IN THE UNDERCOVER POLICING INQUIRY

NON-POLICE, NON-STATE CORE PARTICIPANT RESPONSE TO CONSULTATION ON DISCLOSURE IN THE CONTEXT OF SDS ANONYMITY APPLICATIONS

INTRODUCTION

1. The NPSCPs share the Inquiry's desire to end the delays that have beset the anonymity application process to date. However, the proposed solution in the consultation document risks hampering the Inquiry's ability to get to the truth during its substantive phase and its ability to command public confidence in its process and conclusions. The NPSCPs submit that the proposals in the consultation are founded on (i) an erroneous view as to what Rule 12 of the Inquiry Rules 2006 requires to be withheld; and (ii) a lack of recognition of the impact on the Inquiry if it determines anonymity applications on a one-sided basis.

2. The structure of these submissions is as follows:

   Part 1: why anonymity applications have to be determined on a properly informed basis and, therefore, why disclosure to NPSCPs matters;

   Part 2: why the premise of the consultation – that the Inquiry is unable to make sufficient disclosure to enable NPSCPs to make meaningful submissions – is demonstrably wrong;

   Part 3: the NPSCPs' proposed solution to the current process

Part 1: why anonymity applications have to be determined on a properly informed basis and why disclosure to NPSCPs matters

3. The Chairman's priority is to discover the truth. He has also confirmed that "[i]n making procedural decisions about the conduct of the Inquiry [he] will do nothing which [he] can legitimately avoid which makes fulfilment of that intention more

difficult."[1] This commitment is welcomed and it has implications for the conduct of the Inquiry in determining anonymity decisions.

4. The outcome of anonymity applications will materially affect the Inquiry's ability during its substantive phase to resolve important issues within its terms of reference. Without disclosure of officers' cover (and in some cases real) identities to NPSCPs and the public, the Inquiry will not, for example, be able to get to the truth of:

   a. the adequacy of the justification for targeting, because it will hear only the police side of the argument;

   b. the scope of undercover operations in practice and their purpose and extent;

   c. whether or not there was misconduct during the deployment, including any personal relationships;

   d. the effect on those who had contact with undercover officers .

5. Further, without properly informed assessment of the above matters, and with access to only the police account, the Inquiry will not have a handle on the extent of the problems arising from a-d above and so will not be able to reach soundly based conclusions about the adequacy of the operational governance and oversight of undercover policing or of its statutory, policy and judicial regulation.

6. There are therefore three ways in which the evidence of NPSCPs and other members of the public is essential:

   a. in getting to the truth in relation to individual deployments it is necessary to consider the evidence of those who were affected and not just the police account. This is not possible where cover names are restricted, and possibly where real names are restricted, to the extent that this precludes publication of images from the time of deployment[2];

   b. given the systemic nature of the questions the Inquiry is tasked with answering, it cannot limit itself to the investigation of the currently known

[1] Statement of 20 November 2017 para. 3.

[2] See letter from Tamsin Allen on behalf of the NPSCPs to the Inquiry dated 19 December 2017.

cases of wrong-doing. It has to assess whether such practices were limited or endemic; to what extent they were part of the modus operandi of undercover policing, or isolated incidents. That requires genuine *investigation* – including of deployments not previously examined, in order to assess the extent of the problem - not merely traversing previously identified ground. Again this is not possible where cover names are restricted;

c. it is necessary, in order to ensure public confidence in the process and outcome of the Inquiry, that it hears, and is seen to hear, all relevant evidence and not just the police account.

7. Given the impact, therefore, of anonymity orders on the Inquiry's ability to receive evidence from non-police sources during its substantive phase, it is of significant importance that applications for such orders are determined on a properly informed basis. If they are decided on a false or incomplete basis, they have the potential to derail the substantive phase of the Inquiry for all of the reasons set out above. Further, if anonymity decisions are to command public confidence, they need to be as open as possible. Given that a successful application will preclude public scrutiny during the substantive phase of the Inquiry and, in the case of cover names, may well prevent wrong-doing from being discovered at all, anonymity decisions will undermine public confidence in the Inquiry if they are determined on the unchallenged accounts of those with a direct interest in avoiding scrutiny.

8. The NPSCPs have already made detailed submissions in their letter of 14 December 2017, responding to the Chairman's Rehabilitation of Offenders Act ruling of 29 November 2017, as to why it is necessary for him to obtain and consider relevant evidence which contradicts the police account in support of anonymity applications at this stage; and as to why, if restriction orders are wrongly granted now, particularly in relation to cover names, this cannot necessarily be rectified during the substantive phase of the Inquiry. The NPSCPs adopt the submissions set out in that letter.

9. In short:

a. restriction orders, particularly in relation to cover names, will have a material impact on the Inquiry's ability to fulfil its terms of reference and to command public confidence.

b. If such orders are wrongly granted now, they will have a chilling effect on the efficacy of the Inquiry going forward and in many cases this will not be remediable during subsequent stages of the Inquiry.

c. It is therefore important that anonymity applications, in particular those that will have the effect of subsequently precluding non-police evidence from being available to the Inquiry during its substantive phase, are determined on a properly informed basis and one which is not seen to be based solely on the police's own contentions of risk.

d. That entails obtaining, in so far as it is possible to do so, relevant evidence and submissions from those, including NPSCPs, who may be in a position to challenge the police account in support of the application, both in relation to alleged risk and the nature and weight of the competing public interests for and against restriction.

10. It is wholly wrong to suggest, as the Chairman does in his opening statement of 20 November 2017, that the proposals advanced in the consultation "could be adopted to speed up the process without sacrificing anything of real value for core participants."[3]

11. If anonymity orders are granted on the unilateral account of those who seek them, without public scrutiny of the underlying evidence and without a proper opportunity for those with submissions to make to do so, the impact on the Inquiry's substantive phase will be stark. Restriction of cover names wrongly founded on untested assertions of risk will preclude wrong-doing from coming to light and will undermine the credibility of the Inquiry's substantive investigation. NPSCPs do not, as the Chairman appears to believe, seek disclosure of this information simply out of an impatience to learn "as much as possible as soon as possible about deployments

[3] Statement p.7/9 (i).

affecting them."[4] There is a pressing instrumental need for them to know this information at this stage, so that they can provide the Inquiry with informed submissions, and where appropriate, evidence, challenging the police account in support of anonymity.

Part 2: why the premise of the consultation – that the Inquiry is unable to make sufficient disclosure to enable NPSCPs to make meaningful submissions – is demonstrably wrong

12. The NPSCPs accept that there will be matters in connection with anonymity orders which cannot lawfully be disclosed to them. Further, they accept that the scope of Rule 12 is correctly described in paragraph 8 of the consultation document: "at the stage before an application is determined, nothing in the application or evidence can be published which could reveal the piece of information (real and/or cover name) which an applicant is seeking to restrict." In addition, the Inquiry is entitled to withhold material that would undermine other restriction order applications, or which might pre-empt restriction order applications which have yet to be made, or that it would be unlawful to publish for some other reason, for example, because publication would constitute an unlawful Article 8 interference.

13. However, the extent of the redaction to material served in connection with the anonymity applications determined to date has been significantly in excess of that justified by any of the considerations above.

14. This is clearly illustrated by an examination of the redactions to the documentation in relation to HN58's application.

15. In assessing this, it is helpful to set out the factors that are material to the Chairman's determination of an anonymity application, as identified in paragraph 152 of the previous Chairman's ruling on legal principles (May 2016), as it is the evidence going to these factors that it is most relevant to disclose:

[4] Chairman's opening statement, 20 November 2017, p.7(i).

(1) the public interest in non-disclosure;

(2) the risk and level of harm to the public interest that would follow disclosure of the information the application seeks to restrict;

(3) the public interest in disclosure;

(4) the risk and level of harm to the public interest that would follow non-disclosure of the information the application seeks to restrict;

(5) the balance to be struck between the competing public interests.

16. The NPSCPs contend that the Inquiry should prioritise disclosure of the information relevant to these factors. It is clear from an examination of HN58's case that this is not currently being done and that information relevant to these factors is being wrongly withheld.

17. The most striking non-disclosure in HN58's case was in relation to matters going to the public interest in favour of disclosure. Nowhere in the material disclosed in relation to this application, including in the Chairman's first minded to note, was the significance of this officer's managerial role disclosed. This is despite this information being of central relevance to the public interest in disclosure of this officer's real and cover names. The fact that this officer was in charge of the SDS at the time when HN81 was passing information to Richard Walton, and when officers under his management were engaging in intimate personal relationships with those on whom they spied, is very significant evidence in support of the public interest in revealing his identity. And yet, this information was not only not disclosed in the material provided in support of his application, it must have been actively redacted from the supporting documents: see, for example, section 4.20 of the risk assessment dated 25.5.2017. This is entitled "Summary of N58's post-UCO career". The information there contained has been gisted as "Details of N58's post-UCO career". All of the details going to the public interest in disclosure of his identity have been withheld. Likewise at section 5.4 of the same document, entitled "Subject to any formal investigation". The gist provided is limited to one word: "Discussion". Presumably, if the risk assessment was completed accurately, the unredacted version contains reference here to the fact that HN58 was subject to investigation by

the Independent Police Complaints Commission in respect of his connection with the activities of HN81. Again, this is information of significant relevance to the public interest in disclosure of his identity, which appears to have been actively redacted from the disclosed documents.

18. There is plainly no proper basis for these redactions:

    a. the information about HN58's managerial role and the fact that he had been investigated by the IPCC was already in the public domain, although, as explained at paragraphs 118 and 119 of the NPSCPs' submissions of 5 October 2017, careful cross-referencing between the Ellison Review and the IPCC report 'Ellison Review – Walton, Lambert and Black' was required in order to discover this; and, further,

    b. disclosure of the significance of HN58's managerial role has not led, and was never likely to lead, to the revelation of his real or cover names.

19. The redaction of this material information from the disclosed anonymity documents cannot therefore have been justified on the basis of Rule 12, or on any other lawful basis.

20. Further, the impact of this non-disclosure on the NPSCPs' ability to make meaningful submissions is also demonstrable. The submissions that the NPSCPs were able to make as a result of deciphering the link between HN58 and the information contained in the Ellison and IPCC reports, together with the submissions made by Peter Francis, had an acknowledged impact on the Chairman's assessment of the balance of public interest in disclosure of HN58's real name (see para. 13 of the Chairman's supplementary minded to note dated 23 October 2017)[5].

[5] It is acknowledged that the Chairman in his third 'minded to' position in relation to HN58 has reverted to the view that the balance of public interest favours restriction of HN58's real name. However, for the reasons set out in the submissions to be served separately in relation to that 'minded to' indication, it is respectfully submitted he is wrong to have done so, but in any event, the point remains that the information that was wrongly withheld from the documents disclosed by the Inquiry in relation to this application, when discovered independently, enabled the NPSCPs to make relevant and persuasive submissions against the anonymity application. This holds true whether or not those submissions are ultimately successful in persuading the Chairman to refuse the application.

21. In short, the information in relation to HN58's managerial role provides a clear example, not only of excessive redaction of material in support of a restriction order, but excessive redaction of material of direct relevance to the matters the Chairman is required to assess when determining a restriction order application, and about which the NPSCPs should have been enabled, through proper disclosure by the Inquiry, to make properly informed submissions.

22. The NPSCPs are able to point to the example in relation to HN58, because of the unusual circumstances of the wrongly withheld material already being in the public domain (albeit not readily accessible). With other examples, where the information is not otherwise in the public domain, the NPSCPs are able to point to very strong inferences that the level of redaction must be excessive.

23. For example, in relation to HN16, in the Chairman's ruling of 5 December 2017, the Chairman expresses the view that nothing more can be said about HN16's economic circumstances (which are relied upon by HN16 as a basis for granting anonymity) without infringing Rule 12(2) of the Inquiry Rules 2006[6]. However, it is, with respect, difficult to see how this could be correct. It is highly unlikely that HN16's economic circumstances are so unique that nothing whatsoever can be said about them without thereby revealing his real name – which is what Rule 12 protects. Rule 12 does not provide for blanket redaction of all/any evidence adduced in support of a restriction order application, only that which would reveal the very information the application seeks to restrict – in this case the real name – this is correctly recognised in para. 8 of the consultation. There are a number of features of a former UCO's current economic circumstances which could be relevant to the public interest in refusal of an anonymity order, for example, if the officer now holds public office, or if s/he is employed in a role which gives rise to the possibility that s/he is using, or has used, in his/her current role, information or techniques gathered during his/her

[6] Paragraph 6 of the 5 December 2017 ruling.

time as a UCO, or where the nature of the current role is such that the officer's conduct and motivation whilst deployed as a UCO may have been directed at enhancing his/her future career path, for example in private security. The reasons why these factors are relevant to the public interest and to the Inquiry's terms of reference are developed in the witness statement of Donal O'Driscoll served with these submissions.

24. In terms of disclosure, it is highly doubtful that a gist which reveals that an officer now works, for example, in private/corporate security/ intelligence gathering, could properly be said to fall foul of Rule 12 or be unlawful for some other reason. However, such information would enable NPSCPs to make relevant submissions as to the public interest in disclosure of the officer's identity.

25. Likewise, where the name of the group or groups infiltrated by the applicant is withheld, it is hard to imagine that revealing that information would reveal the name of the officer (cover or real), unless the group infiltrated was very small, and even then this would still be unlikely to reveal the real name. This is even more so in relation to groups which are said only to have been peripherally affected by an officer: if contact was genuinely peripheral, it is even less likely that disclosing the name of those groups would lead to the identification of the officer. Further, even in cases where it could properly be concluded that revealing the name of the group might lead to revelation of the officer's identity, there can be no good reason why the general nature of the group or groups infiltrated cannot be disclosed, for example "far right" or by reference to the Inquiry's categories A-L for core participants. So, for example, in relation to HN58, it is said in the Chairman's minded to note of 20 December 2017 that the identity of the group or groups against which HN58 was deployed cannot be identified publicly without giving rise to a "small, but real", risk to his personal safety. The NPSCPs question whether this can really be right, but in any event, there can be no good reason why the general nature of the group – e.g. "far right", "animal rights" or "social and environmental activists" cannot be revealed. Such information would enable NPSCPs to assess the level of potential relevance of the application to their own circumstances and therefore the

extent to which they would wish to challenge the minded to position. It would also inform their submissions in relation to risk. For example, they are likely to have more to say in contradiction of an assessment of risk said to arise from social and environmental activists than from the far right.

26. Similarly in relation to the gisting of medical information. It is accepted that there will be personal information, which it would be disproportionate to disclose. However, it is not accepted that nothing more can be said about the medical assessments served in support of anonymity applications than is currently being disclosed. The majority of the gists provided are unjustifiably meaningless. For example in relation to HN58, the gist says "Report includes the opinion that should N58's identity be disclosed there is a gradation of risk of impact on health." This does not even make clear whether the risk is of impact to physical health or mental health, nor does it indicate what the range of risk is. There is no reason why such a gist could not state, with reference, for example, to the Judicial College Guidelines the level of the impact at stake. This would enable NPSCPs and the public to know whether the evidence pertains to risk of a fleeting and mild stress reaction at one end of the spectrum or a serious and enduring psychiatric condition at the other. This would both enhance the NPSCPs' ability to make submissions about the balance of public interest and assist with public understanding of the Chairman's decisions.

27. These are just a few examples of where the current level of redaction in the documentation supplied in support of anonymity applications is plainly excessive and/or the gisting inadequate. This does not give the NPSCPs confidence in the consultation proposal that, in the case of applications where the Chairman is minded to restrict a cover name, they will be provided with a 'gist' of the underlying evidence, even less so in relation to applications where only the real name is likely to be withheld and thus it is proposed that only an open version of the application form and none of the underlying evidence will be disclosed. The NPSCPs propose, in Part 3 below, a process which focuses on the key information and the underlying evidence in support of that information, which is required to be disclosed in order to

enable them, and others, to make properly informed decisions about the matters that will be material to the determination of the application.

28. The NPSCPs do not accept that they have been wholly unable to make meaningful submissions to date. However, they agree that the level of disclosure has been inadequate and that this has inhibited their ability to make further submissions that they should have been enabled to make. The solution going forward is not to reduce disclosure still further, but to focus on the key information that will enable meaningful submissions to be made and for the Inquiry to take a more robust line against excessive and unjustified redaction.

Part 3: the NPSCPs' proposed solution to the current process

29. The NPSCPs accept that the Inquiry is currently spending considerable time checking the redactions proposed by the MPS and individual officers in order that open versions of anonymity applications and their supporting documentation can be produced. However, to seek to solve this problem by cutting down on disclosure still further would jeopardise the proper functioning of the Inquiry, for all of the reasons set out in Part 1 above. The solution, the NPSCPs submit, is not to give in to excessive redaction at the expense of the Inquiry's ability to obtain the evidence and submissions it needs properly to test the merits of the application, but to better manage the "separation" process. Delays are plainly being caused by excessive redaction by the police. The NPSCPs submit that the Inquiry should now take charge of the redaction process. [7]

30. The Chairman in his opening statement of 20 November 2017, observed that the current process involves the Inquiry team often having to submit the open and closed versions of anonymity applications supplied by the police to scrutiny on a line by line basis, with disputes having to be resolved by the Chairman. This process

[7] As the Chairman suggests may have to be done if the problems arising in relation to the redaction of documents continue: see para. 17(iii) pp.6-7 of 9, Chairman's opening statement of 20 November 2017

could be significantly streamlined if the Inquiry took charge of the redaction process from the start. The police should supply the Inquiry with the full, unredacted application and supporting documents. It is respectfully submitted that the next step should be consideration, by the Inquiry legal team, of the key information, and the underlying evidence that supports it, that will enable NPSCPs and others to make properly informed submissions about the factors relevant to the determination of the application.

31. The NPSCPs identify below the key matters likely to be material to restriction order decisions. This is a non-exhaustive list. The NPSCPs' proposal is that the Inquiry legal team consider, in respect of each application, the full unredacted material and any other relevant material already in the Inquiry's possession and create a summary document identifying, at a minimum, the key information identified below at para 36 The ILT would, at the same time, consider whether there is any further aspect of the particular application that does not fall within the list of key information identified below, but which could be material to whether or not restriction is granted. Any such information would then be added to the summary document. For the avoidance of doubt, this document would not replace the need for disclosure of the underlying documents, rather, as described below, it would facilitate the taking of "big picture" decisions about what can and cannot be disclosed and would thus speed up the preparation of the underlying documents, because the decisions of principle will already have been taken.

32. In respect of each piece of key information, the ILT would consider whether publication of that information would reveal the name the application seeks to restrict; would undermine another restriction order application; or would otherwise be unlawful. If publication of a particular piece of information would be unlawful, the ILT would then consider what level of gist it is possible to provide so as to give core participants and the public as much information as possible about the key matter without undermining the purpose of the application or disclosing information that it would otherwise be unlawful to disclose. The present level of largely uninformative gisting would not be repeated. The resulting document would then

become the 'open' version of the summary document, comprising the key information, where it is possible to disclose this and, where this is not possible, a meaningful gist. This document and the closed version could then be provided to more junior members of the ILT to serve as a guide to redaction of the underlying documents. Thereby enabling the task of line-by-line redaction to be completed more quickly and efficiently than at present, because the "big picture" decisions will already have been taken in relation to the key information and non-material matters can be routinely redacted.

33. This proposal has the advantage of focusing on the key information that will enable CPs to make relevant submissions on the issues likely to be material to the determination of the application and at the same time streamlining the process for redaction and gisting, where this is necessary.

34. The matters which the NPSCPs consider to be the "key information" are set out below.

<u>The "key information" where the Chairman is minded to grant an anonymity order</u>

35. This includes applications where the Chairman is minded to restrict a cover name and/or a real name. The NPSCPs do not accept that, if proper disclosure is made, they will have nothing meaningful to contribute to the assessment as to whether a real name falls to be disclosed. The previous Chairman made clear in his May 2017 ruling that there is to be no presumption of restriction in respect of real names and that each application requires to be determined on its merits. There are gradations of risk in relation to the disclosure of real names just as there are in relation to cover names and so too there are factors (such as post UCO employment) which make the public interest in disclosure of a real name greater or less. Core participants, including the NPSCPs should have the opportunity to make submissions in relation to this. Further, the current proposal in the consultation that, where a real name only is in issue, disclosure will be limited to the open version of the application, would be unworkable. The open versions of the applications disclosed to date make

significant cross-reference to the underlying material and would be largely meaningless without disclosure of the underlying documents.

36. The NPSCPs submit that the following are the key matters on which disclosure should be made in relation to anonymity applications, or, where necessary, a gist provided:

a. the current age of the former officer;

b. the timeframe during which the officer was deployed as a UCO;

c. the name of the group or groups with whom the UCO had contact in the course of his/her deployment. In the event that the ILT concludes that identifying the group or groups would be unlawful, an explanation should be provided as to why this is so, together with a gist providing, at least, an indication of category of the group – e.g. "far right" etc.

d. whether there is any allegation of violence or harassment against the group or groups infiltrated;

e. if the officer went on to hold a managerial or other senior role within the SDS and/or other undercover unit, and/or whether s/he went on to hold a rank of Superintendent or higher within the police, and the time period during which such roles were held;

f. if the officer went on to a role outside of the police force which gives rise to a particular public interest in the investigation of his/her activities as a UCO. This includes, but is not limited to: holders of public office; and working in the private security or corporate intelligence sectors;

g. if there are any known allegations of misconduct, awards or disciplinary matters arising out of the officer's undercover deployment or any subsequent managerial role within the SDS. At least a gist should be provided of any known allegations of misconduct. For the avoidance of doubt, although the existence of a known allegation of misconduct may be a factor telling *against* anonymity, it is not accepted that the *absence* of a known allegation of misconduct is a proper factor to be taken into account in support of a restriction order. This is because of the particular nature of undercover deployments: a victim of wrong-doing by a UCO 'X' will not know

that s/he has been a victim of wrong-doing unless s/he learns that X was a UCO. It is this highly unusual feature of this Inquiry which makes it self-defeating for the Chairman to place any weight on the absence of known allegations of wrong-doing, unless or until the officer's cover name has been disclosed and any victims have therefore had a reasonable opportunity to make any relevant complaint;

h. any material suggesting that the officer was party to or otherwise obtained legally privileged material relating to third parties whilst deployed undercover;

i. any material suggesting that the officer was involved in the passing of information to private companies whilst deployed undercover;

j. in cases where assurances of anonymity are relied upon: the nature of any assurances received by the officer;

k. whether any assurances were given of "favourable postings" or other potential inducements offered during the officer's recruitment as a UCO, or throughout his/her deployment as such;

l. any information suggesting that the officer's status as a UCO was revealed or suspected during or since his or her deployment;

m. the basis, or bases, on which the application for restriction is made – e.g. risk of violence to the applicant and/or family; risk of violence to property; medical impact; risk of harassment (and if so the nature of the anticipated harassment); concerns about media attention – and the nature of the evidence supporting this, including, in respect of any medical evidence, the name and qualifications of any medical assessor and the level of anticipated impact of disclosure of the cover and/or real name on the officer's health.

n. the conclusions of the risk assessment(s) as to the nature, level and source of any risk, including, whether any risk is said to arise from a group or groups infiltrated, or some other source and, where relevant, the assessment of the likelihood of disclosure of the cover name leading to disclosure of real identity. The date of the risk assessment and the name of the risk assessor and peer reviewer should be included, together with CVs if these have not previously been supplied.

Applications which the Chairman is minded to refuse

37. In relation to applications which the Chairman is minded to refuse, the NPSCPs agree that at this stage it will not be necessary to publish copies of the application or the underlying material, unless the Chairman were to change his mind and become minded to grant all or part of the application, in which case the procedure outlined above would need to be followed. This is a pragmatic concession only and not one of principle. Further, it should be noted that it is only at this stage that disclosure of the application and underlying material is agreed to be unnecessary. During the substantive phase of the Inquiry, it may well become necessary for the application and underlying material to be disclosed, for example, where they are relevant to the applicant's credibility.

Specific disclosure to individuals who are said to pose a risk

38. The submissions set out above address the disclosure the NPSCPs submit should be made generally in relation to anonymity applications in respect of SDS officers. They maintain their submissions, set out most recently in the letter sent to the Inquiry, dated 14 December 2017 in response to the Chairman's ruling on the Rehabilitation of Offenders Act 1974, that where such applications contain allegations against an identifiable individual or individuals, and where such information would be determinative of a restriction order, the Inquiry should take reasonable steps, subject to not undermining the purpose of the anonymity application, to afford the individual or individuals concerned an opportunity to make any submissions in response.

Additional factors in relation to delay

39. Information technology: during the Chairman's opening remarks on 20 November 2017, he indicated that up until that point, the IT systems had not achieved their aim and that unless or until they did, redaction would remain an obstacle to the timely completion of the Inquiry. Has this issue been resolved? If not, what is being done to solve the problem and what is the current timescale for resolution?

40. Staffing: the ILT NPSCP has previously informed the RLR group that funding is not an issue in respect of the staffing of the Inquiry. If that is the case, is the Inquiry in a position to take on additional staff to expedite the redaction process?

CONCLUSION

41. For all of the reasons set out above, the solution to the on-going delays in the anonymity application process is not to curtail disclosure yet further, but to focus on the matters that are material to the determination of such applications and ensure that proper disclosure is made of that information, or where it is not possible lawfully to disclose it, to ensure that a meaningful gist is provided. The determination of anonymity applications is pivotal to the subsequent ability of the Inquiry to fulfil its terms of reference and to command public confidence in its process and conclusions. The current level of delay should be addressed, but the solution is to make smarter decisions about disclosure and redaction, not to resort to a process that will further inhibit the Inquiry's ability to test the police account.

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11 January 2018