

Preliminary issue:

The Rehabilitation of Offenders Act 1974 and its impact on the Inquiry's work

Note to core participants

1. A brief statement of the manner in which I have applied the Rehabilitation of Offenders Act 1974 in considering the applications for restriction orders thus far may assist those making submissions about section 7(3) of that Act.
2. The risk assessments refer both to spent and unspent convictions. When dealing with the applications on paper before issuing a 'Minded to' note I have had no regard to the spent convictions of a person who has no unspent convictions. In the case of a person with one or more relevant unspent convictions, I have taken into account spent convictions where they appear to evidence a pattern of conduct relevant to the issue I am minded to determine, but not otherwise. In the (very) small number of instances in which I have done so, my reason for taking them into account is that, in fairness to the officer concerned, it is necessary to do so to permit me to assess the risks, of disclosure of the real or cover name, to the officer. Unless I can I cannot do justice to the application.
3. My experience, so far, has been that spent convictions play a small but necessary part in the assessment of risk to an individual officer and a minimal part overall.

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Sir John Mitting
Chairman, Undercover Policing Inquiry