

Daniel Morgan Independent Panel Recommendations

Annex

DANIEL MORGAN INDEPENDENT PANEL RECOMMENDATIONS

MPS Numbering	Recommendation	Lead Organisation	Current position
1	The Panel has received advice from an independent forensic science expert it consulted, Dr Kathryn Mashiter that useful work could still be carried out on this document. It therefore recommends that the Metropolitan Police considers the operational benefits of submitting the diary for a forensic handwriting analysis in order to ascertain whether the entries were made by Daniel Morgan, as well as ESDA414 testing to ascertain if there is evidence of writing by someone other than Daniel Morgan.	MPS Accepted	<ul style="list-style-type: none"> Independent forensic analysis completed Result - Highest level of assurance the hand writing was that of Daniel Morgan. Family of Daniel Morgan informed.
2	The Panel recommends that the Metropolitan Police consider the desirability and explore the possibility of obtaining samples of DNA from former Police Officer Z31's relatives, to compare it with the outstanding DNA recovered from the axe.	MPS Accepted	<ul style="list-style-type: none"> Independent forensic analysis completed. Result – no evidence to support a match with any DNA obtained in this case. Family of Daniel Morgan informed.
3	It is recommended that the Metropolitan Police introduce systems to ensure that the management arrangements which applied during the Abelard Two Investigation can never be replicated in any future investigation, and that proper management arrangements, in compliance with the Association of Chief Police Officers' Murder Manual, exist on all occasions.	MPS Accepted	<ul style="list-style-type: none"> Detailed review of current management structures for Senior Investigating officers (SIOs) complete. All SIOs deployed & managed within policy. The MPS Specialist Crime Command has a well-established investigative response structure, in line with national policy and guidance. Clear governance framework with independent oversight. The national Major Crime Investigation Manual (MCIM) and Major Incident Room Standardised Administrative Procedure (MIRSAP) provides clear guidance on the governance and scrutiny of the SIO role. Review of corporate guidance & Homicide Directorate policy resulting in amendments regarding conflict of interest and retired officers.
4	The HOLMES system is both an investigative tool and a quality assurance mechanism, but it requires significant resources if it is to be used properly. The Panel recommends that the Metropolitan Police conduct an investigation into the adequacy of resources for administering HOLMES in major crime investigations carried out by the Metropolitan Police.	MPS Accepted	<ul style="list-style-type: none"> Capacity and capability review of resources deployed to HOLMES complete. The new National Major Incident Room Standardised Administrative Procedures (MIRSAP) manual details the set up and use of HOLMES as a management tool. MPS HOLMES board and national governance in place. Future demand is reviewed and assessed under current governance structures. No resourcing shortfalls identified for HOLMES management.
5	The Metropolitan Police should ensure that the role of the Family Liaison Officer is never carried out by the Senior Investigating Officer of an investigation. There is an inherent conflict between these two roles.	MPS Accepted	<ul style="list-style-type: none"> The National Major Crime Investigation Manual (MCIM 2021) details the separate roles of SIO and FLO which have their own distinct and individual strategy. Review of FLO deployments completed and no cases of dual FLO/SIO role identified. The College of Policing own the Family Liaison Authorised Professional Practice (APP) and minor amendments are anticipated to fully address the recommendation.

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			<ul style="list-style-type: none"> MPS courses for investigators and family liaison officers will deliver a reminder of the necessity for the roles to be separate.
6	It is recommended that the Metropolitan Police establish a process to inform police officers about the recovery options available to them when material is unlawfully disclosed.	<p>MPS</p> <p>Accepted</p>	<ul style="list-style-type: none"> Research completed to establish legal basis for all recovery options. New guidance for MPS officers and staff complete and delivery plan agreed. Following consultation with the MPS, the College of Policing has agreed to amend APP and Guidance.
7	It is recommended that the Crown Prosecution Service’s additional guidance should be amended to include a requirement that the Prosecutor should consider whether the information was disclosed with a view to one or both parties securing future profit from the use of that material. Moreover, the additional guidance should also be amended to note that the advantage to the parties disclosing the document(s) may not be purely financial but, as in the case of former DCS David Cook and Michael Sullivan, could be reputational and could have improved their employability in the future.	<p>CPS</p>	<ul style="list-style-type: none"> CPS senior representative attended both stakeholder Roundtable meetings. CPS have amended guidance and shall report directly to Home Office.
8	Guidance should be issued by the Metropolitan Police to enable officers to determine whether it is appropriate, necessary and lawful to disclose investigative material to journalists. That guidance should include a requirement to record by whom, to whom and when any such evidence was disclosed, who authorised the disclosure, the reasons for the disclosure of the material, and the express conditions upon which the information is disclosed.	<p>MPS</p> <p>Accepted</p>	<ul style="list-style-type: none"> New guidance agreed for the MPS General investigation Policy. Clearly outlines the exceptional circumstances and the legal considerations when investigative material could be shared with journalists. Delivery plan prepared for roll out of amended guidance.
9	The Government should act on its stated intention in 2013 to require licensing measures, introduce legislation to ensure the creation and use of standards, and implement the recommendation in the 2016 review concerning the regulation of private investigators.	<p>Home Office</p>	<ul style="list-style-type: none"> MPS have had ongoing liaison and engagement with the Home Office as appropriate.
10	Given the potential seriousness of such offences, it is recommended that the Government take an early opportunity to amend the Data Protection Act 2018 to provide for sentences of imprisonment for offenders.	<p>Home Office</p>	<ul style="list-style-type: none"> MPS have had ongoing liaison and engagement with the Home Office as appropriate.
11	The Panel is concerned that the policies and procedures relating to the use of informants by law enforcement agencies still allow scope for corrupt practices, and it recommends that the Investigatory Powers Commissioner takes this into consideration during inspections.	<p>IPCO</p>	<ul style="list-style-type: none"> Investigatory Powers Commissioner attended Roundtable. MPS continue to engage with IPCO as appropriate. IPCO report – ‘This is and will remain, a core focus of IPCO inspections and the investigatory powers’. IPCO conduct annual inspections of the MPS.

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12	The Metropolitan Police must ensure that the necessary resources are allocated to the task of tackling corrupt behaviour among its officers. Without proper resources there can be no effective fight against corruption. Since the Independent Office for Police Conduct has responsibility for investigating such matters, it must also be properly resourced to do so.	MPS Accepted IOPC	<ul style="list-style-type: none"> Resourcing review and demand profiling completed. Result – counter corruption teams are sufficiently resourced to meet current and future demands. Broader Discipline teams have increased staffing during 2021. An HMICFRS inspection is reporting late March 2022. Their report will be considered on receipt. IOPC attended Roundtable meeting hosted by MPS.
13	It is recommended that Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services conduct a thematic investigation of the operation of the practices and procedures introduced following the adoption of the Code of Ethics in 2014 to determine whether sufficient resources are available to ensure appropriate protection of those police officers and police staff who wish to draw alleged wrongdoing to the attention of their organisations.	HMICFRS	<ul style="list-style-type: none"> The MPS await the outcome of the HMICFRS inspection (due late March 2022) and shall review and assess recommendations as appropriate.
14	All police officers and police staff should be obliged to register in confidence with the Chief Officer of their police force, at either their point of recruitment to the police force or at any point subsequent to their recruitment, their membership of any organisation, including the Freemasons, which might call their impartiality into question or give rise to the perception of a conflict of loyalties.	COP/Home Office/ NPCC	<ul style="list-style-type: none"> There is currently no legal framework to enforce the declaration of membership of the Freemasons. The College of Policing and Home Office are designated leads, MPS will continue to support the College as senior stakeholder consultation continues on declarable associations.
15	Security clearance processes for police officers and police staff are fundamental to any anti-corruption strategy. Regular updating of the security status of each individual is essential to identify any concerns and to enable action to be taken in respect of such concerns. Notwithstanding the assurance received by the Panel from the Metropolitan Police in December 2020, the Metropolitan Police should remain vigilant at all times to ensure not only that it vets its employees in accordance with its new measures, but also that it has adequate and effective processes to establish whether its staff are currently engaged in crime.	MPS Accepted	<ul style="list-style-type: none"> Vetting capacity and demand reviewed resulting in staff increase in Vetting Unit and establishment of a dedicated vetting renewals team. Vetting backlog significantly reduced and within tolerance. Escalation process in place to remove IT and building access if evidence of non-compliance.
16	In the interest of transparency and public accountability, all public institutions should be under a duty to cooperate fully with independent scrutiny bodies created by Government, such as the Panel.	Home Office	<ul style="list-style-type: none"> The reform of Police (Conduct) Regulations 2020 includes duty to cooperate with the IOPC, Force Professional Standards Departments and inquiries and formal proceedings. Wider National work is being undertaken NPCC lead on the refresh of the Code of Ethics. MPS have developed guidance for engagement with future inquiries.
17	The Panel recommends the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation.		<ul style="list-style-type: none"> A national review of the Police Code of Ethics is ongoing and led by NPCC lead. The Home Office are reviewing this recommendation and working with the HMICFRS.

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		COP/Home Office / NPCC	<ul style="list-style-type: none"> MPS shall continue to engage with NPCC and College of Policing as the national policing position develops. The introduction of a statutory duty of candour is for Government.
18	Prior to the establishment of any future non-statutory inquiries or panel, there should be an honest and full discussion between the relevant police force(s) and the sponsoring Government department, to enable a realistic, informed assessment of the nature and volume of documentation in all its forms, and of the scope and depth of the work required. Framework procedures, capable of being customised, for the disclosure of material to such panels should be available, so as to avoid excessive delays in reaching agreement for access to material. Deadlines should only be established when the relevant inquiry or panel has had the opportunity to review the programme of work it is required to do. Any such deadline should be supported with an analysis explaining how the projected deadline has been identified, and why that is a reasonable time within which the work should be completed.	Home Office/ COP	<ul style="list-style-type: none"> MPS continue to engage with College of Policing and Home Office. MPS have developed guidance for engagement with future inquiries.
19	Arrangements must be made in future to ensure that any Panel has timely access to the material required to do its work. Organisations that promise to make <i>'exceptional and full disclosure'</i> should be prepared to do so both within the letter and the spirit of such a promise.	Home Office	<ul style="list-style-type: none"> Home Office led recommendation. MPS have developed guidance for engagement with future inquiries.
20	All independent panels and inquiries examining police investigations should be given full access to the associated HOLMES accounts at their secure premises when they begin their work.	Home Office/ NPCC	<ul style="list-style-type: none"> The availability of remote access to HOLMES has improved considerably due to technological and security developments since the Panel was first constituted. MPS continue to engage with the Home Office, and NPCC.
21	In order to avoid most of the delays and difficulties inherent in this case, and in so many other unsolved cases, there is a need for a review of the processes for archiving historic material with a view to creating a system which can produce national and local documents as required.	Home Office	<ul style="list-style-type: none"> College of Policing are launching new Professional Practice regarding guidance surrounding archived material – draft policy in existence and being laid before Parliament. This is based on current MPS model which is seen as best practice.
22	In any future Panel inquiry, arrangements should be made for the storage of sensitive material in the Panel's premises, in a similar manner to provision made for inquiries being conducted under the Inquiries Act 2005.	Home Office	<ul style="list-style-type: none"> The MPS continue to engage with the Home Office.
23	It is recommended that, whenever a major incident remains under investigation or inquiry, documents should be retained in digitised form, subject to appropriate security measures and made available to those who subsequently and justifiably require access to them.	Home Office	<ul style="list-style-type: none"> The MPS continue to engage with the Home Office.