

Daniel Morgan Independent Panel Recommendations

Annex - Progress Update January 2022

DANIEL MORGAN INDEPENDENT PANEL RECOMMENDATIONS

MPS Numbering	Recommendation	RAG status on progress	Progress Update
1	<p>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.</p> <p>Lead organisation: MPS</p>	Complete	<p>MPS led recommendation</p> <ul style="list-style-type: none"> Work on this Recommendation is complete.
2	<p>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.</p> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> Forensic update anticipated early 2022.
3	<p>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.</p> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> The MPS Specialist Crime Command has a well-established investigative response structure, in line with national policy and guidance. There is a clear governance framework with regular meeting processes to review decision making, both internally and with independent oversight. The new national Major Crime Investigation Manual (MCIM) and Major Incident Room Standardised Administrative Procedure (MIRSAP) were both published in November 2021 and give clear guidance on the governance and scrutiny of the SIO role.
4	<p>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.</p> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> MPS has undertaken a capacity and capability review of resources deployed to HOLMES. The new National Major Incident Room Standardised Administrative Procedures (MIRSAP) manual was published 1st November 2021, containing guidance on MIR set up and use of HOLMES as a management tool.
5	<p>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.</p> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> The new National Major Crime Investigation Manual (MCIM 2021) published Nov 2021 clearly sets out guidance that the role of Senior Investigating Officer (SIO) and Family Liaison Officer (FLO) are distinct with their own individual strategy. 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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6	<p>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> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> • Following consultation with the MPS, the College of Policing has agreed to amend APP and Guidance and legal advice has been sought to capture current legislation available and proposals for change. • The MPS DLS, College of Policing and NPCC working towards new guidance
7	<p>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> <p>Lead organisation: CPS</p>	CPS lead organisation	<p>CPS owned recommendation</p> <ul style="list-style-type: none"> • MPS continue to engage fully with CPS
8	<p>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> <p>Lead organisation: MPS</p>	On target	<p>MPS led recommendation</p> <ul style="list-style-type: none"> • New guidance is being drafted for the MPS General investigation Policy. • Whilst the MPS are leading on this recommendation, the College of Policing are coordinating with the MPS.
9	<p>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> <p>Lead organisation: Home Office</p>	HO lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> • MPS continue to liaise with Home Office as appropriate.
10	<p>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> <p>Lead organisation: Home Office</p>	HO lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> • MPS continue to engage with Home Office as appropriate.

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11	<p>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> <p>Lead organisation: IPCO</p>	<p>IPCO lead organisation</p>	<p>IPCO led recommendation</p> <ul style="list-style-type: none"> The MPS continue to engage with IPCO as appropriate It is recognised that many regulatory changes have been implemented since the murder of Daniel Morgan in 1987 most specifically the Regulation of Investigatory Powers Act 2000 and recently the Covert Human Intelligence Sources (Criminal Conduct) Act 2021.
12	<p>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.</p> <p>Lead organisation: MPS</p>	<p>On target</p>	<p>MPS led recommendation</p> <ul style="list-style-type: none"> An HMICFRS inspection is currently in progress in the MPS in response to the DMIP Report and will consider this explicit area of work. Their report will be considered on receipt. The College has also undertaken to review any HMICFRS recommendations for national implications in due course.
13	<p>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.</p> <p>Lead organisation: HMICFRS</p>	<p>HMICFRS lead organisation</p>	<p>HMICFRS led recommendation</p> <ul style="list-style-type: none"> The MPS await outcome of the HMICFRS update from the Home Office to then consider any impact on law enforcement and necessary action, noting a second HMICFRS inspection of six national forces (including the MPS) has also been commissioned.
14	<p>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.</p> <p>Lead organisation: COP/ Home Office / NPCC</p>	<p>COP/Home Office/ NPCC lead organisation</p>	<p>College of Policing/Home Office/NPCC Led recommendation</p> <ul style="list-style-type: none"> College of Policing outline that nationally there are a number of policies that already exist to address such conflicts. Joint work is ongoing with representatives from the MPS, the College, the NPCC and Home Office
15	<p>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</p>	<p>On target</p>	<p>MPS led recommendation</p> <ul style="list-style-type: none"> The new 2021 College of Policing Authorised Professional Practice (APP) on Vetting applies to police forces in England and Wales defined in section 1 of the Police Act 1996 (it is available for adoption by other police forces or agencies). The MPS is compliant with this national guidance.

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	<p>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.</p> <p>Lead organisation: MPS</p>		<ul style="list-style-type: none"> The current national HMICFRS inspection is considering this specific thematic area and Baroness Casey’s review will consider vetting.
16	<p>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.</p> <p>Lead organisation: Home Office</p>	Home Office lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> The reform of Police (Conduct) Regulations 2020 includes, within the ‘Standards’ of Behaviour a compulsion to cooperate as a witness to investigations carried out by the IOPC, and investigations conducted by force Professional Standards Departments in addition to cooperation with inquiries and formal proceedings. Wider national work is being undertaken NPCC lead on the refresh of the Code of Ethics. MPS continue to engage with Home Office and NPCC.
17	<p>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.</p> <p>Lead organisation: COP/ Home Office/ NPCC</p>	COP/Home Office / NPCC lead organisation	<p>College of Policing/Home Office/NPCC led recommendation</p> <ul style="list-style-type: none"> Code of Ethics is under review led by NPCC lead The Home Office are reviewing this recommendation and working with the HMICFRS MPS continue to engage with NPCC and College of Policing.
18	<p>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.</p> <p>Lead organisation: Home Office / COP</p>	Home Office/ COP lead organisation	<p>Home Office/College of Policing led recommendation</p> <ul style="list-style-type: none"> MPS continue to engage with College of Policing and Home Office.
19	<p>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.</p> <p>Lead organisation: Home Office</p>	Home Office lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> MPS continue to engage with Home Office.

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20	<p>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.</p> <p>Lead organisation: Home Office/ NPCC</p>	Home Office NPCC lead organisation	<p>Home Office/College of Policing/NPCC led recommendation</p> <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	<p>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.</p> <p>Lead organisation: Home Office</p>	Home Office lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> It is recognised that we are now in a digital world where the requirement to digitise paper copies of documents is becoming less necessary as they are usually held electronically. CoP are launching a new APP regarding guidance surrounding archived material – the CoP are undertaking consultation with stakeholders including the Home Office. This is based on current MPS model which is seen as best practice.
22	<p>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.</p> <p>Lead organisation: Home Office</p>	Home Office lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> The MPS continue to engage with the Home Office.
23	<p>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.</p> <p>Lead organisation: Home Office</p>	Home Office lead organisation	<p>Home Office led recommendation</p> <ul style="list-style-type: none"> The MPS continue to engage with the Home Office.