluded that the references in the media to Officer A and Peter Black related to Peter Francis.
06 March 2014	Home Secretary statement in the House of Commons summarised some of the findings made by Mark Ellison QC and Operation Herne. She would be commissioning an external review into the role of the Home Office in the commissioning and work of the SDS. She indicated that revelations already made by Ellison and Herne had persuaded her of the need for a judged public inquiry into undercover policing.
06 March 2014	Ellison and Operation Herne were continuing their investigations into specific cases. It was anticipated that legal proceedings relating to any criminal offence or past miscarriages of justice would be completed before a public inquiry was established.
26 June 2014	Home Secretary announced that Mr Ellison would co-ordinate a multi-agency review, report to the Attorney General, "assessing the possible impact upon the safety of convictions in E&W where relevant undercover police activity was not properly revealed to the prosecutor and considered at the time of trial".
Jul-14	Report 3 Operation Herne - <i>Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns</i> was published.
Oct-14	HMIC published <i>An inspection of undercover policing in England and Wales</i> in response to the Home Secretary's announcement on 24 June 2013 for HMIC to 'inspect the current effectiveness of undercover policing'.
Feb-15	Report 4 Operation Herne Update was delivered and had restricted circulation.
12 March 2015	<b>Home Secretary established an enquiry into undercover policing, led by Christopher Pitchford.</b>
16 July 2015	Mark Ellison and Alison Morgan published their (interim) report to the Attorney General on the results of their review of the safety of convictions. The authors identified the problems of scale that faced the investigation and expressed the opinion that a public inquiry might provide the best opportunity for public examination of the issues raised by undercover policing.
16 July 2015	<b>The Pitchford Inquiry's terms of reference were published.</b>





28 July 2015

The Chairman Lord Pitchford delivered his opening remarks.

Series of emails on media article – May 2017

03 May 2017

Thanks [REDACTED]. Mr Matheson has noted.

[REDACTED]

[REDACTED]

03 May 2017 **To:** Cabinet Secretary for Justice

The Cabinet Secretary will be interested in the attached article and in particular the copy of the letter at the foot of the article. He is meeting with three of the individuals listed next Wednesday – I imagine the points they will want to make are those in the letter. It's nothing that we're not aware of, but interesting to see it set out so clearly.

03 May 2017

For info

03 May 2017

I'm writing a story for The Ferret on the back of this announcement and wondered if you could send a comment asap please?

<http://campaignopposingpolicesurveillance.com/2017/05/03/spycops-victims-boycott-scottish-inquiry/>

Thanks.

Kind regards,

[REDACTED]

Background briefing prepared for Cabinet Secretary's meeting with Scottish Core Participant Group – May 2017

Cabinet Secretary for Justice

**MEETING WITH:** [REDACTED]



10/05/17 – 09:15

<b>Key Message</b>	<p>We continue to believe that a single inquiry across the UK would be the best option for a comprehensive and coherent investigation into these matters.</p> <p>The review will be essential in gathering facts about existing and historical undercover policing activities, over the period the Scottish Parliament has had responsibility in this area, and will inform any future decisions we make. It will provide an independent view of the operation, procedures and safeguards in place by Police Scotland in relation to undercover policing, with the objective of providing assurance to Ministers, the Parliament and the public.</p>
<b>Who</b>	[REDACTED]
<b>What</b>	Meeting to discuss – to hear views from members of the Scottish Core Participant Group [to the Pitchford Inquiry], who are dissatisfied at SG decision not to hold a similar public inquiry in Scotland.
<b>Why</b>	The members of the Scottish Core Participant Group have no confidence in the HMICS review of undercover policing and seek, instead, a public inquiry in Scotland.
<b>Where</b>	Mr Yousaf's room, Atlantic Quay
<b>When</b>	10 May 2017 09:15
<b>Supporting Officials</b>	Name: [REDACTED] Mobile: [REDACTED]
<b>Alternative contact</b>	
<b>Briefing</b>	<ul style="list-style-type: none"><li>• <b>Submission of 11 August 2016 – options available for Scottish Ministers</b></li><li>• <b>Strategic Review of Undercover Policing in Scotland - Terms of Reference</b></li><li>• <b>Timeline of events leading to Pitchford Inquiry</b></li><li>• <b>FMQ Note</b></li></ul>

Copy to:



Email from Police Scotland dated 6 July 2017

Afternoon [REDACTED]



In relation to the ongoing HMICS Strategic Review of Undercover Policing, I believe that [REDACTED] has previously liaised with you both regarding this matter.

[REDACTED] requested that I arrange a 'Key Stakeholder Meeting' (to discuss the impact of publication around the extent and scale of undercover policing in Scotland covering the period 2000 – 2016), and requested that I clarify whether you would be available to attend this meeting?

The meeting will take place between **0900 – 1300 hours, on Wednesday 16th August 2017 at the Scottish Police College, Tulliallan Castle, Kincardine, FK10 4BE.**

Refreshments will be provided, and I can research accommodation for anyone who requires it

Email from Police Scotland dated 26 July 2017

Afternoon Everyone,

Thank you for previously responding to my invite to attend the 'HMICS Strategic Review of Undercover Policing in Scotland' Key Stakeholder Event. I have been asked by [REDACTED] to arrange this meeting at the Scottish Police College, to discuss the impact of publication of the figures around the extent and scale of undercover policing in Scotland covering the period 2000 – 2016.

I can confirm that this meeting will take place on **Wednesday 16<sup>th</sup> August 2017, from 1000 – 1330 hours ,within the TV Studio / Lounge meeting room** (ground floor Culzean Building).

For those of you who haven't previously visited the Scottish Police College, I have attached a copy of the visitor information document (please see attached). On arriving at the SPC, could I please ask that vehicles be parked along the main drag or Walled Garden car park (as highlighted on the map by a star). You should then make your way to the Culzean Reception / Security Desk, where a member of staff will sign you in and provide directions to the meeting room.

The venue is located on the ground floor of the Culzean building and is accessed via the double doors located on the left (next to the reception desk), these doors lead into a short corridor, and the TV Studio / Lounge meeting room is the last room located on the right.

As requested, I have booked overnight accommodation (for Tuesday 15<sup>th</sup> August 2017) for the following 7 persons:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



[REDACTED]  
[REDACTED]  
• [REDACTED]

Similarly, on arrival on the 15/08/17, please make your way to the Culzean Reception / Security Desk where a member of staff will sign you in and provide directions to your room. Should anyone else require overnight accommodation could I please ask that you make me aware as soon as possible.

For those guests staying overnight on the 15/08/17, [REDACTED] suggested that rather than having dinner within the cafeteria, that I explore making a diner booking at the neighbouring Tulliallan Golf Club (where meals are of good quality and reasonably priced). Could I please ask that those of you who are interested (including anyone not staying overnight at the SPC), let me know so that I can make a enquiries about a provisional booking.

Mr Whiteleock has indicated that the meeting itself on the 16/08/17, should conclude by 1400 hours, and that there will be tea / coffee refreshments.

If I can provide any further assistance, I can be contacted at the details below.

Emails informing of delay in providing report and letter from HMICS to Cabinet Secretary for Justice – 2 October 2017

02 October 2017

Please find attached a letter from HMICS regarding a revised timeline for his report on undercover policing in Scotland.

I've acknowledged receipt. Is there anything else we need to do?

02 October 2017

Good afternoon

Please find the attached letter for the attention of the Cabinet Secretary for Justice from Mr Derek Penman, HM Chief Inspector of Constabulary in Scotland.

Letter

Dear Cabinet Secretary

HMICS – Strategic review of undercover policing in Scotland

I write to provide you with an update as to the status of the strategic review of undercover policing in Scotland. Our review has been completed and a draft working copy of the report has been provided to stakeholders, who contributed to the evidence base of our report, for the purpose of factual accuracy checking. In order to provide sufficient time for this process to be completed, I have revised the timeline and anticipate that our report will be given to





Scottish Ministers under terms of section 78(1) of the Police and Fire Reform (Scotland) Act 2012, and published, during November 2017.

Yours sincerely

Derek Penman

HM Chief Inspector of Constabulary

Letter from HMICS to Cabinet Secretary for Justice dated 2 November 2017

Note – the letter enclosed a copy of HMICS's report on undercover policing. This is now publicly available and can be found at: <https://www.hmics.scot/publications/hmics-strategic-review-undercover-policing-scotland>

2 November 2017

Dear Cabinet Secretary

HMICS – Strategic review of undercover policing in Scotland

I refer to my previous letter dated 2 October 2017 and write to inform you that our strategic review of undercover policing in Scotland- which was directed by yourself under Section 74(1) of the Police and Fire Reform (Scotland) Act 2012- is now complete. I have attached an embargoed copy of our report on the review for your consideration.

You will be aware that Section 78(1) and (2) of the Act requires you to lay the report before the Scottish Parliament and for HMICS to publish it and provide copies to the Chief Constable and Scottish Police Authority.

I would be grateful if you could provide an approximate date when this will take place in order that HMICS can make the necessary arrangements for its publication. The report should not be further circulated until that time.

As we have previously discussed I would also be happy to provide a personal briefing on our findings. If this would be of interest to you, please contact the staff office at HMICS, to arrange a convenient time ([hmics@gov.scot](mailto:hmics@gov.scot) or 0131 244 5614).

I trust that the attached will be of value, however please do not hesitate to contact me if you require anything further.

Yours sincerely

Derek Penman

HM Chief Inspector of Constabulary

Email from Cabinet Secretary to officials dated 8 November 2017

Mr Matheson has noted the content of this report and would like to meet with Derek Penman to discuss the findings. Before I go back to Mr Penman's office, can you advise what the timescale is to lay this report to Parliament as HMICS have asked for this in order to arrange the publication date.



Correspondence about publication of report – January 2018 1 of 2

Dear Minister

I am contacting you on behalf of all the people who met with you in May 2017 regarding scandal of undercover policing activities taking place on Scottish soil.

We note the recent report in The Herald that the HMICS report into the presence in Scotland of undercover police from the Special Demonstration Squad and National Public Order Intelligence Units was placed on your desk in November. We would like to inquire when this will be published and whether the Scottish Government will be making a formal response to it. It remains our position that in the absence of the Undercover Policing Inquiry extending its remit to cover Scotland, that there needs to be a commensurate independent public inquiry held in Scotland to address the many abuses that took place there.

As people who have been directly affected by the issue in Scotland, we also request that we are given sight of the report ahead of its publication.

Correspondence about publication of report – January 2018 2 of 2

Following upon our past correspondence, I'm writing due to my extreme frustration upon hearing that you have been secretly holding back the awaited release of the HMICS report into the undercover policing scandal. According to the Sunday Herald, that report has been sitting on your desk for two months although we've been waiting for it since summer 2016!

In past correspondence addressing our shared concerns about the need for an Undercover Policing Inquiry covering Scotland, on 19 July 2016 [REDACTED] wrote me:  
"The most effective way to deal with these matters would be for the Home Secretary to extend the remit of the Pitchford Inquiry to cover activities of the Metropolitan Police in Scotland. The narrower approach currently being pursued risks doing a disservice to people in Scotland affected by the activities of a force which falls under the oversight of the Home Office."

A further letter you sent to me 22 September 2016 stated:

"In light of the Home Office's decision to not extend the terms of reference of the Inquiry, the Cabinet Secretary for Justice has today directed Her Majesty's Inspectorate of Constabulary in Scotland to undertake a strategic review of undercover policing in Scotland. This review will provide an independent view of the operation, procedures and safeguards in place by Police Scotland in relation to undercover policing, with the objective of providing assurance to Ministers, the Parliament and the public."

I have been waiting nearly a year and a half now for this HMICS report, and I'm sure you can imagine my frustration with your offices upon finding out that you have not released it for two months, despite the concerns expressed by numerous victims of

undercover police, as well as concerns raised by every party in the Scottish Parliament. By your own words, you raise the concerns of the "risks doing a disservice to people in Scotland" by not looking into the issue properly.

I urge you to please stick by your assurances to the public on this issue, by releasing a copy of the HMICS report immediately.



Correspondence between the Convenor of the Scottish Parliament Justice Sub-Committee on Policing and the Cabinet Secretary for Justice

Correspondence is available at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/102283.aspx>

Response to correspondence regarding publication of report – 1 February 2018 – 1 of 2

Thank you for your email of 10 January asking when the HMICS' report on undercover policing will be published.

I received the report, 'A Strategic Review of Undercover Policing in Scotland' on 2 November 2017. You will be aware that the Scottish Government is currently being judicially reviewed on the issue of not having held a public inquiry into undercover policing in Scotland. This being the case, I have taken my time to carefully consider what is a detailed and comprehensive report with a view to making a decision on whether to hold a public inquiry in Scotland.

I am proposing to publish the report and make a statement to Parliament setting out my intentions on Wednesday 7 February 2018.

MICHAEL MATHESON

Response to correspondence regarding publication of report – 1 February 2018 – 2 of 2

Thank you for your letter dated 12 January concerning HMICS's report on undercover policing.

I received the report, 'A Strategic Review of Undercover Policing in Scotland' on 2 November 2017. You will be aware that the Scottish Government is currently being judicially reviewed on the issue of not having held a public inquiry into undercover policing in Scotland. This being the case, I have taken my time to carefully consider what is a detailed and comprehensive report with a view to making a decision on whether to hold a public inquiry in Scotland.

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MICHAEL MATHESON

