
From: Tamsin Allen
Sent: 26 February 2016 15:46
To: UCP Inquiry
Cc: Pitchford CP Lawyers

Dear Inquiry team

We write in response to the submissions in relation to undertakings made by the other CPs.

Criminal

We note that the CPs are in broad agreement that an undertaking co-extensive with the privilege against self incrimination should be sought in terms similar to that provided in the Azelle Rodney Inquiry. We would, however, suggest (consistently with paragraph 13 of our note) that the final sentence of the Azelle Rodney Inquiry undertaking should be included in order to make clear that the undertaking does not preclude the use of information and/or evidence identified independently of the evidence provided to the Inquiry. Whilst the representations on behalf of Mark Kennedy and the officers represented by Slater and Gordon endorse an Azelle Rodney form of undertaking, this sentence has been omitted from their proposed wording. Our view is that it should be included in order to make the position clear.

No other CPs have expressed a view at this stage in relation to our proposal that a wider undertaking should apply to the NPSCPs, although the MPS agree that *“to maximise the effectiveness of the inquiry individuals giving information to the Inquiry should not be deterred from providing their fullest and most open account because of fears of prosecution”* (para 12), and recognise that an expanded criminal undertaking may be needed and should not be ruled out.

The NPSCPs do not agree the MPS suggestion at their paragraph 18. Undertakings should generally be at least co-extensive with the PSI (and, we submit, wider for NPSCPs). To limit the undertakings in the way proposed would be to prevent the Inquiry hearing relevant evidence because some CPs (including, for example, Mark Kennedy were “criminal proceedings” to be given a broad interpretation) could legitimately rely on the privilege and refuse to answer questions the answers to which might be self-incriminating.

Disciplinary

As none of the police/state CPs have made arguments in favour of undertakings in relation to disciplinary proceedings, the NPSCPs do not wish to make submissions at this point. However, we wish to reserve our position as evidence may come to light to suggest that an undertaking in relation to disciplinary proceedings would assist the Inquiry.

Yours sincerely

Tamsin Allen
On behalf of the RLRs listed in the Schedule to the NPSCP submissions.

(please note, this response has been approved by those RLRs and the individual NPSCPs who have expressed a view)