

UNDERCOVER POLICING INQUIRY

In the matter of section 19 (3) of the Inquiries act 2005

On the application of HN 58 for a restriction order in respect of real and cover name

HN58

1. I am minded to make a restriction order in respect of real and cover name.

Reasons

2. HN 58 was the Detective Chief Inspector in charge of the Special Demonstration Squad between 1997 and 2001. He has important evidence to give about a number of topics which the Inquiry must explore to fulfil its terms of reference. They include the deployment of HN 81 into a campaigning group which sought to associate itself with the Stephen Lawrence campaign, the meeting between HN 81 and Acting Detective Inspector Walton, authorisation of the participation of an officer in the commission of a serious crime, the handling of problems created by the deployments of DC Francis, HN 123, DC Boyling, HN 15, HN 16 and HN 26, and by the discharge of his management duties by DI Lambert. But for the considerations referred to below, he would have been required to give evidence about the performance of his managerial duties in his real name.
3. He was, however, deployed as an undercover officer earlier in his career. The deployment created some risk to his personal safety. A small, but real, risk would recur if his real name were to be published. The source of the risk – in other words, the identity of the group or groups against which he was deployed – cannot be identified publicly without giving rise to the risk. If his real name were to be published, there would be a real risk that his cover name and details of his deployment would be discovered by those interested in doing so.
4. In those circumstances, the option, which I have explored with his legal representatives and those of the Metropolitan Police Service in a closed session of publishing his real name and requiring him to give evidence in it behind screens and with voice modulation would not afford him adequate protection against a real risk to his safety. Further, it would deprive members of the public, in particular those affected by his decisions as a manager, from reaching their own judgement about the truthfulness and reliability of his evidence by observing the manner in which he gives it. I am therefore minded to permit him to give public evidence of the discharge of his managerial duties in a cypher, but in full view of members of the public and in his natural voice. I

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will permit him to adopt measures to conceal his true identity, provided that it does not prevent members of the public from observing his demeanour.

5. Any evidence about his deployment will be provided to or given in a closed session. Because there is no known allegation of misconduct against him when deployed as an undercover officer and because the nature of his deployment and what is known of his personal and family life make it unlikely that it would be necessary to investigate possible misconduct even if details of his deployment were made public. What matters to the Inquiry and to the public and many core participants is the performance of his duties as a manager. The course which I am minded to take provides the best opportunity for the Inquiry to fulfil its terms of reference in respect of that important issue.
6. For those reasons, it is unnecessary and unjustified to take the risk to the safety of HN 58 which would be created by publication of his real name.
7. Peter Francis submits that his cover name only should be published. If that were to be done and if it were to be coupled with publication of the details of his deployment as an undercover officer, it would give no more information to the public about the discharge of his duties as a manager than if that part of his evidence were to be given under a cypher; but it would increase the risk to his safety by permitting a person who does not have his interests or the public interest at heart to identify him in both names to others. Such dissemination involves a risk that this information will become known to those who might pose a threat to his safety.
8. For the reasons given, the making of a restriction order in respect of both the real and cover name of HN 58 is necessary to avoid disproportionate and unjustified interference with his right to respect for his private life – his physical integrity – under article 8 ECHR.

20 December 2017

Sir John Mitting

Chairman, Undercover Policing Inquiry