

Mr M Pretorius
Undercover Policing Inquiry
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Our Ref: SGI/UM1277016
Your Ref:

21 June 2016

Dear Mr Pretorius

RE: Undercover Policing Inquiry – Misconduct Proceedings: position statement on behalf of ‘the Slater & Gordon officers’ on the issue of undertakings

Previously, as the Chairman has pointed out in his Undertakings Ruling of 26 May 2016 and Further Directions on Undertakings of 8 June 2016, the officers whom we represent (now conveniently referred to as ‘the Slater & Gordon officers’) had not asked for undertakings to be sought from relevant appropriate authorities in respect of actual or potential misconduct proceedings.

Since setting out their position on undertakings in a letter dated 19 February 2016 the circumstances have changed for the Slater & Gordon officers, for the reasons set out in the Chairman’s latest directions. In light of the way in which the Policing and Crime Bill is currently drafted permitting regulations to be issued that could allow misconduct to be brought against a retired officer years after retirement, we have reconsidered the position of the officers whom we represent.

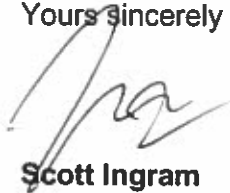
It is difficult to make meaningful submissions on behalf of individual Slater & Gordon officers in advance of rulings on individual restriction order applications. A number of those officers whom we represent could face misconduct proceedings many years after they ceased being serving police officers. There are already a number of disincentives to providing a full and candid account to the Inquiry for these officers. Some of those disincentives have been identified in their closed restriction order applications, and in the prior open undertakings position statement submitted on their behalf. It is undoubtedly the case that the prospect of lengthy misconduct proceedings at some unspecified point in the future, potentially decades after the events concerned, in which the officers may have to bear their own costs of representation and which may have serious financial repercussions for them in the event of an adverse finding provides an additional, powerful disincentive to providing a full and candid account to the Inquiry.

Given these changed circumstances, the officers whom we represent would invite the Chairman to seek undertakings from the relevant appropriate authorities (whether chief officers or otherwise) in similar terms to the undertaking set out at paragraph 8 of the Chairman’s Undertakings minded to note of 3 March 2016, save that references to criminal proceedings should be replaced with references to the Police (Conduct) Regulations as appropriate.

We note that the Chairman does not expect this position statement to fully argue the position set out above. No doubt further directions will be made in due course on this issue, and

consideration can be given to making fully argued applications on behalf of individual CPs whom we represent in both open and closed form.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Ingram', written over the typed name.

Scott Ingram

Slater & Gordon UK LLP