

# UNDERCOVER POLICING INQUIRY

*\*This version should be checked against the delivered version, which will be recorded in the transcript of the hearing on 18 May 2018\**

## **Chairman's Statement 18 May 2018**

The events of 8 and 9 March 2018 have caused me to seek to clarify the wishes and intentions of non-state core participants and their legal representatives about two aspects of current procedures: the private meetings between members of the Inquiry's legal team and the legal representatives of non-state core participants; and the public hearings held on applications for restriction orders in respect of the real and cover names of deployed undercover officers and their managers. I set out below what I believe to be uncontroversial facts about those events.

On 8 March 2018, the first of what I hope will be many private meetings between legal representatives and the Inquiry's legal team took place. I have read the detailed uncorrected notes made by the Inquiry's legal team of the meeting. They suggest to me that it was constructive and worthwhile. There was no mention of what was planned for the following day: the making of a prepared statement by Ms Kaufmann QC about the constitution of the Inquiry panel, followed by her departure and the departure of those for whom she appeared.

On 9 May 2018, the legal representatives did not appear at the open hearing. The Inquiry was advised in advance. Written submissions were provided on 8 May 2018. Peter Francis also wrote to the Inquiry to state that he would not participate in the determination of applications for restriction orders in respect of real and cover names.

Non-police, non-state legal representatives have made clear that they do not intend to make oral submissions at open hearings about applications for restriction orders in respect of real or cover names, but will continue to make written submissions. Given the position of the non-police, non-state representatives I will continue to invite written submissions from all core participants and will make decisions after they have been received, that is, without an open oral hearing. The open hearings scheduled for 5 and 12 July 2018 will not take place.

In my view meetings between the Inquiry's legal team and its core participants' legal representatives are a valuable means of permitting the Inquiry to prepare for the hearings which will begin in June 2019. In particular such meetings ensure that the views of both state and non-police, non-state core participants about the process of preparing for evidence hearings are taken into account. I hope these meetings will continue. I invite them to confirm to the Inquiry by 4 pm on 4 June 2018 that they wish these meetings to continue; or, if not, what they would propose to put in their place.

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In the early days of the Inquiry the legal representatives of a number of state and non-police, non-state core participants asked Sir Christopher Pitchford to meet them and those they represented at a private meeting. He declined to do so because, as the finder of fact, he had to be, and be seen to be, impartial. Soon after I was appointed chairman, a similar request was made to me. I declined it, for the same reason. The invitation was recently re-extended by representatives of the non-police, non-state core participants. I will accept it, subject to conditions whose purpose is to ensure that my impartiality is not compromised. They are:

- the meeting will be attended only by non-state core participants and their legal representatives. I will rely on them to ensure that no other person attends.
- what is said at the meeting will be recorded by the Inquiry, and by no one else. This is not for the purposes of publication but to enable an accurate record of the meeting to be kept by the Inquiry. There will be no still or video photography.
- it is understood by those attending that I cannot say anything which would compromise impartiality and may, therefore, have to refuse to answer some questions.

I will offer a similar facility to former undercover officers and their managers and, if they are no longer alive, to their surviving immediate relatives, if they request it.

I invite a response from the legal representatives by 4 pm on 4 June 2018. If the response is positive, the Inquiry team will discuss with them the format of the meeting, or meetings, if the numbers who wish to attend is so large as to require more than one meeting.