

IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

CONSULTATION ON THE APPROACH TO THE ADMINISTRATION OF EVIDENCE HEARINGS

PREPARED ON BEHALF OF CATEGORY M CORE PARTICIPANTS

This is the response from category M CPs (CPMs) to the UCPI's consultation document dated 30 August 2018.

1. Handling of evidential documents post-hearing (how and when evidence should be posted on the inquiry website)

1.1. The CPMs welcome and endorse the intention to publish evidential documents on the inquiry website post-hearing but take the view that, without having sight of the material in question and being in a position to consider the degree to which it may affect category M CPs, they can only respond in very general terms.

1.2. In principle, the CPMs submit that the inquiry team should publish the entire evidence bundle, regardless of the extent to which reference is made to it during the open hearing. The material may already be subject to redaction and they can see no reason not to publish it in full, in accordance with the presumption of openness.

1.3. The timing of the publication of this evidence may be subject to particular matters that arise in evidence and, whilst the CPMs take the view that the material in question should be made available on the inquiry website immediately after the evidence hearing as a starting point, they recognise that circumstances may arise where witnesses/CPs may wish to make representations as to whether certain material of a sensitive nature should be published. Whilst this is a matter that can and should be canvassed in advance of the evidence hearing (given that disclosure will be provided beforehand), the CPMs consider that there may be circumstances where a witness/CP will wish to consider the question of publication should an unexpected issue arise during their evidence or where a particular document is served very late in the day. To this end, the CPMs consider that a short delay of 24 hours before publication will allow an affected party to make appropriate representations, as necessary but anticipate that such a facility should be used sparingly and only in relation to new or unexpected material/evidence which comes to light late in the day.

2. The giving of oral evidence

2.1. The view of the CPMs on this matter is that all options should be available and that any particular concerns are addressed at an early stage, with particular reference to the manner in which the proceedings may be live-streamed.

2.2. These options should include the following:

2.2.1. considering the degree to which giving evidence behind a screen (or the use of other methods to address the particular concerns of a witness/CP) will facilitate oral testimony, whether the witness has the benefit of a RO or not;

2.2.2. in addition to the above, should live-streaming be adopted, a facility to request that i) the image of a CP is not broadcast; and/or ii) their voice disguised;

2.2.3. the facility to use a different entrance to that utilised by the media and general public;

2.2.4. whether public and press access (and reporting) should be limited for particular passages of evidence of a sensitive and personal nature (where a child's article 8 rights are engaged, for example);

3. Facilities for witnesses on the day they give evidence

3.1. All of the options canvassed by the inquiry are useful and the CPMs consider the following provisions to be of particular assistance:

3.1.1. counselling before/during/after the evidence hearing

3.1.2. a single point of contact

3.1.3. a private room for the witness before, during and after the hearing

3.1.4. a dedicated entry/departure point to/from the hearing distinct from the publicly accessible entrance, as necessary

4. Facilities for attendees

4.1. The CPMs recognise the need for an overflow room to be served by live-link transmission of the proceedings but have no view above and beyond this on the provision of a small number of additional rooms for the use of attendees other than witnesses.

5. Live-streaming and/or inquiry managed internet channel

5.1. The proposal to live-stream the evidence is supported by the CPMs in order that it may be seen and heard by as many people as possible, some of whom may not be able to access the hearing venue. This applies equally to witnesses and CPs who may wish to follow particular evidence but are unable to travel to the hearing due to other commitments.

Hickman and Rose
28 September 2018