

26 May 2016

PRESS NOTICE

Ruling in respect of undertakings

Sir Christopher Pitchford, the Chairman of the Undercover Policing Inquiry, has today published his [Ruling](#) on undertakings.

The Ruling balances the need for the Inquiry to get to the truth against the right not to self-incriminate and the possible use of evidence given to the Inquiry by one person against another for the purposes of criminal litigation.

The Ruling

The Chairman will seek an undertaking from the Attorney General, that self-incriminating evidence given to the Inquiry will not be used against the person providing it for the purposes of any criminal litigation against that person.

The undertaking sought would mean that the evidence witnesses give to the Inquiry could not be used against them (or against their spouse or civil partner) in any criminal proceedings, or when investigating or deciding whether to bring criminal proceedings.

If the Attorney General gives the undertaking sought it will enable witnesses to give evidence to the Inquiry without fear of being investigated and prosecuted as a result of their own evidence.

The Chairman has decided not to seek any wider undertaking from the Attorney General of a kind which might protect X from being prosecuted on the basis of evidence given by Y.

While the Chairman accepts that there may be some circumstances in which it would be in the public interest to seek such an undertaking, he does not accept that that this sort of undertaking is needed at this point. Such an undertaking is unprecedented in a public inquiry and could have significant adverse consequences for the administration of justice. However, the Chairman will keep the matter under review.

Further information can be found in the [overview note](#) and its question and answer section, which accompanies the Ruling.

Next Steps

The Chairman will write to the Attorney General and will publish the response so that people giving evidence are clear about the basis on which they may give evidence to the Inquiry.

The Inquiry has almost completed the current tranche of its preliminary hearings. One step remains outstanding:

- A hearing will take place on 22 June 2016 to consider the issue of whether the Inquiry has a duty to disclose to the parents of a deceased child that the child's identity was used for police purposes. Whether or not such a duty exists, the Chairman will be deciding the approach that he is going to take when deciding who, if anyone, should be informed that a deceased child's identity has been used by an undercover police officer.

Background

The purpose of the Undercover Policing Inquiry is to inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968. The Inquiry will examine the contribution undercover policing has made to tackling crime, how it was and is supervised and regulated, and its effect on individuals involved, both police officers and others who came into contact with them.

The Inquiry ranges across the full scope of undercover policing work and will look at the work of the Special Demonstration Squad, the National Public Order Intelligence Unit and undercover policing by all English and Welsh police forces in England and Wales. The Inquiry will also examine whether people may have been wrongly convicted in cases involving undercover police officers, and refer any such cases to a separate panel for consideration.

The work of the Inquiry will fall into three modules:

1. Module one will look at what happened in the deployment of undercover officers in the past, their conduct, and the impact of their activities on themselves and others.
2. Module two will look at the management and oversight of undercover policing. In particular it will look at the authorisation of and justification for undercover police operations. This will include the role not only of police forces but also that of other government departments such as the Home Office. In relation to undercover police officers, it will look at issues such as their selection, training, supervision and care after the end of an undercover deployment.
3. Module three will be forward-looking and take evidence to assist the Chairman to make recommendations about how undercover policing should be conducted in future. It is anticipated that the Inquiry will receive evidence from expert witnesses and evidence about best practice in other jurisdictions.

ENDS

NOTES TO EDITORS

1. This press notice does not form part of the Ruling and does not form part of its reasoning. The full [Ruling](#) is the only authoritative document.
2. The Undercover Policing Inquiry is constituted under the Inquiries Act 2005.
3. The Inquiry's [terms of reference](#) were announced by the Home Secretary on 16 July.
4. Information by way of background to the Ruling on undertakings can be found on the [undertakings page](#) on the Inquiry's website.
5. An [overview note](#) of the Ruling on undertakings has been produced to aid understanding.
6. The Inquiry's website is www.ucpi.org.uk and the Inquiry can be found on Twitter @ucpinquiry

For further information please contact the Inquiry's press officer, Mike Wicksteed.

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