



HM Government

Government Response to the report of the Daniel Morgan Independent Panel

June 2023



Government Response to the report of the Daniel Morgan Independent Panel

Presented to Parliament
by the Secretary of State for the
Home Department
by Command of His Majesty

June 2023



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Foreword

The Report of the Daniel Morgan Independent Panel, published in June 2021,¹ was distressing and concerning. It shone a light on examples of corrupt behaviour throughout the investigations into Daniel's murder and found that this behaviour irreparably damaged the chances of a successful prosecution.

We must never forget that at the heart of all of this is a bereaved family, whose agony is compounded by the fact that nobody has been convicted in connection with the dreadful loss of their loved one.

The previous Commissioner of the Metropolitan Police wrote to the then Home Secretary on 18 March 2022, to outline the force's work to address the recommendations from the Panel's report – this correspondence has been published on GOV.UK.² Whilst I am grateful for the work already undertaken to address the Panel's recommendations, there is still further work to do to comprehensively address the wider themes highlighted throughout the report. It will take time to ensure that change is rooted within the force, and that lessons are learned right across policing.

1 [The Report of the Daniel Morgan Independent Panel](#)

2 [Correspondence – Daniel Morgan Independent Panel \(MPS/Home Office\)](#)

The Panel's Report accused the Metropolitan Police of a "*form of institutional corruption*". This is a serious accusation that demands a considered response. Corruption is a betrayal of everything for which policing is supposed to stand. We look to the police to protect us, and so they are invested with great power. When officers act corruptly it greatly undermines public confidence and threatens the public consent the police need to fight crime and keep us safe.

The former Home Secretary asked His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) to investigate the issues raised by the Panel. HMICFRS concluded its inspection and reported on 22 March 2022.³ This report was also troubling and outlined several failures of the Metropolitan Police, particularly in tackling corruption. Whilst the most serious corruption allegations were always thoroughly investigated, the current arrangements and procedures were deemed '*fundamentally flawed*'.

I am concerned that some issues highlighted by HMICFRS have not been acted upon by the Metropolitan Police Service and policing as a whole. Baroness Casey in her recent review of the force⁴ stated that inspection

3 HMICFRS (2022) – An inspection of the Metropolitan Police Service's counter-corruption arrangements and other matters related to the Daniel Morgan Independent Panel

4 The Baroness Casey Review

reports, including that of March 2022, repeatedly made recommendations that were not acted upon. I recognise that some issues raised by HMICFRS will take longer to address, but this change must come as swiftly as possible. I will be monitoring progress closely. The police are operationally independent, and the Metropolitan Police Service is held to account by the Mayor of London and the Mayor's Office for Policing and Crime (MOPAC), but the police are also accountable to Parliament through me.

Vetting acts as the first line of defence against corruption within police forces. There is clearly public concern around police vetting in light of recent high-profile cases, and that is why, in January this year, I asked the College of Policing to strengthen its statutory vetting code of practice to make clear the standards expected of chief officers in respect of their forces. HMICFRS's November 2022 report into vetting, misconduct and misogyny also outlined a number of areas where police vetting can be strengthened and I welcome the commitment from chief officers in addressing the relevant recommendations in full. Vetting must be as robust as possible. It is crucial to this country's policing-by-consent model.

It is encouraging that the Metropolitan Police has addressed its backlog of vetting existing officers in accordance with the current vetting standards. HMICFRS still found, however, that the force had difficulty with ensuring that those in sensitive posts were vetted to the right level. This issue was highlighted further by

the vetting inspection report from HMICFRS, which suggested recommendations for chief officers to take forward. I have asked Lady Elish Angiolini, in the second part of her inquiry into the issues raised by the conviction of Sarah Everard's murderer, to consider further matters related to vetting.⁵ I await the findings of those investigations with interest.

The media play an essential role in holding all public institutions to account and it is vital that journalists are able to do their job freely and without restriction. The very fabric of the Panel's report, however, focussed on the police's inappropriate relationships with private investigators and journalists. HMICFRS's report shows that the Metropolitan Police still has work to do to ensure that these types of conflicts of interests are properly investigated.

There were several issues raised by the Panel about how they were unable, at times, to progress their work. I am content that HMICFRS and the Independent Office for Police Conduct did not find any deliberate obstruction by the Metropolitan Police, but there was, at least initially, insufficient support from the force for the Panel's work. We are working across government to ensure that inquiries and panels of a similar type are able to do their job without hindrance, and we will also work with the police to make clear their responsibilities in this respect.

5 [Angiolini Inquiry part 2: terms of reference – GOV. UK \(www.gov.uk\)](https://www.gov.uk)

The recent discovery of undisclosed documentation by the Metropolitan Police relating to the case was extremely concerning. I am aware that HMICFRS has since undertaken an independent assessment of the material and found that the documents would not have impacted the findings of its inspection. HMICFRS has, however, recommended improvements to the force's provision of effective storage for property, which will need to be addressed to prevent this from being repeated. In addition, I await the outcome of enquiries being undertaken by the Independent Office for Police Conduct into whether the discovery will result in any disciplinary matters for individual officers.

Baroness Casey's review demonstrated the extent of institutional defensiveness within the Metropolitan Police, and its inability to embrace or learn from mistakes. Policing as a profession is fully aware that shifting the culture away from defensiveness needs to start from within. In 2020 the Home Office introduced a statutory duty of cooperation for police officers, to ensure that officers participate openly and professionally with investigations, inquiries and other formal proceedings. In addition, the College of Policing is currently reviewing the Code of Ethics, which I expect to further promote a culture of openness and accountability.

Police officers must adhere to the highest possible standards, and I welcome the recent update the Commissioner provided to the Mayor and I on the action

taken to uphold these standards.⁶ Whilst many officers display exemplary professionalism and dedication, there are still inherent problems with the culture of the Metropolitan Police. It has sometimes behaved in ways that make it appear untroubled by the risk of corruption. It is vital that MOPAC works closely with the Commissioner to respond to the November 2022 HMICFRS report and swiftly embed the recommendations of the Panel, and also to improve the culture and behaviour standards of officers.

I expect the Metropolitan Police to clearly demonstrate that it will learn from the appalling mistakes of the past and move its culture away from the organisational defensiveness that has hindered progress and so damaged public trust. I will ensure that the Metropolitan Police Service has all the support it needs from central Government to deliver on Sir Mark Rowley's pledge of more trust, less crime and high standards, and I have every confidence that Sir Mark and his team will deliver.

I am very grateful to Baroness O'Loan and her Panel for their tenacious efforts to review the handling of this matter, and to ensure that lessons are learned for the future. The torment experienced by Daniel Morgan's family must not be repeated.

6 MPS (April 2023), Met Commissioner letter to Home Sec and Mayor

1. Introduction

- 1.1. Daniel Morgan, a private investigator, was murdered in a pub car park in South East London on 10 March 1987. He was found behind the Golden Lion public house in Sydenham, having been struck on the head with an axe. There have been numerous separate police investigations into the case between 1987 and 2002. The Crown Prosecution Service (CPS) discontinued the final attempted prosecution against five suspects in 2011.
- 1.2. The Metropolitan Police Service (MPS) has indicated that there is no likelihood of any successful prosecutions being brought in the foreseeable future. They have also admitted that police corruption was a “*debilitating factor*” in the original investigation. This led to calls for an inquiry from Daniel Morgan’s family, who waged a campaign for those responsible for his murder to be brought to justice.
- 1.3. Annex A outlines the numerous investigations and reviews over the past 36 years undertaken by the MPS and others in trying to find Daniel’s killer. The MPS started its first investigation on 10 March 1987, immediately after the murder. A series of investigations and reviews followed which, directly or indirectly, related to Daniel’s

murder. They involved not only the MPS but also Hampshire Constabulary, the Police Complaints Authority⁷ and the CPS.

- 1.4. From the outset there have been allegations that police officers were involved in the murder, and that corruption by police officers somehow played a part in protecting those who committed it from being brought to justice. In 2011 the MPS publicly admitted for the first time that police corruption had been a factor in the failure of the first police investigation.
- 1.5. The establishment of the Daniel Morgan Independent Panel ('the Panel') was announced by the then Home Secretary, the Rt Hon Theresa May MP, on 10 May 2013 in a written statement to the House of Commons⁸. The remit of the Panel was to shine a light on the circumstances of Daniel Morgan's murder, its background, and the handling of the case over the period since 1987. In doing so, the Panel addressed questions concerning:

7 The Police Complaints Authority was replaced by the Independent Police Complaints Commission (IPCC) in April 2004, and the IPCC was subsequently replaced by the Independent Office for Police Conduct in January 2018.

8 [House of Commons Hansard Ministerial Statements for 10 May 2013](#)

- police involvement in the murder;
- the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and
- the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media, and alleged corruption involved in the linkages between them.

- 1.6. The Panel was initially chaired by Sir Stanley Burnton who was then succeeded by Baroness O’Loan in July 2014. The Panel published its report on 15 June 2021 and made 23 recommendations as a consequence of what it identified in the course of its work. Most of the recommendations were for policing, however there were several for the Government to address. These include ensuring that the necessary resources are allocated to the task of tackling corrupt behaviour among police officers, and the creation of a statutory duty of candour to be owed by all law enforcement agencies.
- 1.7. In the following pages of this response, there are thematic headings addressed in turn, in order to ensure the recommendations are addressed in the round. These have been divided into:

- **Investigations:** These recommendations are primarily owned by policing and relate to operational matters and how the investigation was conducted and managed.
- **Tackling Corruption:** These recommendations relate to the accusation that the MPS was complicit in forms of corruption, and the conflicting relationships between private investigators, police officers, and journalists.
- **Working with Inquiries:** The Panel highlighted several instances of the MPS acting defensively which limited the Panel's ability to function, with recommendations related to how inquiries of this type should be allowed to work effectively with similar organisations in future.
- **Information Management:** The Panel highlighted weaknesses both in terms of how records are stored, as well as how officers treated and shared information.

1.8. This response will focus on the recommendations and key themes from the report of the Daniel Morgan Independent Panel. The response also includes contributions from national policing partners. This document therefore relies on information provided by the Home Office, National Police Chiefs' Council, College

of Policing, Cabinet Office, Department for Culture, Media & Sport, Department for Science, Innovation & Technology, Crown Prosecution Service, Independent Office for Police Conduct, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, and the Investigatory Powers Commissioner's Office.

- 1.9. This response will not look to repeat the work that the MPS has undertaken and outlined in its response published on 18 March 2022.⁹ Additionally, this response will not replicate the detail of the actions taken in light of the related His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) inspection into the MPS's counter-corruption arrangements which was commissioned by the former Home Secretary, the Rt Hon Priti Patel MP.
- 1.10. On 3 August 2022 the Independent Office for Police Conduct (IOPC) concluded, following an assessment of the Panel's report, that there are no new avenues for investigation which could now result in either criminal or disciplinary proceedings relating to the conduct of officers during the investigations.¹⁰ The IOPC's report did,

9 [The Metropolitan Police Service response to the Daniel Morgan Independent Panel Report](#)

10 [IOPC assessment: findings of the Daniel Morgan Independent Panel's report](#)

however, raise repeated failures to appropriately deal with the many indications of corruption and misconduct when they first came to the attention of the MPS.

- 1.11. In April 2023 the Home Office was informed that the MPS had recovered documentation concerning the Daniel Morgan case that would have been relevant to the work of the Panel and the subsequent inspection by HMICFRS. HMICFRS has since reviewed the additional material and found nothing to change the conclusions in its related inspection report. The MPS also invited the family of Daniel Morgan and the former Chair of the now concluded inquiry, Baroness O’Loan, to assess the material, which they have done. Separately, the IOPC has requested that the MPS and MOPAC update their reviews of whether conduct matters should be recorded and investigated. The IOPC will then review these updates with an aim of completing this work by 31 August 2023.

2. Thematic Response

2.1. Investigations

- 2.1.1. There were a litany of mistakes throughout the initial investigation that the MPS undertook, and these continued through each subsequent investigation. This included basic mistakes such as insufficient protection of the crime scene, lack of clear roles for officers, and conflicts of interest for those involved.
- 2.1.2. The Panel's report provided the family with some answers relating to the investigation; however, the Panel provided further recommendations for the MPS and policing in this area. Firstly, to ensure that no stone was left unturned in trying to find Daniel's murderer, but also to improve how investigations should be conducted in future given the conflicts that arose throughout the investigative process. The MPS were tasked to undertake further work related to the investigation and provided outcomes in its response to the recommendations. This included conducting additional forensic analysis, the results of which have since been communicated to Daniel's family.
- 2.1.3. The MPS's homicide investigation arrangements are very different to those in place 36 years

ago. According to HMICFRS, the force is now effective in investigating homicides and solves the vast majority of cases. The resourcing of the original investigation was criticised by the Panel; this lack of resource was something that was commonplace across forces in that era. The MPS has since then, and particularly since the murder of Stephen Lawrence in 1993, increased the volume of trained staff conducting major investigations. Since 2019, the MPS Specialist Crime commands conduct major investigations into crimes such as homicides, gun and gang crime, and drug supply offences. As HMICFRS reflects, this has provided more flexibility and a greater resource pool that can be used for major enquiries.¹¹

- 2.1.4. There were clear issues with the management structures throughout the investigations. This was most clearly seen with former DCS David Cook acting as the Senior Investigating Officer and the Family Liaison Officer (FLO) simultaneously. This limited his capacity to deal effectively with the matters for which he was responsible in either role. The MPS has given assurances that the

11 An inspection of the Metropolitan Police Service's counter-corruption arrangements and other matters related to the Daniel Morgan Independent Panel – HMICFRS

management arrangements during this particular investigation (Abelard Two¹²) would not happen under current structures and have updated the relevant conflict of interest declaration and policy. Although recent cases, such as that of Stephen Port, recently demonstrated limitations in training for MPS FLOs. We expect the MPS to ensure that all future FLO candidates, and those currently in the role, are appropriately screened as HMICFRS recently recommended¹³.

- 2.1.5. The new National Major Crime Investigation Manual (MCIM) published in November 2021¹⁴ covers all aspects of major crime investigation and sets the standard for all forces alongside the relevant Authorised Professional Practice (APP)¹⁵ produced by the College of Policing. The MCIM now clearly sets out guidance that

12 In March 2006, following the emergence of a new witness, a further investigation into the murder, Abelard Two, was established.

13 [An inspection of the Metropolitan Police Service's response to lessons from the Stephen Port murders](#)

14 [Major-Crime-Investigation-Manual-Nov-2021.pdf \(college.police.uk\)](#)

15 APP is authorised by the College of Policing as the official source of professional practice on policing. Police officers and staff are expected to have regard to APP in discharging their responsibilities.

the role of Senior Investigating Officer and Family Liaison Officer are distinct with their own individual strategies. The manual sets out how major crime investigations should be strategically managed including the importance of adopting a professionally curious mindset, testing investigative hypotheses, and the use of the National Decision Model in decision making. The MCIM is now embedded in practice across all police forces.

- 2.1.6. The Panel raised the limited capability of the MPS in relation to HOLMES (Home Office Large Major Enquiry System). HOLMES is a computerised database designed to support the police investigation of major crimes, which was used by the Panel to access material relating to the MPS's Daniel Morgan investigations. The MPS has conducted a capacity and capability review of resources deployed to HOLMES, with consideration of national guidance. The review was concluded in January 2022 which concluded there is sufficient resourcing for the management for HOLMES. This is subject to an annual review to assess levels of trained staff and resourcing.
- 2.1.7. During the police investigations, it was found that several people with whom Daniel Morgan associated or worked were at the time, or had previously been, police informants. There are now strict rules concerning how informants are

dealt with and handled. At the time of Daniel's murder, however, there were no such governance arrangements for informants. Today, the management and governance of authorisations for the conduct, use and management of an individual as a covert human intelligence source (CHIS) is legislated under the Regulation of Investigatory Powers Act 2000, together with the Home Office CHIS Code of Practice and the CHIS (Criminal Conduct) Act 2021.

- 2.1.8. The Investigatory Powers Commissioner's Office (IPCO) independently oversees the use of these powers and conducts annual inspections to ensure compliance by law enforcement agencies. Experienced inspectors will also carry out further ad hoc inspections as required, should particular concerns arise, and overall findings are reported publicly in IPCO's Annual Report.¹⁶ Handling the risks associated with the use of CHIS is a key focus for IPCO. Inspections include interviews with those in handler and controller roles and detailed scrutiny of the paperwork around the authorisation and management of CHIS, to ensure that risks are properly understood and mitigated by individual agencies.

16 See latest report here – [IPCO \(2023\) – Annual Report of the Investigatory Powers Commissioner](#)

2.1.9. National guidance has also been provided by the National Policing Improvement Agency (now the College of Policing), which produced guidance for Association of Chief Police Officers (now the National Police Chiefs' Council (NPCC)) in the form of the CHIS Manual 2010, and Guidance on the Lawful and Effective Use of Covert Techniques (LEUCT Manual) 2010. The national working group for sources also issues complementary guidance. The new Code of Practice on CHIS was published on 13 December 2022¹⁷ and the relevant guidance and manuals are currently being updated accordingly.

17 <https://www.gov.uk/government/publications/covert-human-intelligence-sources-code-of-practice-2022>

2.2. Tackling Corruption

- 2.2.1. The vast majority of police officers do not break the rules or engage in corrupt activity, and they do very difficult and, at times, dangerous work. Both the report of the Panel and HMICFRS are clear, however, that there were significant failings in the MPS throughout the investigations into Daniel's murder, and that the force put its reputation ahead of its duties to the public. In 2011, the MPS publicly admitted for the first time that police corruption had been a factor in the failure of the first police investigation.
- 2.2.2. In recent years, several steps have been taken to combat police corruption. A new offence of police corruption, applicable solely to police and National Crime Agency officers, now sits alongside the existing offence of misconduct in public office. The new offence carries a maximum prison sentence of fourteen years. To prevent corrupt police officers evading accountability by resigning or retiring, the Policing and Crime Act 2017 enabled the extension of disciplinary procedures to former officers, ensuring that misconduct proceedings can still take place, even where an officer has resigned or retired from policing. If it is found that the officer would have been dismissed, they are added to the police Barred List, preventing them from re-joining

policing in the future. Additionally, if an officer has been convicted of a criminal offence committed in connection with their service as a member of a police force, the relevant Pension Supervising Authority¹⁸ can seek to have the officer's pension forfeited where specific requirements are met. This is applicable to a police officer or former police officer who is, or was, a member of a police pension scheme.

- 2.2.3. The then Home Secretary acted immediately to concerns raised in the Panel's report by commissioning HMICFRS to undertake a thematic inspection into corruption within the MPS. It published its findings on 22 March 2022. The report stated that the force's procedures for rooting out corrupt officers and staff were '*fundamentally flawed*' and '*not fit for purpose*'. The MPS set up a Counter Corruption Learning Group in April 2022 to provide oversight in responding to HMICFRS's recommendations. The deadline for these recommendations was 31 March 2023. The MPS have provided the Home Secretary an update to demonstrate that all recommendations have been accepted, however not all recommendations have met

18 The Pension Supervising Authority is the Police and Crime Commissioner or their equivalent in Mayoral bodies, such as in London and Greater Manchester.

by the deadline set by HMICFRS. The Home Office will continue to work with HMICFRS, the MPS and MOPAC to ensure these changes are made by the Commissioner. Meeting these recommendations is crucial, especially in light of Baroness Casey's review of the MPS in March 2023 which stated that HMICFRS recommendations were made repeatedly and not acted upon by the force.

- 2.2.4. The Panel accused the MPS of a '*form of institutional corruption*'. The MPS did acknowledge that corruption was a factor in some of the early investigative decisions, however, it rejected this label as part of its response to the Panel's report; the force worked with an academic panel which found that the application of '*institutional corruption*' by the Panel across the time of the investigations could not be sustained. The Government also believes that the label of institutional corruption is unhelpful – it unfairly tarnishes all officers working in the MPS, when the majority do an outstanding job upholding the high standards expected of them. HMICFRS has said that although there was much to criticise, based on this inspection it would also not describe the MPS as institutionally corrupt.
- 2.2.5. The Panel was keen to see policing use a broader definition of corruption and develop its own definition. The Panel argued that the MPS

definition was not sufficiently comprehensive. The College of Policing is developing an updated definition of corruption for its revised Counter-Corruption APP through a working group with the support of stakeholders. The Joint Anti-Corruption Unit in the Home Office actively participated in that working group and offered support and advice throughout the development process. Separately, since 2010 the UK has led efforts to combat corruption through delivery of the Anti-Corruption Strategy 2017-2022 and will continue to build on this with the new Anti-Corruption Strategy which is currently under development. As part of the development of the new Anti-Corruption Strategy, the Government has created a definition of corruption for public policy purposes.¹⁹ The definition will underpin the new Anti-Corruption Strategy, as the conceptual framework for understanding, identifying and targeting corruption.

2.2.6. Given the importance of tackling corruption within its own ranks, the Panel was clear that both the MPS and forces nationally need to have sufficient resources allocated to ensure that corruption can be fought effectively. For

19 During the Lords Debate on Corruption in October 2022, Lord Sharpe introduced the HMG definition of corruption.

2023/24, the MPS will receive up to £3.3bn via the police funding settlement, an increase of up to £102.3m when compared with 2022/23. In addition, the MPS faces increased demands on resources from policing the capital city and, as part of the 2023/24 police funding settlement, will continue to receive £185.3m through the National and International Capital City grant. Since 2019, this Government has significantly increased government funding to Police and Crime Commissioners (PCCs) in every year to successfully deliver the recruitment of 20,000 additional officers, a government priority and manifesto commitment.

2.2.7. The MPS has conducted a review of current resources within its Directorate of Professional Standards (DPS), including the Anti-Corruption and Abuse Command, which resulted in a new specialist team to tackle corrupt officers who abuse their positions for sexual purposes. The MPS has also undertaken a transformation project focusing on making improvements in the DPS. We expect that this will incorporate the findings of HMICFRS, which recommends a redesign of the current operating model of the professional standards departments. The DPS has invested in an additional 150 officers, and the new Anti-Corruption and Abuse Command's

purpose is to enhance proactive work to identify and root out corruption.

- 2.2.8. As HMICFRS suggested, the MPS needed to improve their IT monitoring capability to be able to proactively identify corrupt individuals. In May 2022 the MPS set up a dedicated team to develop a Lawful Business Monitoring (LBM) capability. LBM can be used to monitor the access and use of a force's IT systems and communication devices, with this capability now active within the MPS. This work will be complemented by an improved system of managing all the force's digital devices which HMICFRS also recommended and is ongoing.
- 2.2.9. In November 2022, the MPS launched a public-facing hotline asking for reports of officers or staff abusing their position of trust. The MPS partnered with Crimestoppers to reassure those who may be hesitant to report abuse by the police to the police. Since it launched, the MPS reported in April 2023 that it has had over 1,000 people contact this service, resulting in 350 reports that the force is responding to – including new investigations, intelligence-led drug testing, and the development of intelligence. The NPCC is also in the process of exploring whether a similar service could be offered nationally, to enable members of the public in all parts of

England and Wales to raise any concerns about their local force in confidence.

2.2.10. HMICFRS has stated in the inspection report relating to the work of the Panel, and in other recent MPS inspection reports, that the force's approach to high-level corruption is outstanding. However, this needs to go further and prioritise gathering corruption intelligence proactively. As HMICFRS references, this requires the current professional standards operating model to adapt to the ever-changing threat picture. The College of Policing has also undertaken to incorporate any corruption-related HMICFRS recommendations that have national implications into the updated version of the counter-corruption APP, which will be published in 2023. This will include providing further clarity around the acceptance of gifts, including making clear that gifts of cash should never be accepted by officers. The MPS have also reviewed and updated its gifts and hospitality policies to reflect this.

2.2.11. As the Panel stated: *'Security clearance processes for police officers and police staff are fundamental to any anti-corruption strategy.'* There is public concern around police vetting in light of some recent high-profile cases, particularly after the murder of Sarah Everard. Part 1 of the Angiolini Inquiry is looking into this

particular case, examining the circumstances in which a serving police officer murdered Sarah Everard, and the second part of the inquiry will further scrutinise the robustness of vetting practices.²⁰

2.2.12. The HMICFRS inspection report which examined vetting, misconduct, misogyny, and counter-corruption procedures on a thematic basis across seven forces (including the MPS), was published in November 2022. It concluded that on too many occasions, vetting processes fell short of the expected standards, enabling what it called the ‘wrong people’ to enter the police workforce. Previous warnings from HMICFRS, as well as others, have raised concerns regarding vetting; it is not clear that policing had prioritised addressing those highlighted vulnerabilities. The report made 43 recommendations in total, and chief officers have now committed to addressing the relevant recommendations in full. The MPS must ensure robust vetting of its workforce. In April 2023, the MPS Commissioner announced that all c.50,000 officers and staff have been searched against the Police National Database, and all serving officers have been searched against the Police National Computer. Further

20 <https://www.gov.uk/government/publications/angiolini-inquiry-part-2-terms-of-reference>

analysis has also been undertaken by the MPS to ensure that individuals have appropriate vetting for designated posts. However, ensuring these post holders are vetted to the correct standard is still ongoing.

- 2.2.13. This inspection also assessed the capability of forces to prevent, manage, understand, and investigate potential corruption among their police officers and staff. This inspection report reflected some of HMICFRS's previous concerns about a lack of proactive work by counter-corruption units, which is resulting in missed opportunities to identify and monitor those within the workforce who pose a risk. All remaining forces will be examined in respect of their corruption and vetting processes as part of the ongoing PEEL inspections in due course.
- 2.2.14. Police forces carry out their vetting in line with the College of Policing's statutory code of practice on vetting and its APP on vetting. The College is currently in the process of updating its statutory code and it regularly reviews its Vetting APP, which reflects best practice for police vetting. The reviews should take into consideration recommendations from policing oversight bodies and inquiries into policing which make recommendations relevant to vetting. We will expect them to consider any relevant

recommendations from HMICFRS and the Angiolini Inquiry.

- 2.2.15. The Panel's report examined the connections between private investigators, police officers and journalists at the, now defunct, News of the World and other parts of the media, and alleged corruption involved in the linkages between them. The Panel did find evidence of corruption in the linkages between serving police officers and private investigators. It is crucial that the MPS is able to ensure that these relationships are disclosed initially, regularly monitored, and risk assessed to prevent corruption from developing in the force. The College of Policing's counter-corruption APP already outlines categories of inappropriate associations that should be recorded and what notifiable association policies should look like for police forces. This includes that any associations with private investigators should be considered as potentially inappropriate relationships. HMICFRS also provided several recommendations in this area and stated that police officers and staff in the MPS did not have to disclose their association with journalists or extremist groups. The MPS reviewed and published a new declarable associations policy in February 2023, and this has now been rectified.
- 2.2.16. The Panel recommended the introduction of licensing for the private investigator sector.

The government notes the positive steps the private investigator industry is taking towards raising standards through the progress of the Association of British Investigators' draft Code of Conduct. In light of this progress we will keep under review the need to extend regulation to introduce a new regime.

2.2.17. There were concerns about Freemasonry, and the potential for conflicts of loyalty among Freemasons who were also police officers, in the initial investigations. The report itself accepted that membership of the Freemasons was not a factor in Daniel's murder. However, policing still needs to consider how it registers potential conflicts of interest. There is currently a lack of evidence to suggest that legislation would resolve this issue, with policing partners undertaking an exercise to assess conflicts of interest between officers and organisations which could affect officers' impartiality. This will continue to be reviewed as part of the updating of the counter-corruption APP in 2023, and as further potential conflicts for officers are identified.

2.2.18. The NPCC and College of Policing also issued Appropriate Relationships in the Workplace Guidance in 2019. This guidance is intended to raise awareness of the issue of appropriate relationships, how they can affect fairness in the workplace, and what each individual's personal

responsibilities are to declare any conflicts of interest. The guidance seeks to help staff to understand whether a relationship could result in a negative impact on public confidence, or on the ability of a force to deliver an effective and efficient police service.

2.3. Working with Inquiries

- 2.3.1. The Daniel Morgan Independent Panel commenced work formally on 17 September 2013. The terms of reference stated that *'it is envisaged that the Panel will aim to complete its work within 12 months of the documentation being made available.'* There were significant difficulties and delays encountered in accessing documentation. The delays to the Panel's work caused the family significant distress. The Panel, therefore, provided several recommendations to ensure that inquiries of this type do not suffer from the same challenges. These were both specific to working with police forces, but also addressed the cooperation of public bodies more broadly.
- 2.3.2. The Panel agreed with other independent inquiries, such as Bishop James Jones' report on the experiences of the Hillsborough families, about the need for a duty of candour for public services, including the police. The Government will address the points of learning related to a duty of candour as part of the full response to Bishop James Jones's report. The Government has committed to engaging with the Hillsborough families prior to publication of its full response.
- 2.3.3. The Home Office introduced a statutory duty of cooperation in February 2020 for serving

police officers as part of wider integrity reforms. Police officers now have a responsibility to give appropriate cooperation during investigations, inquiries and formal proceedings, participating openly and professionally in line with the expectations of a police officer when identified as a witness. A failure to cooperate is a breach of the statutory standards of professional behaviour, by which all officers must abide, and could therefore result in disciplinary sanctions. Since December 2017, provisions are in place for proceedings to be brought against former officers to increase public confidence in the accountability of those who committed serious wrongdoing when they were serving, and to ensure that such persons cannot evade being held accountable by the formal disciplinary processes by leaving the police.

- 2.3.4. The 2020 changes to the Police (Conduct) Regulations also brought in the Reflective Practice Review Process, to provide alternative ways to handle matters where officers have made mistakes rather than committed deliberate acts of misconduct. The provisions allow for officers to reflect on their actions and to learn, as an alternative to a formal misconduct investigation and finding. This is intended to encourage a culture of openness to the admission of mistakes and the learning from them.

- 2.3.5. The IOPC published its revised guidance for police witnesses in IOPC investigations in July 2022.²¹ The purpose of this document is to provide police witnesses with guidance on what they can expect when asked to provide a witness account; the expected behaviours of police witnesses; the information that the IOPC will provide to help them prepare; and how the IOPC will engage with witnesses when necessary. Whilst the guidance is not statutory, the IOPC will also encourage police professional standards departments to follow it in their investigations.
- 2.3.6. Policing as a profession is fully aware and committed to shifting the culture away from organisational defensiveness, as identified throughout the Panel’s report, and that this shift needs to start from within. The College of Policing’s Code of Ethics is a hugely significant document in policing and applies to everyone working in the policing profession. The Code of Ethics, first published in 2014, aims to deliver a set of policing principles and ensures that ethics are at the centre of all policing decisions. The College is currently reviewing the Code of Ethics and intends to further promote a policing culture of openness and accountability. We expect this

21 [Guidance for police witnesses in IOPC Investigations](#)

to be published shortly. This will include a Code of Practice for ethical policing aimed at Chief Constables, to ensure their staff demonstrate the necessary behaviour as outlined in the Code of Ethics, where candour will be a key theme.

- 2.3.7. The Law Commission also published a number of recommendations on reform of the common law Misconduct in Public Office offence in 2020, which included replacing it with two new statutory offences that it is suggested might better target serious misconduct by public office holders as well as provide more clarity on the scope of the offence. The Government has been considering these recommendations carefully and will respond in due course.
- 2.3.8. The Panel considered that some of the obstacles it faced related to its constitution as a non-statutory panel, lacking the formal powers of an inquiry under the Inquiries Act 2005. It is right that full and proper consideration is given before establishing any form of public inquiry, and that ministers should consider when establishing a non-statutory inquiry or panel whether relevant information providers will cooperate promptly on a voluntary basis. If there is insufficient cooperation from public bodies during an inquiry process, the sponsoring minister has the power to convert those proceedings to a statutory inquiry under the Inquiries Act 2005. As explained

in the context of the Angiolini Inquiry, this would be guided by discussions with the Chair of any such inquiry.

- 2.3.9. Where a decision is taken to establish a non-statutory panel, it can be held in public or private, and can offer a greater degree of flexibility to meet the wide range of circumstances for which an inquiry might be required. Several successful inquiries have operated on a non-statutory basis, including the Iraq Inquiry and the Hillsborough Independent Panel. Forms of non-statutory inquiry – including the independent panel model – can be more flexible, faster, and will be appropriate in particular circumstances.
- 2.3.10. In respect of policing in particular, the Home Office is confident that given the work outlined above – and in particular the new statutory duty of cooperation – police forces will respond appropriately to requests made by future independent panels. As part of the wider learning for national policing, it has also been agreed that the College of Policing will work alongside the MPS to share good practice in how police forces work with similar-type panels and inquiries – to ensure that all necessary learning is taken from the work of the Daniel Morgan Independent Panel.

- 2.3.11. Inquiries likely to require formal powers of compulsion, such as where there are concerns around a potential lack of cooperation, can be established under the Inquiries Act 2005. In addition, and as was made clear in the setting up of the Angiolini Inquiry, should it become apparent that a non-statutory inquiry's terms of reference cannot be fulfilled without the provisions of the Inquiries Act, it is open to ministers to convert an inquiry to a statutory basis.
- 2.3.12. The Cabinet Office provides advice to Government departments on public inquiries, and the Home Office has a dedicated team which acts as a repository of knowledge on the issues which should be considered in setting up and conducting inquiries on matters within the Department's policy responsibilities. This provides a strong platform from which robust advice can be provided to ministers in respect of requests for public inquiries.
- 2.3.13. The Panel's work required a disclosure protocol to set out the terms, responsibilities and expectations of both the Panel and the organisations from which it required disclosure about sending and receiving the documents required. This took an excessive time to agree and the MPS was seen to adopt a cautious approach throughout agreeing the protocol. The Government's view is that in future, specific

disclosure arrangements – including in respect of information security – should be agreed between inquiries and information providers at an early stage wherever possible. The Cabinet Office maintains a range of previous examples of disclosure protocols agreed between inquiries and information providers and ensures that these are made available to new inquiries as part of a process of sharing best practice.

2.3.14. The Panel was critical of the stance taken by the MPS as to practical access arrangements for sensitive material. There were – in addition – several issues with the Panel’s access to the MPS’s HOLMES database. The Government agrees with the Panel that organisations which make commitments to disclose material to non-statutory inquiries or panels should do so in a timely manner, and that all efforts should be made to ensure that future panels and non-statutory inquiries are able to access relevant material at a convenient location, including at their own premises where security requirements allow. Since 2020, police HOLMES databases have become Cloud-based, making the system accessible for the first time via a corporately managed device for those with the appropriate security clearance and purpose.

2.3.15. Finally, the Panel considered in its report that the deadline set for its work within its terms

of reference was unrealistic and set without a detailed understanding of the work to be delivered. The Panel's Terms of Reference stated that the Panel's work would be done within a year. There was no expectation of the difficulties and delays which the Panel would encounter in accessing the documentation, and the volume of material which was in excess of a million pages. The Government agrees that targets or deadlines set within an inquiry's terms of reference should be in consultation with the inquiry's chair and should have regard for the scale of the task.

2.4. Information Management

- 2.4.1. The Panel highlighted weaknesses both in terms of how records are stored, but also how officers treated and shared information. The difficulties the Panel had in terms of access to the necessary information were not sufficiently aided by several different agencies. This included information relating to historic and current police policy documentation²² as well as information relating to the police investigations. The Panel recommended that police forces and similar agencies review their practices in how information is stored and then disclosed to similar inquiries in future.
- 2.4.2. Whilst the College of Policing owns and is responsible for drafting and updating Codes of Practice for policing, any new Code of Practice must be approved and laid before Parliament by the incumbent Home Secretary in accordance with their responsibilities under the Police

22 Policing policy documentation was held by a variety of organisations, many of which, like the Association of Chief Police Officers (ACPO), had ceased to exist or have been replaced by other organisations. Material sought by the Panel included guidance manuals produced by ACPO – now the NPCC – which were restricted documents and not publicly available.

Act 1996²³. In this capacity the current Home Secretary will subsequently approve a new Code of Practice on *Police Information and Records Management* to replace the existing Code of Practice on *Management of Police Information* 2005, and it will soon be laid before Parliament. This is in response to a related point of learning (24) in Bishop James Jones' report on the experiences of the Hillsborough families²⁴ published in November 2017 concerning management of police records.

- 2.4.3. The purpose of this Code is to help improve how records are managed and to provide a framework to support a cohesive, ethical, effective, legitimate and efficient approach to information and records management, maximising the opportunities and benefits that good information and records management provides. It is also intended to provide increased police

23 Any Code of Practice issued by the College of Policing under s39A(4) before Parliament (per s39A(5)) must be laid by the incumbent Home Secretary in accordance with their responsibilities under the Police Act 1996.

24 <https://www.gov.uk/government/news/bishops-review-of-hillsborough-families-experiences-published>

legitimacy and public confidence in the way data is managed.

- 2.4.4. The new Code of Practice, together with a new, complementary APP on '*Archiving of records in the public interest*', will set guidance for preserving records where there is a public interest, as well as setting out advice on how appropriate types of records should be managed to prevent obsolescence. Certain police records are archived for their historical value and enduring public interest, for example those involved in major investigations such as a murder. Chief officers should ensure their force has systems and processes in place to identify records that meet the criteria for permanent preservation.
- 2.4.5. The Panel was critical of how records had been stored by the MPS and others. Their arrangements prevented the Panel being able to access vital records efficiently. One of the principles around which the Code is built is transparency, which includes a statement that '*Chief officers must ensure that, where appropriate, their force is transparent with the public about the nature and type of records and information they hold, and how and why their information is being processed*'. In terms of accessibility the Code states '*Chief officers should ensure that systems are in place that*

make it easy to understand what information the force holds. The information should be stored in a way that ensures its efficient retrieval'. HMICFRS can audit the way that forces manage information and records in line with the Code as part of their annual thematic reviews, if this is determined as a priority issue.

- 2.4.6. The behaviour of police officers, particularly former DCS David Cook, was criticised in how information was treated and shared by officers, often with journalists. He had removed confidential and secret materials from investigations in which he had been involved, as well as from other investigations and intelligence operations. The failure of the MPS to prevent such behaviour over such a protracted time period caused the Panel to believe that this behaviour was widespread and unchecked.
- 2.4.7. In light of the Special Prosecutor's conclusion that former DCS David Cook disclosed personal data in the sending of emails to a journalist, Michael Sullivan, the Panel recommended the introduction of custodial sentences for the unlawful use of data. The Data Protection Act 2018 has already, however, strengthened criminal sanctions. The offence of unlawfully obtaining data was widened to include the unlawful retention of data. The maximum penalty for a person convicted of that offence is an

unlimited fine. The 2018 Act also made changes to make the offences recordable for the first time. Consequently, having carefully considered the evidence, the Government does not feel that the introduction of custodial sentences would be a proportionate response to data protection offences at this time.

- 2.4.8. The Panel recommended that the CPS issue additional guidance around disclosure of material likely to result in future profit. The CPS has updated its guidance and this was published on 16 February 2022.²⁵ The guidance sets out a list of non-exhaustive factors to be considered when assessing the overall criminality of a suspect, including their motivation, and now includes confirmation that advantage need not be financial but could include other forms of anticipated personal gain.
- 2.4.9. The Panel found no evidence that the MPS considered all options in trying to recover the highly sensitive data that had been shared with Michael Sullivan. The MPS has now produced new bespoke detailed guidance for officers and staff when dealing with a data breach, along with the recovery options available for these circumstances or when leaked material

25 <https://www.cps.gov.uk/legal-guidance/media-assessing-public-interest-cases-affecting-media>

is discovered on the internet. Furthermore, the College of Policing and NPCC have reviewed the new MPS guidance and have issued national guidance, to avoid similar situations being repeated. In addition, the College is including recovery options in its training packages for Senior Information Risk Owners.

3. Conclusion

- 3.1. The police do a vitally important job, and it is only right that they are held to the highest standards. Throughout the investigations and subsequent inquiries relating to Daniel Morgan's murder, policing has not lived up to those high standards and has appeared organisationally defensive; the Panel examined this in great detail.
- 3.2. The Panel provided substantial recommendations and learning points for policing and beyond. This work will continue as part of the response to the two relevant HMICFRS inspections that have already been referenced, as well as the review by Baroness Casey into standards of behaviour and internal culture in the MPS:
 - **Inspection of the Metropolitan Police Service's counter-corruption arrangements and other matters related to the Daniel Morgan Independent Panel.** Published on 22 March 2022, recommendations from the inspection report required a response by the MPS, College of Policing, and NPCC by 31 March 2023. Some of these recommendations are still ongoing, and HMICFRS and MOPAC will need to provide assurance that these have been acted upon and are fully delivered.

- **Inspection of police capability and capacity to vet and monitor officers and staff.** This reported in November 2022 and assessed the current rigour of vetting standards and the ability to prevent and manage corruption across England and Wales. The report contained 43 recommendations in total; 40 were for policing (3 for the National Police Chiefs' Council, 9 for the College of Policing, and 28 for chief officers), and 3 were for the Home Office. All bodies have committed to addressing the recommendations in full. HMICFRS also conducted a rapid review of all forces' response to the report's findings,²⁶ as requested by the Home Secretary.

3.3. Embedding this learning will be crucial to ensuring that the failures in the investigations into Daniel's murder will never happen again. Some of the issues borne out in the Panel's report should have been learned over the 36 years since Daniel's murder, but these have been disregarded and thus mistakes were repeated. The MPS and policing need to continue to improve as learning organisations. Allowing for

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organisational learning and reflective practice requires a commitment by policing leaders to really listen and pay regard to challenging views, even when they may call into question the integrity of an organisation.

- 3.4. The actions of the MPS compounded the suffering and trauma of the family, and Government must work with policing to prevent these events from ever being repeated. The findings of the Panel and the clear failures of the MPS in investigating Daniel's murder will have a lasting impact on policing as a whole.

Annex A – Timeline of Events

10 March 1987 – Daniel Morgan is murdered with an axe in the car park of the Golden Lion pub in Sydenham, south-east London. A murder investigation began led by Detective Superintendent Douglas Campbell as the Senior Investigating Officer.

03 April 1987 – Jonathan Rees, his brothers-in-law Glenn Vian and Garry Vian, Detective Sergeant (DS) Sidney Fillery, Detective Constable (DC) Alan Purvis and DC Peter Foley were arrested on suspicion of Daniel Morgan's murder, questioned and then released.

25 April 1988 – An inquest into his death records a verdict of unlawful killing.

24 June 1988 – Detective Chief Superintendent (DCS) Alan Wheeler, the head of Hampshire Constabulary's Criminal Investigation Department, was appointed as Senior Investigating Officer for the Hampshire/PCA Investigation with Terms of Reference to investigate *'allegations that police were involved in the murder of Daniel Morgan and any matters arising therefrom'*.

02 February 1989 – Daniel Morgan's business partner Jonathan Rees and his associate Paul Goodridge are charged with murder and Goodridge's girlfriend Jean Wisden is charged with perverting the course of justice.

11 May 1989 – The case is dropped by the CPS. Goodridge later sues Hampshire constabulary.

July 1997 to January 1999 – Operations Landmark, Hallmark and Nigeria. New covert investigations were undertaken by the MPS into Daniel Morgan's murder

24 September 1999 – Jonathan Rees is charged with conspiracy to pervert the course of justice over a plot to plant cocaine on a woman involved in a custody dispute.

14 November 2000 – A formal murder review by Detective Inspector (DI) Steve Hagger is carried out of the case. DI Steve Hagger presented his report, containing 83 recommendations, to senior officers and it was agreed a re-investigation of Daniel Morgan's murder would commence.

15 December 2000 – Jonathan Rees, DC Austin Warnes and Simon James were convicted of perverting the course of justice. Jonathan Rees received a seven-year prison sentence.

02 April 2001 – The covert investigation, Operation Abelard, led by Detective Chief Inspector (DCI) David Zinzan commenced.

08 August 2003 – The CPS advised that there was insufficient evidence to prosecute Jonathan Rees, Glenn Vian, Garry Vian, or James Cook for murder or any of the other individuals in respect of whom charging advice was sought for unrelated offences.

08 December 2004 – Home Office Minister, Hazel Blears MP, refused a public inquiry into the police handling of Daniel Morgan's murder

March 2006 – The Abelard Two Investigation began with DCS David Cook, then on full-time secondment to the Serious Organised Crime Agency, as the Senior Investigating Officer.

13 June 2007 – DCS David Cook submitted a report to the CPS seeking advice as to whether the suspects, Jonathan Rees, former DS Sidney Fillery, Glenn Vian, Garry Vian and James Cook, should face criminal charges in connection with the murder of Daniel Morgan.

April 2008 – Five people are arrested and charged in connection with the case. Jonathan Rees, his brothers-in-law Glenn and Garry Vian, and an associate, James Cook, were charged with Morgan's murder, while former police officer Sid Fillery was charged with perverting the course of justice.

March 2011 – The prosecution collapses after police failings relating to disclosure of evidence and handling of informants. In the wake of the collapse, DCS Hamish Campbell both acknowledge that corruption hampered the early investigations into Morgan's death. A formal apology was made by Tim Godwin, the Acting Commissioner of the Metropolitan Police, to Daniel Morgan's family.

10 January 2012 – Former DCS David Cook was arrested on suspicion of committing misconduct in public office and offences contrary to section 55 of the Data Protection Act 1998. Following an initial 'no comment' interview, former DCS David Cook was released on

bail pending further enquiries to be carried out by the Independent Police Complaints Commission and was suspended by the Serious Organised Crime Agency.

10 May 2013 – The Home Secretary, Theresa May MP, announced in Parliament the establishment of the Daniel Morgan Independent Panel to shed light into the circumstances of Daniel Morgan's murder and the police investigations.

8 January 2015 – The MPS referred a complaint made by Jonathan Rees to the IPCC. Jonathan Rees alleged that his confidential information was unlawfully disclosed to the BBC Panorama programme by former DCS Cook and/or officers from the Abelard Two Investigation.

December 2016 – The IPCC investigation into Jonathan Rees' complaint was completed. In the investigator's opinion DCS Cook would have had a case to answer for gross misconduct had he still been serving but due to his retirement, no proceedings could be brought. No referral was made to the CPS.

November 2018 – The CPS decided not to prosecute former DCS David Cook in respect of perjury, perverting the course of justice, and misconduct in public office. Jonathan Rees asked for a review of the decision not to prosecute former DCS Cook and the review by the CPS upheld the original decision.

July 2019 – Jonathan Rees, Garry Vian and Glenn Vian were awarded damages in their successful appeal in

the Court of Appeal after successfully suing the Met for malicious prosecution.

15 June 2021 – The report of the Daniel Morgan Independent Panel is published. It contained a total of 23 recommendations. The Panel's findings were that it did not find any evidence of police involvement in Daniel Morgan's death, nor did it find any evidence that he was murdered to cover-up police corruption. However, it accused the MPS of being 'institutionally corrupt' and having a culture of defensiveness with a focus on preserving its own public image which prevented it from properly looking at previous allegations of corruption.

18 March 2022 – The MPS publish their response to the Daniel Morgan Independent Panel. The response outlined their work on the recommendations directed at the MPS. The response stated that all these recommendations had been completed.

22 March 2022 – HMICFRS publish their inspection report which was commissioned by the Home Secretary to assess the counter corruption capability of the MPS. The then Minister for Policing, Crime and Probation (Rt Hon Kit Malthouse MP) made a statement in the House of Commons the next day.

3 August 2022 – The IOPC concluded, following an assessment of the Daniel Morgan Independent Panel report, that there were no new avenues for investigation which could now result in either criminal or disciplinary proceedings.

Annex B – Recommendations of the Daniel Morgan Independent Panel

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 ESDA testing to ascertain if there is evidence of writing by someone other than Daniel Morgan.
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.
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.

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.
5. The Met Police should ensure that the role of Family Liaison Officer is never carried out by the Senior Investigating Officer of an investigation. There is an inherent conflict of interest between these two roles.
6. The Met Police should establish a process to inform police officers about the recover options available to them when material is unlawfully disclosed.
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.

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.
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
10. The Government should take an early opportunity to amend the Data Protection Act 2018 to provide for sentences of imprisonment for offender.
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

12. The Met 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.
13. HMICFRS should 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.
14. All police officers and police staff should be obliged to register in confidence with the Chief Officer of their police force, either at the 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.

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 Met Police in December 2020, the Met Police should remain vigilant at all times to ensure not only that it vets its employees in accordance with the new measures, but that it has adequate and effective processes to establish whether its staff are currently engaged in crime.
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 the Government, such as the Panel.
17. 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.
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.

19. Timely access to the material by the Panel required to do its work. Organisations that promise to make “exceptional and full disclosure” should be prepared to do so both within the letter and the spirit of such a promise.
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.
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.

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.
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.

Annex C – Daniel Morgan Independent Panel Terms of Reference

1. The murder of Daniel Morgan in March 1987 was a personal tragedy for Daniel’s family. In the intervening 26 years, there have been five successive police investigations but no one has been successfully prosecuted or convicted for the murder; and in March 2011 the Metropolitan Police acknowledged “the repeated failure of the MPS to confront the role played by police corruption in protecting those responsible for the murder from being brought to justice”.
2. In these circumstances, the Government is committed through the work of the Independent Panel to a full and effective review of corruption as it affected the handling of this case and of the treatment of the family by the police and other parts of the criminal justice system. The Metropolitan Police support this review through the Panel process.
3. The purpose and remit of the Independent Panel is to shine a light on the circumstances of Daniel Morgan’s murder, its background and the handling of the case over the whole period since March 1987. In doing so, the Panel will seek to address the questions arising, including those relating to:

police involvement in the murder;

the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and

the incidence of connections between private investigators, police officers and journalists at the News of the World and other parts of the media and alleged corruption involved in the linkages between them.

4. In order to achieve this purpose, the Independent Panel will:

(a) engage with members of the family and take their views into account at all stages in relation to the methodology of its work and the results of its work;

(b) obtain and examine all relevant documentation from all relevant bodies, governmental and non-governmental alike, including but not limited to papers held by;

- The Metropolitan Police;
- The Hampshire Police;
- The Crown Prosecution Service and the Attorney General's Office;
- The Police Complaints Authority (as it was then);
- The Independent Police Complaints Commission;

- Southwark Coroner's Court; and
- The Home Office.

(c) interview and receive relevant information from individuals who are willing to provide that information;

(d) brief members of the family through a final report which would be made available first to the family and then to the public at large;

(e) explain in the final report what the relevant documentation and information reveal about the nature and extent of police corruption in relation to the handling of this case; and

(f) make any recommendations which the Panel concludes should be made as a result of its work, including recommendations for any further investigation or inquiry.

5. The principles of the Independent Panel's work will be:

(a) full, genuine and effective participation of the family at all stages of the Panel's work including genuine and full consultation and briefing throughout the process and payment of legal costs incurred on behalf of the family to this end;

(b) "the family first" in terms of the release of the Panel's findings and its report;

(c) exceptional and full disclosure to the Panel of all relevant documentation including that held by all relevant Government departments and agencies and by the police and other investigative and prosecuting authorities;

(d) maximum possible disclosure of documentation and information by the Panel to the family.

6. The Independent Panel will present its final Report to the Home Secretary who will make arrangements for its publication to Parliament.

7. It is envisaged that the Panel will aim to complete its work within 12 months of the documentation being made available. In the meanwhile, it is also envisaged that the Panel will brief the family incrementally, both on the progress of its work and on its emerging findings. The Panel will finalise these and other aspects of its work after three months when it has been able to assess the scope of its work and the desirability and practicalities of incremental disclosure.

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