

HIGHLY SENSITIVE -
INVESTIGATIONS



TERMS OF REFERENCE PROJECT MAY

Context

In April 2023 Post Office Ltd (POL) received a request under the Freedom of Information Act for documents that were used by the Security Team between 2008-2011. Eight documents were supplied to comply with the request, one of which had seven identity codes that described racial origins, one of which used the outdated and offensive term 'negroid'.

Law enforcement and prosecutors in the UK have for many decades standardised the description of people, including categorisation of skin colour, for legitimate investigative purposes. This gave rise to identification codes where different skin colours were assigned a specific identification code number e.g., "IC1" related to a person perceived as being white skinned European. 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 that the word "negroid" was used in the FOIA-discovered document.

The descriptors of the codes were believed to have been produced by the State and used in law enforcement and the criminal justice system.

To capture the full extent of the nature, presence, and/or use of identity code descriptors 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 2012 through to the present day. This is the relevant period for Project May.

Aim

The aim of Project May fact find is to:

The Document

- To determine how the identification code document came to be created and/or how this description of identification codes was present in POL's document library
- 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
- 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
- When and why the term "negroid types" first appeared in any guidance documents
- Who was responsible for its inclusion

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Use of Identity Codes in POL

- To establish a time period during which identity codes were present and/or used from the establishment of POL in 2012 to date
- To establish whether the codes were actively used on POL investigation or prosecution documentation and to what purpose
- To identify the rationale for using identity codes if they were used
- To identify any legislative purpose or requirements for the use of identification codes e.g. under Section 95 Criminal Justice Act 1991
- To establish whether there were any additional investigative or prosecution documents used by POL during the relevant time that contained race identification codes
- To establish what training on the use of identification codes was provided to POL investigation and prosecution staff
- When was the term removed, why was it removed, and who was involved in its removal
- Whether there is any similar language being used in guidance, policy, or equivalent documents relevant to the terms of reference of the Post Office Horizon IT Inquiry

Broader Considerations

- To understand whether racial identity codes were used pro-actively by POL investigators or prosecutors in decision making relating to disposal of cases

Scope:

To achieve the Aim, the fact finding will be split into two phases -

PHASE 1

Discovery

- Conduct investigative meetings with current POL employees who previously worked within investigations or prosecutions to understand the origin of the document, and the process, purpose and intent to which the documents themselves and the descriptors in particular, may have been put.
- To submit a P6 request for consideration to be given to electronic searches to identify any emails and Teams chats that contain the word 'negroid' including
- Via POL's Inquiry team, identify all potentially relevant and discoverable historic investigation and prosecution papers to establish whether racial identification codes were used and in what context

Place in historical context

- To liaise with law enforcement to establish whether identical race codes were used in prosecutions or investigations
- Consider human rights and equality legislation applicable across the timeline

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PHASE 2

- Use historic prosecution and charge data to consider whether the use of identity codes influenced charging or disposal decisions