

THE UNDERCOVER POLICING INQUIRY

DISCLOSURE OF DECEASED CHILDREN'S IDENTITIES: SKELETON ARGUMENT ON BEHALF OF THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

1. This preliminary hearing will address: (1) whether the state has a duty to disclose to the parents of a deceased child that the identity of that child was used for police purposes and (2) if there is a public interest test to be applied what does it comprise and how is it to be measured.
2. The Secretary of State was profoundly concerned and disappointed when she learnt of the allegations made against officers of the Metropolitan Police Service's Special Demonstration Squad concerning the use of the identities of deceased children. The conclusion in the first Operation Herne Report¹ that the practice had indeed been used by the SDS but also by the National Public Order Intelligence Unit and possibly by others was one of the factors that led her to set up the Undercover Policing Inquiry. She recognises the particular distress that the use of the practice will have caused to those individuals who have lost children.
3. This is an area of public and parliamentary interest and concern. It is also an area of considerable sensitivity. It is submitted that Counsel to the Inquiry's Note on the principles applicable to the disclosure of deceased children's identities of 17 May 2016 correctly addresses the two questions for the preliminary hearing. Further, it sets out at paragraph 71 a sensible procedure that should normally be adopted by the Inquiry in these circumstances.

NICHOLAS GRIFFIN QC

1 June 2016

¹ Operation Herne Report 1: Use of covert identities, Chief Constable Mick Creedon (July 2013)