



INVESTIGATION FINAL REPORT PROJECT MAY

Case:	PROJECT MAY	Date:	8th February 2024
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Background:

1. In April 2023 Post Office Ltd (**POL**) received a request under the Freedom of Information Act (**FoIA**) for documents that were used by the Security Team between 2008-2011. Eight documents were supplied to comply with the request. One of these (hereafter the **Document**) referred to seven identity codes each of which with language purporting to describe a person's racial origins. One such description used the outdated and offensive term "*Negroid Types*". Other archaic and offensive terms used included "*Siamese*" and "*Malaya*".
2. Law enforcement and prosecutors in the UK have for many decades standardised the description of people, including categorisation of their perceived skin colour, for legitimate investigative purposes e.g., to describe an unidentified suspect caught on CCTV or seen by a witness. This gave rise to "*identification codes*" whereby different skin colours were assigned a specific identification code number e.g., "*IC1*" related to a person perceived as being white and of northern European origin. An explanation, or descriptor, of each code was then provided. The language used in the descriptors has evolved over time and so older versions were replaced by newer ones over the years and used different language. It is in one version of a descriptor for identity codes that the word "*negroid*" (hereafter the *Term*) was used in the FoIA-discovered document.
3. The descriptors of codes were believed to have been originated in the public sector and used in law enforcement and the criminal justice system more broadly.
4. To capture the full extent of the nature, presence, and/or use of identification codes and the descriptors used with them in POL, it is justified, necessary, and proportionate to use a timeline that commences with the establishment of POL as a separate entity from Royal Mail in April 2012 through to the present day. Whilst this is the relevant period for Project May, the *fact-find* will identify any earlier use of the offensive Term in documentation discovered during eDiscovery searches or otherwise, in order properly to contextualise any use during the post-2012 period.



Investigative Aim

5. The aims of the Project May fact find are as follows:

The Document

- a. To determine how the identification code document (the Document) came to be created and/or how this description of identification codes was present in POL's document library
- b. To determine if the descriptors used in the document originated from the Home Office or other department of the State and if so when they were in use in public services
- c. To understand, if the descriptors were once provided by the State, why the development of racial descriptive codes in use by external public sector investigators over the relevant time was not reflected in POL's investigation team document library

Use of Identity Codes in POL

- d. To establish a time period during which identity codes were present and/or used from the establishment of POL in 2012 to date
- e. To establish whether the codes were actively used on POL investigation or prosecution documentation and to what purpose
- f. To identify the rationale for using identity codes if they were used
- g. To identify any legislative purpose or requirements for the use of identification codes e.g., under Section 95 Criminal Justice Act 1991
- h. To establish whether there were any additional investigative or prosecution documents used by POL during the relevant time that contained race identification codes
- i. To establish what training on the use of identification codes was provided to POL investigation and prosecution staff

6. Based on the information available so far, our findings are split into the following areas:

The Document

7. Preliminary enquiries indicated that Royal Mail Security Group (RMG) used the Document containing identification codes prior to the formation of POL. Following the split from RMG, the investigation documents previously used were reviewed by the POL investigation team on 27/04/2012. The documents were assessed for use in investigations and the assessment of compliance with file standards by the investigators. The offending Document unlike the other documents reviewed was not rebranded and it should also be noted it had no branding or version information in the first instance.
8. Following permission to approach RMG, they were requested to search their document archives in an attempt to locate the Document. Preliminary searches did not identify the Document, but a later deep dive search identified that two of their employees had opened documents that contained the offensive term. These documents were opened in April 2011 and April 1996. Neither of the employees when spoken to could recall the offensive term that was contained in the documents, but one did recall that identification codes were used by the Royal Mail Group.



9. Researching the FoIA-discovered emails corroborates the fact that the Document plus seven further documents were imported from RMG and then disseminated to staff working in POL's investigation compliance team. These forms were rebranded as Post Office documents, the only exception to this rebranding process being the Document used for identification codes itself.

Communications containing the Document

10. Examination of emails obtained from the historic Security Team's archive indicate:
- a. An email dated 23/05/11 from [REDACTED] (POL Security) to the Security Compliance Team, had as an attachment a zip file. That zip file contained nine documents entitled "*Appendices*". One was the Document in question. The Appendices were being re-branded from RMG to POL to be used in the assessment of POL Security investigation files. The zip folder was described as "*relevant documents that feed into the compliance process*" – characterised as a set of "*compliance checks*" that were shortly to start on files submitted for legal advice. Recipients – including "*new people to the team*" – were instructed to "*familiarise yourself with these documents*".
 - i. An initial examination of the Document in question contained within the zip file suggests it was created in 2003 and "modified" in 2011. What "modified" means in practice remains unclear but is suggestive that the Document did not wholly remain untouched or unnoticed.
 - ii. The other Appendices are training / standards forms to be used in assessing and/or compiling casefiles. As noted above, these were all re-branded with POL logos and version numbers. The Document was unmarked with logos or other corporate branding. It is unknown whether it had originally carried RMG branding, which was removed, or whether its original (RMG) format was unbranded as well. However, as is discussed below, other similar documents – also without branding – existed and appear to have been used within RMG at least in the late 20th century.
 - b. Email 31/08/11 from [REDACTED] (POL Security) forwarding the same Appendices on to [REDACTED] (likely POL Security). As far as can be determined, this was done by forwarding the same zip folder, with identical contents, as had been attached to the 23/05/11 email (above). This email was produced by [REDACTED] following a request by Project May for him to review and search his Outlook email.
 - c. Email 30/10/12 from [REDACTED] sending the Appendices – again in a zip folder – on to a group of POL investigators.
 - i. This was a forwarding of an earlier email dated 27/04/12, originally sent by [REDACTED] with this zip folder attached.
 - ii. The text indicates that the POL Security staff were to use the Appendices, including presumably the Document, in ensuring their files were compliant with standards.
 - iii. Following examination of the metadata of the contents of this zip folder, it is believed that all Appendices bar the Document had been updated in some way since 2011. The Document, in contrast, appeared not to have been altered. The text of the 27/04/12 email included a note that in one document, entitled "*Discipline Report*", "*superfluous information for contract managers (e.g. Identification Code...) has been removed.*" It is noted that the contents of the version of the Document herein were unaltered from that attached to the 2011 emails.

HIGHLY SENSITIVE



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- d. Email 28/06/16 from [REDACTED] to [REDACTED] (POL Security) – Attached to the email were a number of investigation standards documents and the identity code word Document (again attached as a collection in a zip folder). The data attached to the version of the Document included therein suggests it was amended in 2013. However, while the filename was changed, the contents and wording were unchanged. It appears that the zip folder in question was then forwarded by [REDACTED] to a POL colleague, [REDACTED], who was assisting Womble Bond Dickinson (WBD) with a disclosure process in which policy documents were being reviewed by WBD for release to “claimants”; presumably (but not definitely) the Bates litigation. It is unclear (and outside Project May’s terms of reference to determine) what happened to those documents once sent to [REDACTED]. However, [REDACTED] referred to them as “previous documents” used in compiling a review completed in August 2013. She also notes her belief that “the only one [of the documents in the zip folder] that was regularly reviewed was the trigger & timescales which would change due to current workload and staffing levels”.
- e. Email 23/05/19 from [REDACTED] to [REDACTED] – Attached were 14 items which are again file standards-related and training material, including the identity code documents (again in a zip folder; identical both in filename and contents to the 2016 version). It has been established that the documents had been shared with WBD, POL’s external legal advisors. WBD have stated that the documents were being considered in light of disclosure for the Further Issues Trial. It therefore seems probable that the documents attached to the email had been identified as part of archive searches, rather than indicating that the Document and the other materials were then in current use.
11. A meeting with [REDACTED] took place on 25 July 2023. Project May (with the assistance of forensic specialists) sought to confirm the circumstances in which he had been able to identify those of the above emails to which he had been a party. It appears from that meeting (and from a subsequent check on 27 July on Exchange365 server-held email) that the emails in question were stored in Exchange365 and not solely on [REDACTED] local laptop storage. No further emails or instances of the Document were uncovered in this process.
12. A further request to clarify knowledge of the specific offending Document and if it was highlighted or reported was requested. With access to Relativity (see below at paragraph 14), WBD were able to confirm that they received the offending documents as part of the disclosure to the Further Issues Trial. WBD’s review of the documents would have been limited to determining their relevance and whether any privilege attached to them and wider areas of relevance in the GLO. WBD were not aware of there being any communications between WBD and POL which discussed the contents of documents they received in general or specific terms, and in particular were not able to identify any discussion or spotlighting of the offending language.

The Document and its precursors

13. In terms of the contents of the Document itself:
- a. The offending Document appears to be an informal word document rather than a formatted, official-looking form.
 - b. It was headed “*Identification Codes*”.
 - c. The definitions and descriptions attached to the various codes mixed ethnicity, geography and nationality indiscriminately: IC1 was described as “*ie [not e.g.] British, French,*



German, Swedish, Polish, Russian etc", while IC2 ("*Dark Skinned European Types*") was described as "*ie greek, Cypriot, Turkish, Spanish, Italian, Sicilian, Sardinian etc*".

- d. Along with the Term, IC3 was described as "*ie West Indian, Nigerian, African, Caribbean etc*".
 - e. Some of the other language used was archaic at best and offensive: IC5 ("*Chinese/Japanese Types*") was defined as "*ie Malaya, Japanese, Philippino, Burmese, Siamese, Mongolia etc*". Leaving aside the mis-spelling of "*Filipino*", Siam ceased to be the name for what is now Thailand in 1939, and "*Malaya*" had also been out of use for almost half a century by 2011.
14. Searches of electronic copy documents which were housed on the Relativity database were undertaken. Relativity is an eDiscovery platform used by Herbert Smith Freehills (HSF). The wider historic repository of RMG/POL data held by HSF is held on a Relativity instance, and references to "Relativity" in this report are to that instance. ACI forwarded search terms to HSF for comparison across the Relativity database, looking for emails sent or received (whether directly or in copy) by a group of named individuals in the security teams which related to the Term or other relevant keywords. The results of this were received on 21/06/23. Initially, the search produced 33,974 hits. This was refined to some 812 hits. Within these, several relevant documents were identified.
15. Firstly, a typewritten RMG "*Offender/Suspect*" form was identified, the earliest version discovered being dated 1987:
- a. This would originally have been a paper document (although now scanned and within Relativity). The form required an investigator to insert a descriptor denoting the perceived ethnicity of the subject of an investigation.
 - b. Completed copies of this form which have been reviewed use the same numeric codes (i.e. 1-7) as appear on the Document, and it appears that an earlier typewritten version of the Document containing much of the offensive language was appended to the template in question – presumably to provide investigators with guidance as to which numeric descriptor to use.
 - c. This version (the **1980s Document**) was largely identical to the later Document, but contained the phrase "*(can be light or white skinned)*" after the Term for IC3. It also contained spelling errors such as "*Morrocan*", "*Carribbean*" or "*Carribbean*", and "*Spannish*", and was headed "*Ethnic Group Codes*" instead of "*Identification Codes*". "*Javanese*" appeared instead of "*Japanese*" in the list of examples under IC5.
 - d. It is noted that in fact there appear to be several roughly contemporaneous typed versions of the 1980s Document, with the same base content but with varying spelling errors of this kind. Some are freestanding; others are attached to versions of the Offender/Suspect form.
 - e. Among other differences, the 1980s Document also differed in its description of IC1, referring to "*English, Scottish, Welsh*" instead of "*British*" in its list of "*White Skinned European Types*".
16. Secondly, a Word document (or rather a number of versions of it) were identified which was headed "*Ethnic Group Codes and Identification Codes*". It again included the Term. These appear to date from the early 2000s (the **2000s Document**). The information provided with the document suggested that it had been modified in 2009, and its metadata suggested it had been at least opened as early as



2008. Analysis of the eDiscovery search data indicates that a [REDACTED] was linked to the Document in 2009 and 2019. An analysis of previous emails indicates that [REDACTED] previously worked in the Security and Investigations Department (in RMG and then in POL) as an [REDACTED]. [REDACTED] and could not be made available to assist the fact-find. In more detail:

- a. The 2000s Document was almost identical to the 1980s Document in content: it contained all the features described in paragraph 15.c above, including one spelling error ("Morrocan").
 - b. However, it was an electronic document in Word format rather than a paper, type-written one.
 - c. Another difference was that the IC code numbers themselves were in red.
 - d. As with the Document, there was no visible branding (although at this point the branding would likely have been RMG if it had been present).
17. Thirdly, within a file concerning a robbery at a post office on 19 June 2000 was included a document entitled "*Western Territory Security Team*" (the **2000 Form**). It appears to be a standard incident report form, and to have been completed on the day of the incident. At the bottom of the form (and as far as can be determined forming a part of its template, rather than something added later) is a list of IC numbers and definitions, including (for IC3) the Term. Notably, the description for IC3 is not "*Negroid Types*", but "*Negroid or Afro-Caribbean*". This precise terminology is distinct from that used in either the Document or the 2000s Document (or the variations on them which have been discovered). There was no specific space on the 2000 Form for the insertion of an IC number, although there was a space for "*description of assailants/offenders*" in which, presumably, an IC number could be included.
18. Fourthly, a document headed "Report of Impounded Open Value Postal Order" (the **PO Form**) was discovered on a backup tape which was recovered from Chesterfield. This document appears to be a completed incident report form that was used to report offences relating to Postal Orders—in this case, an incident where a customer was described as having run away when told that a postal order they were presenting would need to be validated. The PO Form does not contain IC numbers, but a box headed "*Race or Nationality*" in the form template had been filled in with the words "*Afro/Negroid*", which along with other descriptors describes a suspected offender. The PO Form appears either to have been completed at a Post Office and then forwarded to the Postal Order Correspondence Section at Chesterfield, or to have been filled in by someone at that section following a report by a clerk at the Post Office in question. Enquiries in relation to the PO Form failed to identify any employee with corporate knowledge of the document: this is likely to have been due to the fact that it does not appear to have been in use for some years and possibly due to the fact that payment by means of Postal Order is a payment practice that is now much less common than some years ago.
19. Unlike most POL forms, neither the Document, the 2000s Document, nor the 2000 Form contained the version number of the document that was used which can normally be found at the bottom of each page for forms in use at the time. This could indicate that the Document and the 2000s Document were not designed by either POL or perhaps even officially by RMG; although the apparently standardised format of the 2000 Form appears to indicate that at least within this specific security team, the 2000 Form was a routine, even unexceptional product. External counsel was asked by Project May to comment on the legal weight which might be attached to metadata and other aspects of the Document and the accompanying appendices. It was agreed that to enable that advice,



external counsel would commission a digital forensics expert to review the documents. The findings of this review are included in external counsel's comments later in this report.

20. Other than these documents, electronic searches made at Project May's request across POL databases have not produced any document which provides information concerning how the Document, its hard-copy ancestors (see above), or the offensive language within it entered POL.
21. In an effort to determine whether the offending Document was transferred from RMG to POL, ACI spoke with [REDACTED], [REDACTED] the IT department who was involved in the migration of data from RMG to the new POL team when the two organisations separated. Data was migrated from RMG to a cloud and then POL received a direct data transfer from there onto their own POL-only servers. This means that if the Document concerned was transferred across, it would not have left an email footprint between the two organisations.
22. It was established that the document migration between RMG and POL had taken place as late as 2015. [REDACTED] suggested that data existing before this period that was not selected for transfer would no longer be available. A refined search of transferred documents took place, but this failed to provide any further information going to the provenance of the Document.
23. It is of note that there is material located at Oasis (the POL archive facility) that is yet to be scanned and uploaded to Relativity and therefore would not be accessible to electronic data searches. This material may or may not contain material referring to the Term. The full extent of size of this material is not known. A search of POL's offices at Future Walk, Chesterfield, has identified several historic server tapes at Oasis, as well as servers, domain controllers and other backup server tapes. This IT equipment may contain copies of the identification code documents, as well as potential disclosure material for the Horizon Inquiry (the Inquiry). The investigation has also discovered, in the archives at Winchester, a reference to backup server tapes. ACI has not judged it proportionate to enquire further into these, given the material already uncovered to enable an assessment of the provenance and age of the Document and its forebears.
24. Discovered emails have identified a list of documents from RMG which were recorded as retained ("live") and discarded ("obsolete"). The Document containing the racist descriptor was not present in either list. All documents in the list have been reviewed by ACI and found not to contain the language in question. The retained documents did include the NPA01 form that was referred to by [REDACTED] as necessary for processing private prosecutions (see below).
25. An internal appeal was made to encourage any staff with information relating to the Document to contact the Speak Up team. No responses were forthcoming.
26. Steps have been taken to identify whether terminology similar to that used in the Document (and its predecessors) was used in organisations other than POL:
 - a. Enquiries were made with the College of Policing and several police forces to understand if these offensive and archaic terms were historically used, and if the version held by POL originated from previous versions of the identification codes. No substantive responses have been received directly from police forces. Thus far, the College of Policing has been unable to establish with any precision whether the specific Term was used in policing at any point, but their inquiries indicate that had it been in any general policing use at any point, this was not the case by the 1990s at the latest.
 - b. Similar enquiries have been made with the Postal Museum. They too have been unsuccessful in identifying a date of entry into POL for the offensive language. However,



the Museum located a "*Post Office Detective Staff Manual*" dated April 1999, within which was a document – denoted "Appendix 6" – which required identification of an investigation subject's IC number.

- c. Open-source research – including news reports published during July 2023 – indicate that POL was not the only public sector organisation whose investigative functions used the Term. Among those identified (and which have acknowledged their usage) is the Department of Work and Pensions (**DWP**). A report in the Independent dated 04/07/2023 alleged that the Term was used in DWP guidance developed in 2010 but still in use in Northern Ireland until recently in relation to the assessment of benefit claimants. DWP acknowledged the existence and use of the document but said it had been developed by an external contractor for use by its staff when making DWP benefit assessments.
- d. Further open-source research has surfaced a report from the Guardian newspaper dated 14 June 1978 (the **Guardian report**), which suggests that ethnic coding began in the Metropolitan Police Service (**MPS**) in 1975 and that recognisable IC codes came into use in or around early 1977. Although it does not identify a specific source (whether a document or a spokesperson for the MPS), the Guardian report quotes the terminology in use in 1978 to define IC numbers using language identical to that used in the 1980s Document. By 2003 at the latest, an MPS document released under FoIA indicates that the terminology used for IC numbers had already evolved some time earlier to remove the offensive terms in question.

Use of the Document

- 27. As far as ACI can determine, the Document was never classified as being obsolete nor weeded out. A possible rationale for this is that as far as Project May is aware all POL staff were directed in 2012 not to destroy any records, as they may be required for disclosure purposes for the Inquiry or Group Litigation Order or for another Horizon-related purpose. The Document sat in the Security team archive on SharePoint.
- 28. As to the potential use of the document, Project May notes that POL ceased all prosecutions by 2013 but understands that case files were still being created thereafter and "stacked" in case prosecutions restarted. However, by 2015 all such case development activity ceased altogether.
- 29. As noted above, the email from [REDACTED] (POL Security) dated 27/04/12 detailed that a review of the documents sent across had been undertaken and that "*superfluous information*" had been removed from the "*Discipline Reports*" template. The ACI notes that this particular report appears to have been for internal purposes and carried no reference to ethnicity or IC numbers; this reference having been removed. Other templates, such as one entitled "*Offender Reports*", did include space to provide an IC number (although not any text descriptor). This suggests that the use of IC codes was believed to be necessary on criminal investigations, but not for other purposes.
- 30. Open-source enquiries (for instance, see above at paragraph 26.c) reveal that identification codes used by law enforcement had historically contained the Term, but modern-day identification codes use different wording and contain additional detail. Enquiries with the College of Policing and three police forces have thus far failed to identify the identification codes that were in use between 2008-2011, but open-source research suggests that language like the Term was out of use by the early 2000s at the latest.
- 31. Identification codes are used by law enforcement to create and conduct Police National Computer (**PNC**) record checks. To support these aims, all law enforcement and other prosecuting bodies



provide an identification code with investigative and prosecuting papers. Between 2008 and 2013 the POL was a prosecuting body; as discussed below at paragraph 32.a, it appears that POL understood the provision of identification codes (as distinct from any underlying terminology used) was necessary as part of the prosecution process.

32. The ACI has been able to confirm the use of the identification codes in casefiles, but there is no evidence that confirms whether the Document containing the Term was in fact **itself** used by POL during the relevant period. At some point between the late 1980s and 2011 (i.e. between the documents described in paragraphs 15-16 above and the earliest emails which Project May has been able to identify which have the Document attached to them), mostly likely as part of the move from paper templates to electronic ones for reporting and documentation, it appears that formats were revised in such a way as to separate the verbal descriptors associated with IC numbers (including the offensive terms) separate from report templates themselves. However, enquiries have not indicated how, why or by whom the decision to separate the documents in this way was made. Enquiries do indicate that by the start of the period under enquiry (ie from 2012 onwards), investigators were being advised as to applicable identification codes by colleagues, built up knowledge as to the applicability of the codes, and when in doubt, carried out searches on the internet, rather than referring on any routine basis to the Document – although it has not been possible to corroborate this independently.
- a. Enquiries have been made with [REDACTED] ([REDACTED]) who has significant previous experience with private prosecutions with the [REDACTED], [REDACTED] and [REDACTED]. He explained that in his prior experience, a Non-Prosecution Authority (NPA01) Form would have to be completed if a summons was likely. This would be sent to the local police headquarters PNC team who would open a file on PNC and generate a unique reference number (URN) for use on documents thereafter. This process would enable the court and prosecuting counsel to be provided with records of previous convictions, which were a required input into any sentencing process resulting from a prosecution, and the PNC to be updated. The relevant forms (such as the NPA01) included as a matter of course a mandatory ethnicity description, although the form in which this description was to be provided has evolved over time and appears to differ between different prosecuting agencies. [REDACTED] noted that this remains the case in current prosecution documentation held by authorities such as the Health and Safety Executive. This has been confirmed as correct.
 - b. Permission had been given by the Inquiry for ACI to speak with former POL employees, including [REDACTED] (who was a sender and recipient of the emails mentioned in paragraph 10 above). However, [REDACTED] was unable to assist [REDACTED].
 - c. As part of this fact-find, the ACI spoke with four other former members of the Security Team [REDACTED], including [REDACTED]. They provided limited information about the Document, stating that the circulation of it and its companion materials in 2011 and thereafter was as background material rather than as a live document for regular reference. [REDACTED] further stated that he had been asked to draft a Conduct of Criminal Investigation Policy in 2013 (the **2013 Policy**) following the split with RMG, and had gathered documents (including the Document) from people including [REDACTED] for that purpose; but said he had not paid attention to the Document because it was not of assistance in writing that policy. The interviewees confirmed the regular use of IC numbers (but not the written identifiers), albeit without reference to the Document, and their understanding that this was a necessity as part of



any prosecution process. None were able to identify how the Document came into being but noted that in the late 20th century a number of RMG investigators had come into the function having been police officers. All insisted that they never encountered “*racist language*” such as the Term (or the other problematic language used in the various iterations of the Document) in their workplace.

- d. The ACI also identified six other former members of RMG/POL who from email reviews seemed likely to have some knowledge of the Document, its provenance, and/or its usage. Searches of POL records produced possible contact details for them. Unfortunately, five proved impossible to contact. A sixth sent written replies to the questions posed in the ACI’s query and stated that he had no knowledge as to the identification codes, how they entered the Post Office and what they were used for.
 - e. Searches of the 2012-onwards POL email system has resulted in the discovery of 6GB of potential material – this has been refined to the Term and “*Identity Code*” as the only key words and re-run. This also provided significant data (6GB) therefore on advice the search term was refined to just the Term – 40 hits were identified on the new search completed 21 June 2023. This search identified the circulation of the Document with the offensive Term that was circulated to members of the former Security and Investigation team with documents that supported the compilation of prosecution papers.
 - f. ACI continues to review testimony and evidence given to the Inquiry for relevance to Project May. This report will be updated if and when relevant material surfaces.
33. Project May was able to secure a copy of the 2013 Policy, albeit the third version of it dated 10/02/2014. (The version history indicates the initial draft, by [REDACTED] and [REDACTED], was dated 16/08/2013, and that a second draft – described as “*Update post Senior Stakeholder Review*” – was dated 29/08/2013.) This third version of the 2013 Policy contained no mention of IC codes or ethnicity descriptors at all. It mentioned checks which could be made on PNC (for instance, to “*obtain previous conviction details of defendants and witnesses for cases being prosecuted*” or to assist with pre-search risk assessments), and noted the need to record PNC results as part of case files sent for prosecution consideration. It also confirmed the use of NPA01 forms as mandatory in order to acquire an arrest summons.
34. Independently of Project May, HSF has undertaken a search across databases to which it has access. HSF reported that this resulted in 578,542 hits. It appears that this search was intended to look for the use of improper language relating to ethnicity in general, rather than specifically to identify usage connected to the subject matter of Project May. The search therefore included a number of offensive terms beyond those used in the Document including both deliberate and distinct ethnic slurs and terms (and partial terms) which frequently appear in innocent contexts, and produced results which included the names of countries such as Pakistan or Nigeria as well as results which might include offensive descriptors. HSF continued to narrow down the hits and remove false positives. ACI has been informed that ultimately some 80 potentially responsive documents were identified. Three were provided to the ACI on the basis that they appeared to be relevant to Project May.
- a. Each was an Excel spreadsheet which appeared to be used by Security & Investigations (and its descendants) to track incidents of all kinds.
 - b. The spreadsheets cover incidents from March 2010 to June 2011; from April 2011 to January 2013; and from March 2018 to September 2023 (the **2018-2023 Spreadsheet**).



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- c. There are several dozen columns on each spreadsheet, covering details from the location and nature of the incident to identifying details of one or more suspects.
 - d. In the two earlier spreadsheets (the **2010-2013 Spreadsheets**), the identifying details include a column for each suspect's *"identity code"*. This is not a free-text box. Instead, there are seven pre-defined options. Each includes an IC number and a short descriptor. The descriptors do not include the Term or other similar terminology. IC3's descriptor is *"Black/Afro Caribbean"*.
 - e. The 2018-2023 Spreadsheet does not have any column for ethnic descriptors of suspects.



External Counsel commentary

35. Jeremy Scott-Joynt, a barrister at Outer Temple Chambers, is engaged as external counsel to Project May. Jeremy has reviewed this Document. The remainder of this section comprises his comments and assessment on Project May.

The fact find

36. I have reviewed Project May's terms of reference (the **Project ToR**), viewed the majority of the documents identified (including, for instance, the emails referred to in paragraph 10 above and their contents, including attachments, as well as the other documents and collections and interview records mentioned in paragraphs 14-19, 26, and 32-34), and have discussed the project frequently with the key individuals tasked with Project May (including [REDACTED], [REDACTED] and [REDACTED]), as well as discussing it with the Ethics Monitor (see below at paragraph 78).
37. I have also been asked to engage an Ethics Monitor to undertake an independent check of the practices of this fact-find, as a complement to my review of the fact-find from a legal perspective. I have therefore engaged ETICA Global (**ETICA**). ETICA (which stands for "*Ethical training in interviewing, communications and advocacy*") is a human rights-focused, investigation experienced, NGO affiliated with Northumbria and Portsmouth Universities. Its work on the fact-find is led by its director Professor Gavin Oxburgh, who is Professor of Police Science at Northumbria University.
38. In my view, both the Project ToR and the work done to date have been appropriate to the task at hand. Identifying the universe of relevant documents from records stretching back considerably more than a decade and across (now) two separate organisations, and finding and speaking with individuals after such a significant stretch of time, was always likely to be a time-consuming process. Starting with emails was in my view a sensible approach if – as was appropriate – interim reporting was to be feasible. Further steps, including the eDiscovery searches, was also sensible, necessary and proportionate.
39. In particular, I note the Direction given by the Inquiry to POL on 6 July 2023, which arose in large part from the revelation of the existence of the Document. In that Direction at paragraph 9, Inquiry Chair Sir Wyn Williams pointed out:

"Responding to a request for documents or information is about more than just devising search terms – it requires a common-sense approach and, in some circumstances, an understanding of a document provider's corporate history, key personnel and document archives, and considering documents in their full context."

It seems to me that the ACI's approach to this fact-find – which, it should be noted, was formulated by the ACI before this Direction was issued – maps closely onto this description.

40. As to further electronic searches, I take a variety of views:
- a. It seems to me evidently sensible to have enquired into how the emails came to light when they had not been evident in POL's underlying disclosure processes (see paragraphs 10.b and 11). This was an important issue both in terms of ensuring that the information available to Project May is adequate and complete, and because of wider public concerns expressed about the integrity of searches for information.



- b. As to forensic examination of servers and backup tapes (see paragraph 23), I do not believe it is reasonable or proportionate for Project May to do more on an independent basis, given that the age of the material in question means the outcome of such searches is likely to be focused largely, if not overwhelmingly, on the provenance of the Document. I form the view that sufficient information has now been gathered to identify the likely provenance, and the significant cost in both time and money of interrogating these stores – without any knowledge of whether, in fact, relevant material exists therein – appears to me to be disproportionate to the likelihood that the exercise will advance the fact-find to a material degree.
41. As to in-person interviews, as noted in paragraph 32.d above the ACI sought to contact former employees, but the only one with whom contact was established was unable to provide material assistance. These interviews, to the extent they proved possible, were in my view a necessary and sensible step, given the antiquity of some of the events and documents at issue and the difficulties in establishing a full documentary record. I discuss below at paragraphs 75-77 the possibility and utility of further interviews with relevant staff still in POL.

The key issues

42. There are in my opinion two key issues which arise from the Document's existence and content. The first (**Issue 1 – the Provenance issue**) is to identify the Document's provenance. The second (**Issue 2 – the Usage issue**) is to understand the uses to which it was put.
43. Issue 2 comprises several sub-issues:
- a. The use (in general terms) of identification codes and ethnicity markers in general (**Issue 2a – Usage/IC numbers**).
 - b. The use (also in general terms) of the Document itself, and the offensive and archaic language therein (**Issue 2b – Usage/Document**).
 - c. The effect, if any, that the use of the markers and/or the Document's terminology may have had on investigations undertaken by POL (**Issue 2c – Usage/Investigations**).
44. Issue 1, and Issues 2a and 2b, comprise phase 1 of Project May. Issue 2c is in my view clearly more time-consuming and to a degree is contingent on the findings of phase 1; I agree that delegating that task to phase 2 is sensible and appropriate.

Issues 2a and 2b: issues arising from the uses to which the Document (and ethnicity markers more generally) may have been put

45. As to Issues 2a and 2b, it is important in my view to distinguish them. This is because it is undeniably true that records of a subject's ethnicity (or apparent ethnicity) played and continue to play a role in the criminal justice system. This appears partly to be due to the obligation in section 95(1)(b) of the Criminal Justice Act 1991 (the **1991 Act**), which required the government to publish data which would:
- "... facilitate[e] the performance by [persons engaged in the criminal justice system] of their duty to avoid discriminating against any persons on the ground of race or sex or any other improper ground".*
46. However, the precision of the match between the language quoted in the Guardian report and that present in the 1980s Document confirms to my satisfaction that reporting of perceived ethnicity was



standard in criminal investigation well before the 1991 Act. Although I understand the Home Office mandated the production of statistics rather than any specific method, and never required the use of IC numbers in producing them, it therefore appears evident to me that the 1991 Act merely catalysed or regularised the use of ethnicity reporting in criminal justice; and that it was normalised in some if not all public sector criminal investigation well before 1991. In any case, the information collected by Project May does appear to indicate both that there was a perceived requirement within POL that it was mandatory to record the ethnicity of individuals liable to become defendants in prosecutions; and that this perceived requirement was perceived by a number of other public or quasi-public organisations conducting (private) prosecutions as well. Further, it does appear to be the case – at least on the balance of probabilities – that such data was a necessity if PNC records were to be kept; and it is trite that the production of PNC records, particularly detailing previous convictions (“**pre-cons**”), is a necessity in any prosecution, not least so that pre-cons could be considered as part of any sentencing decision.

47. I note in this regard the apparent decision by POL, at some time between 2011 and 2012, to edit the package of appendices to remove what were seen as “*superfluous*” information from internal documents, as opposed to those likely to be needed in processing any subsequent prosecution. While the remaining internal documents still appear to carry information fields which are more suited to a police investigation than one such as this, this provides in my view an early indication, though by no means a final conclusion, that the split from RMG led POL to consider the use of ethnicity markers (again, as opposed to the Document itself) and limit this to situations where it was understood to be unavoidable.
48. On Issue 2a (Usage/IC numbers), therefore, I consider that it was probably reasonable to consider the use of ethnic identifiers to be in principle necessary, even up to the early 2010s; and that at least some attention was paid in the early 2010s to making sure they were only used where they were perceived to be genuinely necessary (and removed from documents otherwise).
49. That does not, of course, address Issue 2b (Usage/Document). I now examine that issue, through the lens in particular of the evolving “*editions*” of the Document and its predecessors.
50. The discovery of earlier versions – particularly in the form of the 1980s Document, which was attached to an investigation form as a permanent annexe – leads to the inference that at that point the 1980s Document was in current use and was not merely a (perhaps unregarded) piece of reference material. The fact that multiple versions were used during the 1980s and 1990s, identical other than in their varying spelling errors, offers further support for the active nature of the 1980s Document.
51. Similarly, the fact that the 2000s Document reproduced word-for-word the 1980s Document (including both the Term, the similarly offensive reference to “*light or white skinned*”, and the misspelled reference to “*Morrocan*”), but transcribed them into an electronic document leads me to the view that at least as late as the early 2000s the Document (or rather its immediate forbear) was in use at least to some extent, in the sense that it was a current piece of reference material. This does not, and cannot, indicate the degree to which it was actively used, and thus whether the terminology therein was regularly seen and went without remark. It appears to me unlikely that this is reasonably discoverable in the absence of first-person testimony from individuals working at that time. However, it does seem notable to me that ongoing changes to the Document’s forbears failed to remove the offending language at least up to the first years of the 21st century, at a time when police services had generally (it is impossible to say whether this was universal or not – see below at paragraph 64-65 – but it does seem common) rejected such terminology in written documents. This may be indicative at the very least of a lack of insight (even a kind of blindness) within the RMG teams in



question as to the obviously offensive nature of the language in question. In my view, the existence of the 2000 Form reinforces or even strengthens this conclusion, since it indicates not only that the Term was used on what appears to be a standard form for incident reporting, but that it was used in a slightly different form of words. The inference, I conclude, is that the term had at some point been transplanted onto the 2000 Form (whenever that form was initially created, and I do not believe it is likely that this is practically or reasonably discoverable), without any recognition of its inherent offensiveness; and that at least until 2000 it had continued to be in use (at any rate, within the particular regional security team in question) with no-one seeing the problem that it self-evidently represented. I say "*at the very least*" because an alternative inference is also of course possible: that the continued appearance into the 21st century of the Term on documentation indicated an underlying negative attitude towards people who appeared not to be white. I regard this alternative inference as significantly less probable, given the lack in any of the documents I have reviewed of any problematic terminology other than in the context of the Document and its successors (and the 2000 Form), and given the amendments which were made in the early 2010s.

52. One factor which might call into question the probability attached to the alternative inference mentioned in the paragraph above is the existence of the PO Form – or rather not the form itself (since the template does not include any guidance at all as to how to fill in the "*Race or Nationality*" box, let alone any IC codes or descriptors) but the content of this specific filled-in instance of the form. One could be forgiven for finding it surprising that the Term was used in this context, at this time (the time is uncertain, but the most reasonable hypothesis would be some time around 2004): the Term itself was not in my view in any common usage by that time, and it is disturbing (to say the least) to find it emerging in what appears to be a part of POL largely unconnected with the security teams in which the Term has been identified otherwise. However, I note that no other examples of this particular format with this use of the Term have emerged from the extensive searches undertaken by HSF (see paragraph 14 above). It seems unlikely, therefore, that this is an indicator of a systemic issue in Security, or indeed one within POL at large.
53. Moving on to the POL era, I note that the wording of the emails in 2011 and 2012 – describing the pack of "*Appendices*" including the Document in terms suggesting that they should be used to ensure compliance with POL procedures and make sure files could be demonstrated on audit to be complete – is suggestive of a situation in which all those documents, including the Document, remained at the very least live reference materials, even if (see below at paragraph 62) other analysis is suggestive that its use by then may have been approaching the marginal. I note the comments of those who have spoken with the ACI (see above at paragraph 32.c) suggesting that the Document was not in general active use, and that the common use of IC codes was driven not by the Document but by general team knowledge supported by open-source searches. Even if this is true, the likelihood in my view is that the Document was at least viewed from time to time (as it was distributed within the POL security team), apparently without anyone picking up on its problematic contents. An alternative hypothesis, and one which unfortunately would not seem amenable to testing unless further interviews or information which may arise from the Inquiry or otherwise became available (see below at paragraphs 75-77), is that the Document's continued existence but without (re)branding indicated that its problematic contents had been noted and the view was taken that it should simply be ignored. This is not entirely consistent with the fact that it was still being distributed, along with the other documents, in 2012/2013 rather than being omitted; I mention it for completeness rather than because I find it a particularly compelling explanation.
54. I do note in this context the evolving wording of the Document and its forbears. In particular, I note the removal of the offensive reference to "*light or white skinned*" Black people. In my view, this is suggestive of at least some attention paid to ongoing review of the Document in the years leading



up to 2011/2012. It seems, therefore, that the Document and its forbears was being reviewed and revised on various occasions over the years, but although these reviews may have removed some of the obviously problematic terminology, they failed to identify far more disturbing language which was present in the very same sentence.

55. It appears safe to me to infer that by 2016 at the very latest, and likely before, the Document and its companions were genuinely legacy documents which were no longer in any kind of use – and had likely been long supplanted (given that the 2010-2013 Spreadsheets used predefined IC number descriptors which did not use the Term or any similar language). Indeed, I note that the 2018-2023 Spreadsheet omits reference even to IC numbers altogether.
56. Four conclusions emerge in my view from this history as to Issue 2b (Usage/Document):
- a. Firstly, the documents – or at least the package of nine documents among which the Document was included in a zip folder – were passed among the POL security team in 2011-2012. Nothing in the contemporaneous communications indicates they were wholly legacy documents at that point, although equally nothing indicates that the Document (as opposed to IC numbers in themselves) was in any kind of active use. The Document's existence was still known within POL's security team in 2016.
 - b. Secondly, however, it does appear that even in 2011-2012 the Document was unlikely to be a regular reference document; and by 2016 it and its companions had been relegated to the status (as described in an email exchange for internal rather than external consumption, and therefore in my view more likely to be an accurate description) as "*previous documents*".
 - c. Thirdly, there is at least an indication that the documents were not subject to any kind of regular review, whether for compliance purposes or otherwise; review is said by [REDACTED] in the 2016 emails to be limited to the document dealing with procedural compliance checks on timescales.
 - d. Fourthly, if as appears likely the Document was known to exist by POL's security team – even if it was viewed as more a legacy document than one in day-to-day use – its inappropriate contents must at least have been seen on occasion by the team and failed to excite comment or concern. Without more, I do not think it is reasonable to see this as an indication that the language was seen as acceptable; but it nonetheless appears to indicate something of a blindness within the team as to the evident impropriety of such usage, even if (as members of the team insist) there was no overt racist language or conduct. I note the lack of any reference to apparent ethnicity either by descriptor or IC number in the version of the 2013 Policy which has been acquired (see paragraph 33 above), but note that this is a twice-revised version dating some six months from the initial draft. In this context, it would be helpful to review the earlier version(s) of the 2013 Policy and any available drafts/preparatory papers.
57. Given that prosecutions ceased in 2013, it appears likely that the Document and its companions was no longer in active use after that date; although that would appear to be because prosecutions had ceased rather than because of any identified issue with its contents.

Metadata

58. As noted above, POL has asked me specifically to consider the degree to which, from a legal perspective, what value can be derived and what weight placed on the characteristics and metadata



of the Document (and others which appear to have accompanied it). For clarity, I use the term “metadata” to refer to what can be gleaned from an electronic Document other than the actual final text therein.

59. To assist me, I commissioned – with POL’s agreement – an external specialist in digital forensics, QCC Global Ltd (**QCC**). I asked them to review not only the various versions of the Document which had been uncovered, but the appendices which had been supplied with it on the various occasions. They were provided with the earliest and most nearly original versions of these documents to which the ACI had access.

60. QCC’s findings were as follows:

“Work was undertaken to assess what may be learned from the metadata in the documents uncovered by Project May, and in particular the Document. Searches have produced four copies of the Document attached to emails sent in 2011, 2012, 2016 and 2019, although in fact the 2011/2012 versions and 2016/2019 versions appear to be identical:

- The version attached to emails in both 2011 and 2012 appears, from metadata embedded in its internal OLE file system, to have been last opened on 4 April 2011. It was last saved by a user with the name [REDACTED].*
- The version attached to emails in both 2016 and 2019 appears, from metadata embedded in its internal OLE file system, to have been last opened on 2 July 2013. It was last saved by a user with the name [REDACTED].*

One noteworthy point is that these are the only documents where the author is “unknown” and the metadata value for “Company” has not been set. For the versions of Microsoft Office which used the filetype with which these documents are saved, this latter value is usually set by the organisation on install and then unchanged; all the other documents in the set reviewed have the “Company” value set to either “Consignia plc” or RMG”.

In assessing the product of this work, it is important to remember that these documents are being reviewed in isolation, since they were attached to emails within zip folders. Their provenance, that is the machines on which they were created or saved, is not yet available, and without that historic data (which may in practice be irrecoverable) much of the internal data relating to the documents is unlikely to be available.”

61. QCC have also examined other documents, such as the older documents (including the 1980s and 2000s Documents). Perhaps unsurprisingly, these documents yield little or no usable or valuable information for investigative purposes from a metadata perspective.

62. These were initial findings, but nothing that has been uncovered since has indicated that the metadata of any of the documents in question is likely to produce evidence of a more concrete nature. However, I think the following can be mentioned:

- The earlier version of the Document appears unchanged from 2011 to 2013, bridging the switch from RMG to POL. In particular, I note that – unlike other appendices in the 2012 zip folder – the Document appears not only to have been unaltered, but unopened. Similarly, the Document attached to the later emails may have been untouched since 2013.



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- b. It seems possible, therefore, that while IC codes may have been in active use, the Document itself may not have been a primary source of guidance to staff as to how to use those codes – if it was used to any material extent.
 - c. However, QCC stresses, and I accept, the severe limitations inherent in assessing documents such as these without access to the hardware and systems on which they were created. Further, it appears true to say that the underlying metadata for documents such as these, and the file formats in which they were created, has limited validity from an evidential perspective when divorced from such hardware and systems. In addition, the amount of information which can be extracted is itself significantly limited, so expecting it – for instance – to provide truly reliable evidence of when a Document was created and by whom would be unwise.
 - d. I have therefore been cautious about drawing conclusions based solely or mainly on such information; and would urge such caution on others reviewing this report.

Issue 1: The origins of the Document

- 63. In my view, this can be dealt with more briefly. The work of Project May has demonstrated to my satisfaction that by 1987 at the latest RMG investigations used a version of the Document, with similar if not still more problematic language, as a routine part of its operations. I am also satisfied that RMG (and later POL) were not alone in using such language: it seems to me probable that this language had already been in use across a number of public sector institutions, notably the MPS in the late 1970s (see above at paragraph 26.e).
- 64. The evidence suggests that by the early 2000s this had changed at least so far as some police forces were concerned, since by 2003 the standard IC number reference wording used by the MPS had long dropped the offensive terminology prevalent earlier. I note in this context the Macpherson Report of February 1999, which inquired into the murder of Stephen Lawrence in 1993 and the subsequent botched MPS investigation and which triggered a major review across many if not most UK police forces into the potential for institutional racism. Whatever the situation may have been beforehand, I do not find it credible that post-Macpherson any UK police service would have continued to include language of this kind, at least in official or semi-official paperwork. Other UK public sector organisations, including POL, do not seem to have undergone an analogous self-examination.
- 65. If, as was reported by POL staff to which the ACI spoke, police officers came into RMG's security function in the 1970s and/or 1980s and brought with them systems and processes, it appears that the most probable explanation (given the close correspondence of the language in the Document with that in the Guardian report) that they brought the Document – or rather earlier iterations of it – with them.
- 66. Under the circumstances, I do not believe further investigation seeking to determine the entry point for the language in the Document into RMG (and later POL) is likely to be either justified or proportionate.

Equality Act 2010 issues

- 67. There are to my mind clear Equality Act (**EqA**) issues arising from the existence of the Document. I mention only EqA rather than its precursor legislation because the scope of Project May begins only after EqA came into force.



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68. In particular, I perceive the need to consider issues of indirect discrimination contrary to section 19 EqA, in that provisions, criteria or practices (**PCPs**) applied generally by POL to subjects of investigation may have had a particular discriminatory effect on individuals with particular protected characteristics. There may of course also have been other EqA breaches, among them direct discrimination (contrary to section 13 EqA), harassment (contrary to section 26 EqA) and/or victimisation (contrary to section 27 EqA).
69. Section 19 says that indirect discrimination occurs when a provision, criterion or practice (PCP):
- a. Is applied, or would be applied, both to people with a particular protected characteristic (in this case this would be a specific racial or ethnic background or appearance) and those without it (section 19(2)(a) EqA);
 - b. Puts, or would put, people with that characteristic at a particular disadvantage compared with those who do not have it (section 19(2)(b) EqA);
 - c. Puts a *specific* individual with that characteristic at that disadvantage (section 19(2)(c) EqA); and
 - d. The application of the PCP cannot be shown to be a proportionate means of achieving a legitimate aim (section 19(2)(d) EqA).
70. It will be noted that indirect discrimination requires the treatment of specific individuals to be reviewed; this does not form part of the ToR for phase 1, so a complete section 19 assessment is not yet feasible or appropriate. (Still more so is it impossible to assess possible harassment or victimisation issues, since these depend entirely on the treatment of specific individuals rather than on generally-applied practices.) A full assessment must therefore wait for phase 2.
71. However, it is possible and in my view appropriate to consider what PCPs may be applied at this stage and their potential general effects on the protected characteristic(s) in question, so as provide a baseline for phase 2 analysis. In other words: to make a preliminary assessment of the applicability of s19(2)(b) EqA.
72. In my view, the use of IC codes alone as reviewed above under Issue 2a (Usage/IC numbers) – that is, without reference to underlying racist terminology – is unlikely without more to put people with any specific ethnicity at a particular disadvantage. I say this because as far as has thus been determined, the use of such codes was driven not by any perceived internal policy imperative (or internal desire to distinguish between different ethnicities within investigations), but because they were seen as an externally-imposed requirement for prosecution purposes.
73. The wording in the Document (as reviewed above under Issue 2b – Usage/Document) is more problematic. The fact that while some of the (arguably less) offensive wording was weeded out over time yet the Term and other offensive language survived, might indicate a tendency to be blind to any ethnic partiality in how investigations were prioritised or undertaken. This hypothesis gains some support from the 2000 Form, which used the Term but in a different construction than appeared in the Document or its successors. As I indicated above at paragraph 51, I think this is a more likely hypothesis than the alternative one. But I must stress this is necessarily an interim view, not a conclusion. Any more certain conclusion would have to wait for any further work done at phase 2 encompassing (among other things) Issue 2c.



Assessment of progress against the Project ToR

74. The below table reviews the aims in the agreed Project ToR, as set out in paragraph 5 above. As well as a brief written assessment, I provide a RAG rating, where Green is complete, Amber is incomplete but achievable, and Red is incomplete and unlikely to be completed without some extrinsic change. I note that in making an assessment of whether an item is “complete” I am doing so on the basis of what is reasonably achievable and on the basis of the balance of probabilities.
75. In summary: only three of the nine aims remain outstanding in my view. They are contingent for completion on whether further information were to become available. The two routes through which this might be possible would appear to be either further interviewing, or the ongoing Inquiry process. I consider both routes in the next two paragraphs. An alternative source of information (albeit one whose outcome may not in practice provide much additional data) would be if earlier versions of the 2013 Policy became available, or if further information is forthcoming from other sources (whether as with the College of Policing this is in the form of responses to as yet unfinalised queries, or as with backups and servers anything is forthcoming from other POL research and enquiry). In either case, this should of course be reviewed and incorporated.
76. As to interviews, it does seem to me that information from individuals still employed at POL (enquiries of former employees have been unproductive – see above at paragraph 32.d) could conceivably produce useful data. I say this because as I understand it the conversations conducted with current staff described at paragraph 32.c above took place before the earlier iterations of the Document from the 1980s and 2000s were discovered by the ACI. Having reviewed the notes of the conversations, in my view further interviews could be valuable in identifying the precise status of the Document and its accompanying materials, and in assessing the degree to which it was actually reviewed at any point in 2011 or thereafter. That, in turn, would be of assistance in assessing what at face value appears to be a failure (if the Document was indeed more than simply an unreviewed electronic file in a zip folder kept for legacy purposes) to recognise the evident issues with its contents.
77. That said, I recognise that any more in-depth interviewing may run the risk of interfering with the ongoing process of the Inquiry – not least since several potential interviewees have already given evidence and may be asked to do so again. It cannot be stressed too highly that the Inquiry’s needs must always be paramount; and anything that risked its integrity should be avoided. Consequently, it seems to me that further interviews are generally unlikely to be possible. It would be sensible, therefore, for the Project May team to continue to review Inquiry evidence (both written and oral) as it emerges, particularly (but not solely) when it comes from those already known to be associated with Project May’s subject matter; and to review and if necessary, update this report accordingly.

Aim	Rating	Assessment
<i>The Document</i>		
a. To determine how the identification code document (the Document) came to be created and/or how this description of	G	Given the antiquity of the documentary evidence it’s unlikely that any further research will produce a more definitive answer on this point. On the balance of probabilities, the fact that almost identical language appears to have been use in



identification codes was present in POL's document library		policing in the late 70s, and use in Royal Mail appears to be routine by the late 80s, it is reasonable to consider that the language (whether in an original document or someone's recollection of it) was imported into Royal Mail by 1987 at the latest from another public sector source; most probably a police force.
b. To determine if the descriptors used in the document originated from the Home Office or other department of the State and if so when they were in use in public services	G	See above.
c. To understand, if the descriptors were once provided by the State, why the development of racial descriptive codes in use by external public sector investigators over the relevant time was not reflected in POL's investigation team document library	A	This is still outstanding. In the absence of further interview subjects, it seems feasible that materials (both in written form and oral evidence) produced by the ongoing Inquiry process is likely to be the key element in whether this point can be achieved. It is clear that by the early 2000s at the latest (and in some cases considerably earlier), ethnic appearance descriptors had evolved to more neutral (or at least less evidently offensive) terminology in policing and elsewhere; although it remains the case that some other public bodies were still using this kind of offensive language well into the 21st century. Further, I note the fact that the wording of the Document did change over time (although without removing the core offensive terminology). This is suggestive of attention to the Document's wording; although the failure to identify the far more fundamental problems with the category headings is as yet unexplained. As I explain below, I find any contention that the Document was not in use in RMG/POL to be unconvincing. Such a contention can only really be tested if further evidence becomes available.
<i>Use of Identity Codes in POL</i>		
d. To establish a time period during which identity codes were present and/or used	A	I am satisfied that from the establishment of POL as an independent organisation in 2012 ICs were in use as part of the investigative process; and had been at least since the late 1980s in RMG before



from the establishment of POL in 2012 to date		then. They appear to have fallen out of use as prosecutions ceased or in the years thereafter; certainly it appears they had fallen out of currency by around 2016. As to the Document itself, it appears that it was also a “live” document in the first few years of POL’s independent existence – although that does not mean the terminology in the document was in general usage. Nor does it mean that the Document was in general use, rather than being kept as one of a suite of reference documents that, in the event, may rarely have been consulted. I have seen no evidence to indicate that the Document was still in live use at all by 2016. There is evidence to suggest the documents sent in the email that year had last been opened in 2013. This is not entirely reliable, but is at least an indicator. I have seen two emails on 28 July 2016 to which the Document was attached: one is from [REDACTED] to [REDACTED], who then passes it on less than two minutes later in a further email to [REDACTED]. [REDACTED] refers to them as “previous documents” used in compiling a Cartwright King review in August 2013; but says she believes the Document was not one of those which was “regularly reviewed”. This is one area where Inquiry evidence may prove useful in providing further context, particularly emanating from [REDACTED] [REDACTED] and/or [REDACTED]. Certainly by 2019 the Document’s appearance in email appears to be wholly historic, appearing only in relation to disclosure searches.
e. To establish whether the codes were actively used on POL investigation or prosecution documentation and to what purpose	G	It is clear that from the late 80s (at the latest) through to at least 2012 IC numbers were in use in RMG and then POL case documentation. Again, this is a reference to the numbers (ie Issue 1a), not the offensive terminology (ie Issue 2b). Staff were graded on how accurately and completely they filled in necessary forms, and some of these forms required IC numbers. I have seen no evidence to suggest therefore that numbers were still not in active use by 2012.



f. To identify the rationale for using identity codes if they were used	G	I am satisfied that RMG and then POL felt compelled to use IC numbers because of the requirement (whether actual or perceived is in my view immaterial) on public organisations conducting private prosecutions to provide ethnicity information for PNC purposes. In other words: it was believed (and the belief was objectively reasonable) that this was not a matter on which RMG/POL had any choice. This conclusion is reinforced by the deliberate removal of IC numbers from some forms in 2012 during the switchover of forms and procedures from RMG to POL because they were “<i>superfluous</i>” – that is, on forms only used for POL internal purposes.
g. To identify any legislative purpose or requirements for the use of identification codes e.g., under Section 95 Criminal Justice Act 1991	G	The existence of the <i>Guardian</i> report indicates to my satisfaction that ethnicity reporting was prevalent in public sector criminal investigation well before the 1991 Act came into force. I have not encountered any statutory requirement before that time. As for later usage, I am not aware of any statutory requirement governing what information was required for PNC processing; however, I do not believe further enquiry is of benefit, given that I am satisfied as to RMG/POL’s reasonable understanding of the requirement on them to use at least some form of ethnic identification for prosecution purposes.
h. To establish whether there were any additional investigative or prosecution documents used by POL during the relevant time that contained race identification codes	G	Further activities are not in my view necessary or proportionate. Project May has identified use of not only IC numbers but the offensive terminology as early as 1987.
i. To establish what training on the use of identification codes was provided to POL investigation and prosecution staff	A	This remains uncertain. No written evidence has yet surfaced as to this training other than the fact that the Document was among those provided as standard to investigators at the time of the RMG-POL transition in 2011-2012. Inquiry evidence may shed light.



Next steps

78. The investigation into phase 1 is now essentially concluded. The only remaining step outstanding is ongoing reviews of Inquiry evidence as it emerges, but I do not believe that should hold up the finalisation of this report. A further possible step is the review of earlier versions of the 2013 Policy (if they or supporting documentation exist) mentioned above at paragraphs 32.c and 33. This final report will be updated with the results of these enquiries once they are undertaken.
79. The scoping of phase 2 will proceed once phase 1 is completed.
80. The ACI will otherwise maintain a watching brief. If further information emerges— for instance, from the College of Policing or from other enquiries and reviews which may be undertaken within POL or its legal advisers – updates to this report will be considered.