

House of Commons: Written Statement (HCWS115)

Home Office

Written Statement made by: **The Secretary of State for the Home Department (Mrs Theresa May)** on 16 Jul 2015.

Undercover policing

On 12 March 2015, I made a statement to the House announcing the establishment of the statutory inquiry into undercover policing and the appointment of Lord Justice Pitchford as its Chairman. The inquiry is to be undertaken by Lord Justice Pitchford alone as Chairman. I also said that my officials would consult Pitchford LJ and those with an interest in the inquiry over the coming months on setting the terms of reference, with a view to making a further statement as soon as possible after Parliament resumes.

This has now taken place and the terms of reference for the undercover policing inquiry are:

Purpose

To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 and, in particular, to:

- investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;
- examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general;
- ascertain the state of awareness of undercover police operations of Her Majesty's Government;
- identify and assess the adequacy of the:
 1. justification, authorisation, operational governance and oversight of undercover policing;
 2. selection, training, management and care of undercover police officers;
- identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing.

Miscarriages of justice

The inquiry's investigations will include a review of the extent of the duty to make, during a criminal prosecution, disclosure of an undercover police operation and the scope for miscarriage of justice in the absence of proper disclosure.

The inquiry will refer to a panel, consisting of senior members of the Crown Prosecution Service and the police, the facts of any case in respect of which it concludes that a miscarriage of justice may have occurred as a result of an undercover police operation or its non disclosure. The panel will consider whether further action is required, including but not limited to, referral of the case to the Criminal Cases Review Commission.

Scope

The inquiry's investigation will include, but not be limited to, whether and to what purpose, extent and effect undercover police operations have targeted political and social justice campaigners.

The inquiry's investigation will include, but not be limited to, the undercover operations of the

Special Demonstration Squad and the National Public Order Intelligence Unit.

For the purpose of the inquiry, the term “undercover police operations” means the use by a police force of a police officer as a covert human intelligence source (CHIS) within the meaning of section 26(8) of the Regulation of Investigatory Powers Act 2000, whether before or after the commencement of that Act. The terms “undercover police officer”, “undercover policing”, “undercover police activity” should be understood accordingly. It includes operations conducted through online media.

The inquiry will not examine undercover or covert operations conducted by any body other than an English or Welsh police force.

Method

The inquiry will examine and review all documents as the inquiry chairman shall judge appropriate.

The inquiry will receive such oral and written evidence as the inquiry chairman shall judge appropriate.

Report

The inquiry will report to the Home Secretary as soon as practicable. The report will make recommendations as to the future deployment of undercover police officers. It is anticipated that the inquiry report will be delivered up to three years after the publication of these terms of reference.

In addition, Mark Ellison QC has submitted his review “*Possible miscarriages of justice: impact of undisclosed undercover police activity on the safety of convictions*” (HC 291) to the Attorney General. I have today laid the report before the House and copies are available from the Vote Office and on gov.uk