

Update note June 2016

Introduction

This is the first update note for the Inquiry into undercover policing. We intend to publish regular update notes from now onwards. The purpose of these notes will be to give a broad overview of the work that is being done by the Inquiry to progress the terms of reference.

The Inquiry is an independent Inquiry, led by a senior judge, Sir Christopher Pitchford; it was established under the [Inquiries Act 2005](#) by the Government to look at undercover policing in England and Wales since 1968.

The Inquiry's role covers undercover policing in its broadest sense; it is not limited to particular types of undercover policing¹, [its terms of reference](#) are widely construed and they require the Inquiry to find out what happened, and why, and make recommendations as to how undercover policing should be carried out in future.

Sir Christopher Pitchford made his [opening statement](#) on 28 July 2015. In this statement he said,

"I hope that during the course of its work the Inquiry will acquire a clear impression as to the manner in which undercover policing has been conducted in England and Wales since 1968. It seems likely that the Inquiry will expose both creditable and discreditable conduct, practice and management. As far as I am aware, this is the first time that undercover policing has been exposed to the rigour of public examination. At the conclusion of its investigation, the Inquiry will report to the Home Secretary and make recommendations as to the deployment of undercover police officers in the future." "The Inquiry's priority is to discover the truth. This is a public inquiry to which, as the name implies, the public will have access."

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.

¹ The Inquiry is not restricted to political and social justice campaigns. It does not cover surveillance activities undertaken outside of undercover policing operations. The Inquiry's activities are limited to England and Wales.

Progress to Date

Following the opening statement last summer, the focus of the Inquiry's early months has been to decide;

- who should be awarded core participant status;
- which legal representatives should be designated as Recognised Legal Representatives;
- which of those core participants should receive legal funding from the Inquiry;
- the standard of proof that the Chairman should apply when considering evidence;
- the legal approach to be taken to applications for restriction orders, i.e. applications to restrict the disclosure or publication of evidence provided to the Inquiry, including applications for anonymity;
- the scope of any undertaking that the Inquiry chairman might seek from the Attorney General - regarding the use to which evidence given to the Inquiry might be put in future criminal proceedings; and
- whether the state has a duty to disclose to the parents of a deceased child that the child's identity was used for police purposes.

Transcripts of all of the hearings were made available on the Inquiry's website immediately after the hearings took place, as are all rulings and directions in respect of the Inquiry. The Inquiry will also publish all open evidence.

Alongside this work, the Inquiry team have:

- met with a wide range of people and groups who have an interest in the work of the Inquiry, including representatives from core participants on all sides of the undercover policing debate, listening to views, establishing what documents different state bodies have and how best they can co-operate with the Inquiry to produce them;
- spent significant amounts of time in organisations, mainly the Metropolitan Police Service and National Crime Agency, looking at material to establish whether it is relevant to the Inquiry;
- received voluntary disclosure of a significant amount of documentary evidence from state bodies;
- sent formal requests to organisations who are likely to have relevant evidence to submit such evidence (known as '[rule 9](#) requests');
- drafted and consulted upon various protocols relating to disclosure of and redaction of documents;
- published a range of notes from Inquiry counsel and directions from the Chairman in order to assist core participants, and others with an interest in the Inquiry, to have a clearer understanding of the matters being considered;
- conducted detailed research into legal issues of central relevance to the Inquiry;
- received and assessed around 70 claims for legal costs submitted on behalf of recognised legal representatives;

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- created an Inquiry website and uploaded Inquiry documents to it; and
- recruited the Inquiry team and established its working practices, policies and procedures.

Next steps

As the Terms of Reference to the Inquiry state, and as the Chair set out in his opening statement, the Inquiry hopes to report to the Home Secretary within three years. This is not a condition but, in light of the background, it is highly desirable that the Inquiry makes strenuous efforts to meet the target.

With that in mind, we have identified the following next steps:

- In June, publish details of the Inquiry's first years' expenditure.
- Imminently, publish provisionally redacted statements from the Metropolitan Police Service in response to requests which the Inquiry has made for evidence as to the steps which the Metropolitan Police Service has taken to protect potentially relevant material.
- By the end of June, receive and consider applications from the Metropolitan Police Service for anonymity and redaction on behalf of the police officers known as Cairo, Jaipur and Karachi.
- By 12 July receive and consider any responses to submissions made by individual former and serving police officers in support of undertakings preventing the use of evidence given to the Inquiry by former and serving police officers in disciplinary proceedings
- By 14 July receive and consider further evidence from Slater and Gordon solicitors in support of the applications for anonymity that have been made on behalf of the police officers represented by that firm. Any open evidence provided will also be circulated to the core participants.
- By 14 July publish the Chairman's ruling upon the applications for anonymity and redaction made on behalf of Cairo, Jaipur and Karachi (wholly in open, or partly in open and partly in closed). The open documents will also be circulated by the Inquiry to core participants.
- By 19 July publish the Chairman's 'minded-to' Note in relation to applications for anonymity made by non-state non-police core participants. This note will indicate which of these applications the Chairman is minded to grant and those that he is minded not to grant. At the same time the Chairman will also publish a timetable towards decisions on the papers or decisions following written or oral argument
- In July, issue the Chairman's Ruling on whether the state has a duty to disclose to the parents of a deceased child that the child's identity was used for police purposes - date to be confirmed.

Where it is not possible to meet one of the deadlines above, we will update the website.

Looking further ahead

- Over the course of the summer, we will continue to review the evidence that we have received from state bodies.
- Between now and the end of the year, we will publish rulings in respect of restriction orders, with the possibility of hearings in respect of applications for such orders.
- Early in the New Year, the Inquiry hopes to be in a position to set a timetable for the Module One evidential hearings, commencing later in 2017.

In addition to the above we may also issue ad hoc Rulings that determine fresh applications for core participant status, and associated Rulings on recognised legal representation and costs.

Key statistics

As at 29 June 2016 the Inquiry has:

- designated 199 core participants, of which 177 are receiving funding for legal costs from the Inquiry;
- recognised 23 legal representatives;
- held five preliminary hearings;
- made around 190 'Rule 9' letters requesting information from more than 50 organisations;
- made one [section 21](#) request for information;
- Issued seven sets of Directions;
- issued 29 Rulings;
- issued three Chairman's Notes;
- made three Orders;
- issued seven notes from Inquiry Counsel;
- received more than 40 formal submissions and position from core participants and others with in the Inquiry;
- received over 250,000 documents from the Metropolitan Police alone;
- received nearly 160 witness statements (not including further or replacement statements), plus three further witness statement and three replacement witness statements;
- received 32 applications for anonymity;
- received requests for 11 restriction orders;
- received more than 60 Notifications of intention to request a restriction order;
- received 24 tranches of voluntary disclosure;
- recruited 20 people to work with the Chairman as part of the Inquiry team.

Latest documents

The Inquiry website already hosts a significant amount of information sorted into topic areas. During its progress, the Inquiry anticipates receiving many hundreds of thousands, potentially millions of documents from a range of sources.

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Questions and queries

The Inquiry has a full set of 'frequently asked questions, covering matters such as how the Inquiry can be contacted, how people can engage with its processes and what it means to be a core participant. As the Inquiry progresses [frequently asked questions](#) will be updated.

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