

By email to: kenova@met.police.uk

RESPONSE TO [DRAFT] PROTOCOL ON PUBLICATION OF PUBLIC REPORTS

Reading this consultation paper, my inner alarm rang loudly. That alarm is tuned from decades of public affairs and media management in London and Belfast, numerous endeavours managing crises and reputational risk, and an in-depth engagement on contentious matters here in Northern Ireland.

The alarm centred on being unable to find any good reason to publish an interim report as described. There are several reasons why this would be wrong and problematic.

In the first instance, the Kenova team is investigating with a view to criminal prosecution. This is an evidential gathering process which will in time lead to the PPS deciding, based on the evidence provided, whether the prosecution process is appropriate. There is no part of the overall process where a musing by Kenova police officers on 'contexts' or 'narratives' around an investigation serves a useful purpose.

Secondly, the issues around dealing with 'the past' or 'legacy', or the history of the past fifty years, is highly contentious. Any interim report may well be based on the experience of the Kenova police officers arising from the conduct of their investigations: in particular, their identification of high-level themes and issues may have assisted consideration of lines of investigation they have carried out. The question arises whether Kenova police officers are best placed to produce any 'Interim Report' on such high-level themes and issues – that must surely be one for historians *after* the fact to which personal contributions from Kenova police officers would no doubt be valuable.

In any case, an 'Interim Report' as suggested, based as it would be on Kenova police officer assessment of themes and issues, would provide nothing but further contention in what is an increasingly fractious and divisive political environment in Northern Ireland presently. If there would be a time to publish a document that offers opinion on matters of public policy the appropriate point, if ever, would be when the investigation and subsequent prosecutions that may arise have reached a definite conclusion.

Finally, it would seem impossible for an interim report to do anything but create a media maelstrom around the current consideration by the PPS on the evidence before it.

Experience from my Communications career would suggest that it would be impossible, because of the media attention and the inevitable political pile-on, for the PPS to be seen to make decisions on the evidence alone. The PPS is under severe pressure already, unfairly; being accused in various quarters of following an 'agenda'. There is no reasonable way in which trust in any future PPS decisions would not be compromised in the same way should an interim report create a political environment where deeply opposing views leave it in a no-win situation. No matter that it would not be the intention of an interim report to undermine the PPS, the practical realities of the current political landscape in Northern Ireland would be to that effect. Where there is potential for part of the Legal process to be undermined it does not serve the public interest make unnecessary public pronouncements.

In summary, the proposal for an interim report would of itself gain considerable media attention. Equally, it serves no investigative purpose, with potential to increase division where calm discourse is required. Additionally, such an addition to public discourse is more likely than not to create a media and political storm. This would be seriously detrimental to the already difficult task of the PPS at a time when its full attention ought to be focused on the practical outcomes with reference to future prosecutions based on evidence.

Submitted by David Hoey LLB CIPR

28 October 2021