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IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY

**SUBMISSIONS ON BEHALF OF THE NATIONAL CRIME AGENCY
FOR THE 26 JANUARY 2021 PROCEDURAL HEARING**

1. The Chairman, in his statement of 7 December 2020, invited written submissions from Core Participants and the media on the:
 - a) broadcast of evidence hearings; in particular the use of a rolling text transcript and/or an audio feed of proceedings and any associated delay in transmission for security reasons; and
 - b) use and format of Rule 10 questions.
2. The deadline to file submissions was 8 January 2021, and a further extended deadline of 20 January 2021 was granted to file further submissions and responses.
3. The National Crime Agency (“NCA”) is grateful for the opportunity to make these submissions.
4. The NCA will not be involved in the Tranche 1 Phase 2 evidence hearings due to take place in April and May 2021, but will be participating in later Tranches of the Inquiry. However, the NCA respectfully makes these brief submissions now to assist the Inquiry and in response to, and in support of, the submissions made by the Metropolitan Police Service Designated Lawyers (“MPS”) and the National Police Chiefs’ Council (“NPCC”) specifically in relation to live streaming evidence hearings.
5. It is the NCA’s view that live streaming of evidence will have the same effect as audio recording. The NCA agrees with the NPCC’s view that once material is uploaded on the internet, it cannot be taken down. The NCA has previously submitted that to upload audio recordings will lead to a significant risk of identification of that witness, as well as the potential identification of deployments referred to during the live evidence, resulting in risks to others involved in those deployments. It also presents risks to future deployments (as a witness’ voice remains a unique identifier, not changing for future deployments).
6. The NCA agrees with the NPCC’s submissions that if the pandemic restrictions continue, the arrangements for Tranche 1 Phase 1 could be maintained, including those control measures which were put in place for those hearings.
7. Further and in relation to the use of Rule 10 questions, the NCA is supportive of the NPCC’s view that the current system accords with Rule 10.
8. As the NCA will not be involved in the Tranche 1 Phase 2 of the hearing, the NCA respectfully reserves the right to make further submissions at the appropriate juncture of the Inquiry.

20 January 2021

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