

Chairman's statement on special measures applications by former undercover police officers in Tranche 1

1. All undercover officers in Tranche 1 who will be required to provide evidence at a public hearing can, if they choose, give evidence by video-link. Some have already asked to do so. Those who have not yet done so, but wish to do so, should indicate their preference within 28 days¹. My purpose in giving this direction is to ensure that those witnesses are able to provide their evidence to the Inquiry without needing to concern themselves about travel to the hearing venue in London. This will minimise risks to the witnesses arising due to pre-existing health conditions, age, or from Coronavirus if still active. Once we receive confirmation that an officer wishes to give evidence via video-link, the practical arrangements for this can then be agreed with the Inquiry team. This part of this direction will also apply to non-state witnesses who are willing to give evidence in Tranche 1.
2. Those who wish to give evidence in the hearing room should indicate that preference within 28 days. Where an officer is going to give evidence in the hearing room, arrangements will be made for their entry to and departure from the hearing venue to be made without use of the public areas. Any officer who wishes to visit the hearing venue beforehand can do so. Individual arrangements for this should be made with the Inquiry team.
3. In every case, all those who are present in the hearing room and overflow room, including the recognised legal representatives attending the hearing, and members of the public, must be able both to hear and see the witness when he or she is giving evidence, whether the witness is giving evidence in the hearing room or via video-link. There is a strict prohibition on photography and video or audio recording in the hearing or overflow room. A restriction order will be made to that effect, and published in advance of the hearing. If this restriction order is breached the Inquiry will then enforce a strict prohibition on bringing devices capable of taking photographs or making audio or video recordings into the hearing or overflow rooms. Unless and until that occurs, those attending the hearings will be trusted to comply with the prohibition on photography and the making of video or audio recordings.
4. Most of the officers who will be giving evidence in Tranche 1 have asked for screening, so that they can only be seen by a limited audience. The exact terms of each application vary, but the theme is the same. I do not accede to those

¹ Correction made to ruling 14 April 2020.

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requests. The Inquiry is a public Inquiry. Unless there is good reason to the contrary, those whose conduct is under scrutiny and who are required to account for it publicly must do so in a manner which the public can observe. Although I have every sympathy for the wish of those, now in their 70s or early 80s to avoid the strains imposed upon them by the need to give public evidence, I cannot accept the proposals made by many of them for shielding them from all but the legal representatives of the police and the Inquiry and a select and limited number of other legal representatives. To do so would convert that part of the Inquiry which is, for good reason, to be held in public into a set of semi-secret proceedings which would require the objectionable prior vetting of legal and media representatives. Further, it would not make a material contribution to fulfilling the legitimate aim which many officers wish to achieve – the protection of their real identity. Only those in the hearing room will have the opportunity to see their face. No video recording of their evidence will be published.

5. I do not accede to the request made by a few Tranche 1 officers for voice modulation. Voice modulation applied at the time at which evidence is given distorts the voice of the speaker and makes it more difficult for those listening to it to understand and make a judgement about the evidence being given. The risk of an officer being identified in their real name by voice by someone attending the hearing in person is very small.
6. Counselling and special measures to accommodate individual difficulties should be discussed with the Inquiry team. Reasonable adjustments will be made.
7. In Tranche 1 evidence given by undercover officers with real and cover name anonymity will be given at a venue and on dates which will not be publicly announced.

7 April 2020

(Corrected 14 April 2020)²

Sir John Mitting
Chairman, Undercover Policing Inquiry

² Correction made at paragraph 1 above.