

# UNDERCOVER POLICING INQUIRY

## In the matter of section 19 (3) of the Inquiries Act 2005

### Applications for restriction orders in respect of the real and cover names of officers of the Special Operations Squad and the Special Demonstration Squad

#### Ruling 19

The restriction order made in respect of the real name of HN354 will be revoked at a time to be determined after he has given evidence in Tranche One, Phase Two.

#### Reasons

1. This ruling follows a 'Minded to' note sent to Madeleine and HN354 in confidence. Both have made comments upon it, which this ruling takes into account. I express views about both, which must, of necessity, be provisional pending the hearing of their oral evidence.
2. Madeleine has produced a witness statement which is detailed, careful, and plainly sincere. I have no reason to doubt its truthfulness. It describes her situation and outlook as a young, recently divorced woman over 40 years ago. Although she and he have different recollections about the details of their relationship, both agree that it was one of friendship and included at least one occasion on which they had sexual intercourse. As he acknowledges, the relationship was founded at least in part on deceit on his side. He pretended to be a political activist sharing her left wing views, with a fictitious life story calculated to make him appear sympathetic to those with whom he interacted in the Walthamstow branch of the Socialist Workers Party, including her. He did so as a serving police officer in the course of his duty. But for that deceit she would not have befriended him or agreed to have sexual intercourse with him. Unless other considerations prohibit it, she is entitled to know the name and true history of HN354, for the simple reason that any individual is entitled to know the true facts about intimate details of their personal history.
3. HN354 described his deployment to the risk assessor for the purposes of his report dated 2 November 2017 and in his rule 9 witness statement, dated 18 November 2019. When I read the latter, I believed it to be a truthful account and one which was, allowing for the passage of time, accurate. Nothing that I have learnt since has caused me to think otherwise. In both, he volunteered that he had had, as he put it, four "one night stands" during his deployment of which two were with female activists. One of them, whom he described by her correct first name and

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occupation, was Madeleine. In his supplemental statement dated 10 March 2021, written after he had seen her statement, he set out his recollection of the relationship in greater detail. He acknowledges that what occurred was wrong and had a deeper impact on her than he realised or anticipated at the time. The differences which remain between his and her account are likely to result from their different perception of what occurred at the time and to the passage of time.

4. In his supplemental impact statement dated 10 March 2021 HN354 sets out the factors which he contends should cause me to leave the restriction order in respect of his real name in place. In summary they are as follows: publication of his real name in connection with his evidence will give rise to press intrusion and online abuse; publication before he gives evidence risks having a seriously adverse impact on an immediate family member. The circumstances which give rise to that risk were described in the confidential 'Minded to' note. He has also raised one further issue which I have dealt with in a note confidential to him and his legal representative.
5. Some of these factors are of greater weight than others. Some press intrusion is likely to occur, but should be passing. Unless he has changed his habits since the risk assessment was prepared, he does not use social media and, although his wife does have a social media account, it is not in her married name and has no personal identifying details. I have proposed a means of dealing with the further issue in the confidential note sent to him, which should deal with it. It is, however, imperative that the risk of a seriously adverse impact on his immediate family member is not run. Madeleine accepts that it should not be. For that reason, the Inquiry will not publish the real name of HN354 before the risk has passed; and it will not be revoked before he gives evidence.
6. It must, however, ultimately be revoked. The situation is not as it was when I made the restriction order, when Madeleine had not been traced and had not expressed her view. No balance then had to be struck between the competing rights of identified individuals. Madeleine is entitled to know the real name of the man with whom she had an intimate relationship 40 years ago, for the reasons explained in paragraph 2. To tell her the real name and maintain an indefinite restriction order in respect of it would impose an unreasonable burden on her: it would, potentially, subject her to severe penalties for disclosing to others information of a kind which she would otherwise be free to impart. That would compound the wrong already done to her on behalf of the state.
7. Two further factors are likely to make the maintenance of an indefinite restriction order even more problematic. First, Madeleine has produced, from her own records,

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contemporaneous photographs of HN354 which the Inquiry will publish. Secondly the Inquiry is taking active steps to contact the second female activist with whom HN354 has admitted having a “one night stand”.

8. The timing of the revocation of the restriction order should be such as to minimise the impact on HN354 and his family. It need not occur before the publication of the hearing bundle for Tranche One, Phase Three.
9. Madeleine has confirmed that she is content to wait until revocation of the restriction order before learning the real name of HN354.

30 March 2021

Revised 06 April 2021

Sir John Mitting  
Chairman, Undercover Policing Inquiry