

## **Chairman's second statement on the Inquiry's approach to disclosing photographs**

1. The handling of photographs creates both opportunities and difficulties for the Inquiry. The opportunity for those affected by the deployment of an undercover officer to recognise that officer is likely to be enhanced if they are shown a photograph of the officer taken contemporaneously with the deployment. I accept the point made on behalf of the non-state core participants that recognition may in some cases be more likely to be prompted or confirmed by disclosure of a photograph and cover name or nickname together, than by the cover name alone. However, as a body set up by the state, the Inquiry must also take into account the rights of individuals affected by it, including, but not limited to, former undercover officers and their families. The technological developments referred to in the statement made on 29 January 2020, of which I was unaware in 2018, have made this task more difficult.
2. The Inquiry does not have and is never likely to acquire a comprehensive verified set of photographs of undercover officers taken at the time of their deployment. It has to rely on others, including former colleagues of undercover officers, to disclose the existence of photographs to the Inquiry and to assist it to identify the relevant officer or officers. Thus far, the Inquiry has not encountered any reluctance to do so. Even so, it only has in its possession identified photographs of a minority of officers in tranche one. I do not wish to take any step which might inhibit the disclosure of the existence of photographs by those who have them or know of them.
3. Photographs can be "published" in a variety of ways, of which three must be considered: posting them on the Inquiry's website; providing permanent copies to core participants and witnesses; and showing them to core participants and witnesses under special handling arrangements. There is no perfect solution and, as acknowledged in the statement of 29 January 2020, the publication of particular photographs must be dealt with on a case-by-case basis.
4. The Inquiry will not adopt either of the solutions, advanced from opposite perspectives, by the non-state core participants and the NCA and MPS. As to the first, the routine posting of photographs on the Inquiry's website would be very likely to infringe the rights of some of those affected. The posting of cover names and groups has resulted in few people coming forward. The posting of photographs may not cause a significant increase. As to the second, the proposal that photographs should only be shown to core participants and witnesses by members of the Inquiry staff in a specified location would impose a

## UNDERCOVER POLICING INQUIRY

burdensome obligation on all concerned and would inevitably cause significant delay. Legal representatives are subject to strict professional codes and can be trusted to comply with a formal obligation imposed upon them by the Inquiry. The imposition of the restrictions proposed would inhibit the proper gathering of evidence and the tendering of advice by legal representatives, for no good purpose.

5. I am satisfied that in the great majority of cases the interests of the Inquiry and of all concerned can best be served by adopting the handling arrangements set out below.
6. Contemporaneous photographs of undercover officers whose cover name has been released, produced from Police archives or by former SDS and NPOIU officers and staff, will be provided to the recognised legal representatives of core participants and witnesses who are legally represented, subject to a restriction order imposed on the legal representative personally to keep the photograph in his or her possession and not to permit it to be photographed or otherwise copied. The legal representative will be free to show the photograph to the named core participant or witness. If any of them (core participant, witness or legal representative) consider that the photograph should be shown to any other named individual or individuals to afford them the opportunity to provide relevant information to the Inquiry, they should apply to the Inquiry for the restriction order be varied to permit that to occur. Unless there is good reason to refuse, permission will be given. There is no need for the process of applying for or granting permission to be lengthy or complicated.
7. When a core participant or witness is not represented, a member of the Inquiry staff will show the photograph to him or her. If he or she suggests that it would be of assistance to the Inquiry to show the photograph to another person or persons that suggestion will be considered and, if worthwhile, will be put into effect by the Inquiry.
8. It is more likely that photographs produced to the Inquiry by non-state core participants and witnesses, when responding to requests for evidence made under rule 9 will be posted on the UCPI website along with their witness statement. In that event individuals likely to be affected will, if practicable, have to be notified of publication in advance.

7 April 2020

Sir John Mitting  
Chairman, Undercover Policing Inquiry