

Appendix A: Summary of phone hacking questions and actions/ status

Ref	Question	Status
	Section 1: Briefings to the Chair and Mayor	
1	What briefings were given to the Mayor by John Yates that led to his 'codswallop' comment?	Answered at Full Authority on 28 July.
2	When and by whom were briefings given to the Mayor and MPA Chair regarding phone hacking allegations concerning News of the World (please specify dates)? In particular what briefings were given in or around July 2009 and September 2010? What was the nature of those briefings? (JM)	Actions covering the following are complete: <ul style="list-style-type: none"> • Mayoral briefings • Mayoral training • Correspondence between the Mayor and the ACSO
3	(To MPA Chair) In 2009 when members were raising lots of questions about this case, did you or the Mayor meet with Sir Paul Stephenson or John Yates to follow-up the concerns of MPA members about the phone hacking investigation and the allegations of payments being made to police? (JJ)	The Acting Commissioner agreed to provide a briefing on how investigations are managed, supervised and reviewed. A document is awaited. A visit to the Crime Academy will also be offered to all Members.
	Section 2: Internal resilience	
4	What is the current status of Bernard Hogan Howe, Dick Fedorcio and Sir Paul Stephenson?	Answered at Full Authority on 28 July.
5	What was the process for appointing Cressida Dick and Lynne Owens?	The dissatisfaction of members with the process for appointing the acting Deputy Commissioner was raised by the Chair with the Permanent Secretary Helen Ghosh. The MPS have provided in writing details of senior officers currently in 'acting' roles.
	Section 3: Media and ethics	
6	<u>Elizabeth Filkin (KH)</u> Regarding the appointment of former Parliamentary Commissioner for Standards, Dame Elizabeth Filkin, to examine ethical consideration that should underpin relations between the MPS and the press in the future. (KH) 1) Was a project specification drawn up to describe what would and would not be included in the examination of ethical consideration that should underpin relations between the MPS and the press in the future? 2) What was the means of selecting someone to do this work? Who was involved in the selection? 3) (To MPA Chair) Did anyone from the MPA e.g. senior officers and or senior members have any involvement in the scoping of the work to be done and the selection of the person to do it? 4) 4) Does Sir Paul know Dame Elizabeth personally or have any personal connection with her? 5) Was anyone else considered to lead this work?	Answered at Full Authority. Terms of reference have been provided

	<u>Leaks and potential corruption</u>	
7	When confidential police information leaks to the press what is the procedure for investigating the source of this information? Does the MPS press office have responsibility for identifying leaked information? (JJ)	A written response has been provided by the MPS.
8	In 2011 how many instances of confidential police information leaked to the press have been investigated internally? (JJ)	A written response has been provided by the MPS.
9	Does the Directorate of Professional Standards audit access by police officers and staff to the PNC and other police databases to check whether the information accessed is appropriate and relevant to the work of the person accessing the information? If this is only done in respect of a complaint about an individual officer or staff member, will this now be done more regularly to check all accesses to information from the PNC and other police databases on a sample basis? If these wider checks are already done, what proportion of accesses to information are checked and will this proportion now be reviewed? (TH)	Answered at Full Authority.
10	How many police officers and police staff have been (a) prosecuted, (b) dismissed or asked to resign, or (c) disciplined for misusing police information in each year over the last decade? (TH)	Answered at Full Authority. A report will be provided to the MPA and information to the MPA anti Corruption Scrutiny. MPA officers met with MPA members on 1 September to discuss the MPA Anti Corruption Review. A commissioning brief is being prepared for a report to SOP on police misuse of information and will be dispatched week commencing 5 September.
	<u>Media protocols</u>	
11	What guidance was available for officers on contact with the media? Has this guidance been updated in light of this case, and can I be provided with a copy? (JJ)	Answered at Full Authority A copy of the media protocols that are on the MPS website have been provided to the MPA.
12	Would it still be considered acceptable for senior officers to have private meetings with journalists or executives of news organisations? (JJ)	Answered at Full Authority
13	In view of recent events do you on reflection regret dismissing my concerns about senior Met officers being wined and dined by senior executives of News International? (DD)	Answered at Full Authority
14	(To MPA Chair) Is there an opportunity for the MPA anti-corruption scrutiny to examine the issue of corruption that has developed in dealings with the media? (JJ)	MPA officers met with MPA members on 1 September to discuss the MPA Anti Corruption Review. A commissioning brief is being prepared for a report to SOP on police misuse of information and will be dispatched week commencing 5 September.

	<u>Gifts and hospitality</u>	
15	Would you agree, in view of what has happened, that in future you will get your officers to put a list of all of their meetings with the media freely available on the internet so that anyone can see them so that there are no misunderstandings? (DD)	Answered at SOP on 14 July 2011 The Commissioner agreed to publish on the Internet all meetings of police officers with the media. Part of action relating to question 17
16	(To MPA Chair) Could the Chair please provide a list of any lunches, dinners or meetings he has had with newspaper executives and senior editorial staff since he became Chair, and their purpose (CP)	Answered at Full Authority The Chair has provided a list of lunches, coffees, interviews and meetings with all journalists since January 2010.
17	Could the acting Commissioner please advise what work is underway to improve the register of gifts and hospitality that is currently available online for the Met (CP)	Update provided at Full Authority An urgent review of the MPS Gifts and Hospitality policies and procedures has been taking place over the summer. This has involved liaison with the GLA to see what can be learnt from their systems. The MPS intends to seek the views of MPA Members on this matter before any new system goes live, to ensure that any revised system that we implement satisfies the concerns that have been raised.
	Section 4: Ongoing investigations and due diligence	
18	What are the terms of reference of Operation Elveden? (JM)	The terms of reference have been provided.
19	What due diligence has been done on officers on Operation Weeting and Elveden? (JM)	Answered at Full Authority
20	What measures have been put in place to ensure the independence and transparency of MPS investigating MPS regarding Operation Elveden?	This question was a duplicate of question 18.
21	Do you not think the investigation of 'inappropriate payments' to serving police officers from News International should be investigated independently from the MPS? (JM)	Answered at Full Authority The MPA Chair has circulated the link to the statement read by Deborah Glass on 'you tube'.
22	Can you give assurances that none of the current investigation team (Operation Weeting) have any links to or have received hospitality from News International? To whom is DAC Ackers reporting? (JM)	Answered at Full Authority
23	What steps have been taken to ensure that the investigators within the Metropolitan Police working on Operation Weeting and Operation Elveden are not themselves compromised, either through having accepted payments or gifts from the media in the past, or through contact with officers who have? (JJ)	This question was a duplicate of question 21.
24	What processes are in place for the	A brief written answer has been

	Commissioner/Deputy Commissioner to review internal investigations? (DD)	provided, however more detailed information will be provided when members visit the Crime Academy.
	Section 5: Award of contracts	
25	Why was there a delay in referring the Chamy Media contract details to PSCSC? (VS)	Answered at Full Authority
26	Why didn't Sir Paul Stephenson tell SOP members about the contract with Neil Wallis at the meeting on 14 July? (VS)	Answered at Full Authority
27	In light of allegations surrounding the award of the contract to Chamy Media, what urgent action is the MPS taking to ensure that existing and future contracts are awarded with appropriate due diligence? (JM)	Answered at Full Authority
	Section 6: Historical issues regarding News of the World	
28	Guardian article 6th July. The Guardian (http://www.guardian.co.uk/media/2011/jul/06/news-of-the-world-rebekah-brooks) has reported that in November 2002 Rebekah Brooks was confronted at "press social event" in New Scotland Yard by being taken into "a side room" and confronted by Cdr Andre Baker and Dick Fedorcio about News of the World surveillance of DCS Cook. No further action was taken about this. Who was party to the decision to confront Rebekah Brooks in such a fashion and to take no further action? In particular, was the then Commissioner and the then Deputy Commissioner (a) involved or (b) informed? What other Assistant Commissioners or DACs were (a) involved or (b) informed? (I can confirm that as the then Chair I was not informed - indeed the first I learned of it was when I read the Guardian's article.) Was the team led by Assistant Commissioner John Yates which subsequently reinvestigated the murder of Daniel Morgan aware of this behaviour by the News of the World? (TH)	<p>To be answered as part of A21 following the scoping of the investigations.</p> <p>The Acting Commissioner agreed to provide information to the SOP Committee on the structure of investigations, once this is finalised, which will address which investigation is covering which outstanding question.</p> <p>This is in progress and will go to SOP in due course</p>
29	In 2003 Rebekah Wade, as she then was, told a select committee that they had paid police for stories. I would like to know what actions did the Metropolitan Police Service take after those allegations were known and what were the results of those investigations? (TA)	This was answered at SOP on 14 July
30	What remit did you give to Assistant Commissioner John Yates when you asked him to review the phone hacking case in 2009? Did you set a timescale on the review? How soon after you asked him to do the review did AC Yates report back to you? Were you satisfied when he reported back to you that he had properly fulfilled the remit that you gave him? (TH)	This was answered at SOP on 14 July
31	What steps did you take in 2009 to satisfy yourself that what AC Yates said was correct, and that his enquiry had been thorough enough? (DD)	Answered as above at SOP on 14 July 2011.
32	Can you give assurances that no other inquiries	Answered in writing

	have been carried out 'half heartedly', like the one into phone hacking by AC Yates in 2009? (DD)	
33	Lord MacDonald, the former DPP, raised some issues yesterday (allegations that the MPS did not fully disclose to the CPS at the time exactly what evidence it had) which seem to reopen some of the dispute between the MPS and the CPS. Perhaps if we could have something in writing on that that would be very useful.	To be answered in writing. This is still currently subject to the Inquiry led by Lord Justice Leveson.
34	Was this incident in part due to an organisational culture that is exacerbated by the rigidity of its promotion structure and the fact of a single point of entry into the force? (CB)	Answered at SOP on 14 July 2011.
	Section 7: The future	
35	Is there anything else to come out?	Answered at Full Authority
36	What do you intend to put in place as a result of all this and when will the MPA have sight of it?	
	Section 8: Questions for written answer	
37	Will the Commissioner investigate claims that News of the World reporters were able to purchase mobile phone-tracking data, known as "pinging", for £300? (JJ)	Written response provided by the MPS
38	Will the Commissioner request an audit of all cases in which the MPS has accessed phone-tracking data under the Regulation of Investigatory Powers Act (RIPA) to ensure those were valid requests? (JJ)	Written response provided by the MPS
39	Will the Commissioner guarantee that, where a person has reason to suspect their whereabouts may have been gleaned from their mobile phone signal and passed to a tabloid reporter, the MPS will also check its records of RIPA requests to establish no tracking data was obtained by its officers? (JJ)	Written response provided by the MPS
	Morgan questions	
40	<p>1) Can you confirm that DCS David Cook was targeted and placed under surveillance by NoW photographers and vans following his appearance on BBC Crimewatch on June 26th 2002 in connection with his investigation into the murder of Daniel Morgan?</p> <p>2) Can you confirm that on 27th June 2002 Mr Cook was warned by the MPS that they had intelligence indicating that:</p> <p>a) The surveillance had been arranged by Alex Marunchak on behalf of Sidney Fillery and Jonathan Rees, two of the suspects under investigation by Mr Cook?</p> <p>b) Fillery had been in touch with Marunchak who had agreed to 'sort Cook out'?</p> <p>c) A few days' later Surry Police contacted Mr Cook to tell him that a person claiming to work for the Inland Revenue had contacted their finance department asking for Mr Cook's home address so they could post a cheque to him with a tax refund, and that their finance team refused to release the</p>	<p>The Acting Commissioner agreed to answer the questions in due course.</p> <p>He clarified that scoping investigations by Commander Simon Foy and connected to Weeting peripheral issues were being undertaken.</p> <p>The MPA Chair agreed to arrange a meeting with Commander Simon Foy in the autumn.</p> <p>Commander Foy has spoken with the Morgan family and a meeting is currently being arranged between the MPA Chair and Commander Foy.</p>

information because they were suspicious?

- 3) Can you confirm that subsequently Mr Cook together with Mr Dick Fedorcio and Commander André Baker met Mrs Rebekah Brooks of NoW to discuss concerns that Mr Cook had been placed under surveillance by NoW?
- 4) Can you confirm that Mrs Brooks was specifically told of concerns that Alex Marunchak had arranged for the NoW photographers and vans to be used to place Mr Cook under surveillance?
- 5) Can you confirm that Rebekah Brooks defended Marunchak on the grounds that "he did his job well"?
- 6) Can you confirm that Mrs Brooks stated that the reason for placing Mr Cook under surveillance was because he was thought to be having an affair with Jacqui Hames? Did the MPS find it credible that a newspaper with a reputation for investigative journalism wouldn't have made basic checks that would have shown that Mr Cook was married to Ms Hames before going to the expense of hiring vans?
- 7) Was Mrs Brooks told that Rees and Fillery were suspected of being involved in Daniel Morgan's murder?
- 8) What, if anything did the police ask Mrs Brooks to do about their concerns? What did Mrs Brooks say she would do about the information she'd been given? And what, in the end, was done, if anything?
- 9) Were notes taken at the meeting? If so, can we please be given a copy of them?
- 10) Can you confirm the date of this meeting and where it took place?
- 11) Was DAC Andy Hayman - who was in overall charge of the police investigation into Daniel Morgan's murder - informed of this meeting and the matters raised in it?
- 12) If so, what action, if any, did he take?
- 13) Can you confirm that the MPS are in possession of a statement from a former employee of Southern Investigations stating that Rees and Marunchak were defrauding NoW as early as March 1987? Can you give details of how the fraud worked? Was Mrs Brooks made aware of the fraud at this meeting or at any other time?
- 14) Can you confirm that Jonathan Rees's corrupt relationship with Marunchak went back at least as far as March 1987?
- 15) Was the MPS concerned that Mr Cook had been targeted in order to interfere with the Daniel Morgan murder inquiry?
- 16) Why didn't the MPS conduct a formal inquiry into a senior officer on a controversial murder investigation being put under surveillance?
- 17) Is it true that the MPS's decision to take no further action reflected Mr Fedorcio's desire to avoid friction with NoW?

<p>18) How close was Mr Fedorcio's relationship with Mrs Brooks?</p> <p>19) Were concerns about any other private investigator or journalists brought up at that meeting? If so please provide details.</p> <p>20) Is it true that it's now known Glenn Mulcaire managed to get Mr Cook's home address, his internal payroll number at the MPS, his D.O.B and the mortgage payments Mr Cook and his wife were paying? Did any of this information come from the MPS's own records? What, if anything, was done about this?</p> <p>21) Is it true that there is evidence showing that Glen Mulcaire obtained Mr Cook's personal details on the instructions of NoW on executive Greg Miskiw's instructions?</p>	
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Appendix B: Phone hacking questions and answers

Section 1: Briefings to the Chair and Mayor

Q1: What briefings were given to the Mayor by John Yates that led to his 'codswallop' comment?

Q2: When and by whom were briefings given to the Mayor and MPA Chair regarding phone hacking allegations concerning News of the World (please specify dates)? In particular what briefings were given in or around July 2009 and September 2010? What was the nature of those briefings? (JM)

Q3: (To MPA Chair) In 2009 when members were raising lots of questions about this case, did you or the Mayor meet with Sir Paul Stephenson or John Yates to follow-up the concerns of MPA members about the phone hacking investigation and the allegations of payments being made to police? (JJ)

Members asked a number of questions at Full Authority related to the above questions. The full transcript of this section of the meeting is attached for reference at Annex 1.

Actions

A1: The MPA Chair to review briefings provided to Mayor and establish if he reviewed these beforehand and/ or authorised the Mayoral response to Joanne McCartney's question at the MQT meeting.

Status: Completed. The Mayor's briefing has been reviewed. It was not cleared by the MPA Chair personally but was cleared by a member of his office.

A2: MPA Chair to review if any further training is required for the Mayor.

Status: Completed. No training for the Mayor is required.

A3: MPA Chair to provide a copy of the correspondence between MPA Chair/ the Mayor and John Yates seeking assurances.

Status: Completed. Letters to the MPA Chair and the Mayor have been circulated to members.

A4: The Acting Commissioner to brief on how investigations are managed, supervised and reviewed so members can ask the right questions in future

Status: Complete. A response has been provided below. A visit to the Crime Academy will also be offered to all Members.

The overarching guide for the investigation of crime is the NPIA 'Core Investigative Doctrine' which covers guidance for all elements of generic crime investigations. As such it underpins the national PIP training programmes delivered by the MPS Crime Academy to trainee detectives through to Senior Investigating Officers. Whilst investigative training is mostly generic and equips detectives with transferable skills certain crimes such as sexual offences, hate crimes, child abuse and financial crimes are specifically taught. The Management of Crime Investigations is taught on the Detective Sergeants and Detective Inspector Courses.

Further to the national doctrine the MPS has many different policies and SOP's governing crime investigation in general and more specific crimes in particular.

TP Emerald 'owns' the generic policies on Crime Investigation. These are all available on the Emerald Aware site and comprise the following:

Crime Management Policies

- Crime Screening and Secondary Investigation Instructions
- Crime Screening and Secondary Investigation Flowchart
- Crime Management Policy
- Crime Management Units Minimum Models

Crime Management Guides

- Initial CRIS supervision guide
- Secondary CRIS supervisor guide
- Victims of Crime codes
- Gun and Knife Crime
- Burglary and distraction burglary instruction
- Gang and group offenders
- Fraud

In addition to the Emerald Policies

SCD1 owns the London Homicide Manual which details all elements of a homicide investigation and complements (from a MPS perspective) the NPIA Major Incident Room Standardised Administrative Procedures (MIRSAP) and Murder Investigation manuals.

SCD20 owns the MPS Manual of Guidance for the Review of Major Crime Investigations which sets out the various types of review ranging from the standard review after 28 day of all unsolved homicides to thematic reviews as agreed. An extract from this Manual, which provides details of the review process, has been provided in a word document to the MPA.

All of the above doctrine, manuals and SOP's are accessible through the Virtual Crime Academy which also contains additional learning modules.

Detective Chief Superintendent Steve Lovelock would welcome a visit from MPA Members so that he might show and explain the above in more detail.

Section 2: Internal resilience

Q4: What is the current status of Bernard Hogan Howe, Dick Fedorcio and Sir Paul Stephenson?

There was a discussion on the appointment process for the Acting Commissioner and Acting Deputy Commissioner at Full Authority 28 July, as follows.

MPA Chair Kit Malthouse: "As I think I have said in correspondence, following Sir Paul's sad resignation on the Sunday evening on arrival at the MPA the following morning I became aware that the Home Office was likely to move quite quickly in terms of any action it may take. I made a call pretty much first thing to Stephen Rimmer at the Home Office to underline to him in no uncertain terms that the MPA had to be consulted on any

quick time appointments that were likely to be made in any short period. Sadly, things moved faster than that...The system has certainly been less than ideal but I think, as I said in my opening statement, the truth is there is no system. On looking at it there is no accept process about how it might happen. The Home Secretary recognised that there was an immediate resilience issue. She wanted to move quickly to put somebody in at Deputy Commissioner. She had a discussion with the Mayor to make sure that he was content. He then informed me that this was agreed and a short time later it was announced in the House of Commons... I think one of the things we need to think about for the future, given that there are lessons that need to be learned out of this situation, is that we need to examine a proper system that does consult the Authority even in the short period in which it may exist for the future, just in case. We have obviously established that, for the permanent appointments, the proper system will be in place but I do think we should be - and I am quite happy to write to the Home Office to express our concern about the way things were addressed... I do not think that the Mayor or the Home Secretary acted in any way other than to attempt to move quickly to reassure the public that the resilience of the Metropolitan Police Service was being maintained by making sure that it had its leadership intact, albeit on a temporary basis. Everybody operated from a well meaning point of view but the process and the system was not sufficient to cope with the timeframe in which that announcement needed to be made."

Acting Commissioner Tim Godwin: "In terms of resilience, we have a strength and depth team here. We have had some really good people come through. We have got Lynne Owens recently appointed as Assistant Commissioner. We have got Cressida Dick who has got a wealth of experience across a number of disciplines. We have got Chris Allison who has been, for many years, on public order and security planning and, as a result of that, is very well embedded in with the Olympics in terms of developing the security plan and that will continue going forward. He is supported through this Authority, through Baroness Doocey, and he has also got, in terms of support for him, Michael Johnson, Ian Quinton and a whole range of others that are supporting him. We have also got, in terms of Lynne, a wide range of detective experience as well. For me, I am content that, with Ian McPherson who is currently on holiday but back within the next day or so, we do have a fairly robust command team.

I think it is very welcome - and it is welcomed by the Management Board of the Metropolitan Police Service - that Bernard [Hogan-Howe] has joined us to increase the resilience that we have in terms of moving forward with all the agendas that we have to deal with and so I am content that all that support is there and being met."

Acting Commissioner Tim Godwin: "Sir Paul Stephenson left the Metropolitan Police Service at midnight on 26 July 2011 and at that point I became temporary Commissioner.

In relation to Bernard the Home Secretary and the Mayor asked Mr Hogan-Howe to take on the responsibilities of Deputy Commissioner and join me and my senior team in leading the Metropolitan Police Service. Those responsibilities include leading the Deputy Commissioner's command of legal services, professional standards and diversity, chairing Performance and Governance Boards and chairing the Diversity Board. Bernard has ceased all work at HMI where that relates to the Metropolitan Police Service. He will also be assuming responsibility in the Deputy role for oversight matters relating to the phone hacking investigations that are ongoing as we speak.

Dick Fedorcio is currently on annual leave and is the subject of a referral and independent investigation by the IPCC.

John Yates is currently an Assistant Commissioner in the Metropolitan Police Service but has identified his intention to resign.”

MPA Chief Executive Catherine Crawford: “The formal position is that Mr Hogan-Howe has been temporarily seconded to the Metropolitan Police Service from Her Majesty’s Inspectorate of Constabulary so as to provide resilience. This arrangement will end as soon as it is clear who has the substantive position but it is not possible, under the legislation, to make an appointment formally as Deputy Commissioner. Nonetheless, with that courtesy title and under Mr Godwin’s command, he will fulfil the full range of duties as was just described.”

Q5: What was the process for appointing Cressida Dick and Lynne Owens?

At Full Authority on 28 July the following response was given:

Acting Commissioner Tim Godwin: “For me, as the Acting Commissioner, it is very important to have a substantive Assistant Commissioner with the right skills and experience in that role and, as a result, Cressida Dick has been appointed as the Assistant Commissioner in Specialist Operations following John Yates’ intention to resign. She is the obvious choice and this was confirmed with our key partners in other agencies and the Government and conversations with the Chair of this Authority.

In terms of Lynne Owens as Assistant Commissioner Serious Crime and Assistant Commissioner Central Operations, this at the moment is a temporary arrangement until a replacement can be found. As I mentioned before, in order to support that we have Rose Fitzpatrick as Deputy Assistant Commissioner in Central Operations. We have appointed Alan Gibson as Acting Deputy Assistant Commissioner in the Serious Crime Directorate and moved Sue Akers to purely focus on the various inquiries that she has underway. Alan Gibson has a wealth of experience in the Serious Crime Directorate and will provide that support. We hope that the speed with which we can appoint a new Assistant Commissioner will be swift.”

MPA Chief Executive Catherine Crawford: “Cressida Dick was appointed to Assistant Commissioner by the MPA some years ago, so she has just been transferred internally.”

Actions

A5: MPA Chair to write to express to the Home Office the MPA’s dissatisfaction with the process for appointing Bernard Hogan-Howe and set up a system for this in future.

Status: Complete. MPA Chair raised the issue with Permanent Secretary Helen Ghosh in a recent meeting and Ms Ghosh has taken the point that the process was not ideal and ought to be handled better in future.

A6: MPA Chief Executive to write to members to clarify status of Bernard Hogan-Howe and provide a copy of the detailed legal advice received.

Status: Complete. MPA Chief Executive emailed members.

A7: The Acting Commissioner to provide information to members to clarify all current acting MPS arrangements.

Status: Complete. The following information has been provided:

- Tim Godwin is the Temporary Commissioner.
- Bernard Hogan-Howe is the Acting Deputy Commissioner.

- Lynne Owens is the Assistant Commissioner for both Central Operations and Specialist Crime Directorate, until an appointment has been made to fill the role of Assistant Commissioner Specialist Crime Directorate.
- Cressida Dick remains an established Assistant Commissioner but has moved to Specialist Operations.
- The other Management Board Members remain in their current roles.
- Sue Akers remains an established Deputy Assistant Commissioner but has moved to focus on Operation Weeting and Operation Elveden inquiries.
- Alan Gibson is the Acting Deputy Assistant Commissioner in Specialist Crime Directorate.

Section 3: Media and ethics

Q6: Elizabeth Filkin (Kirsten Hearne)

Regarding the appointment of former Parliamentary Commissioner for Standards, Dame Elizabeth Filkin, to examine ethical consideration that should underpin relations between the MPS and the press in the future. (KH)

1) Was a project specification drawn up to describe what would and would not be included in the examination of ethical consideration that should underpin relations between the MPS and the press in the future?

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “There was a specific terms of reference specification in terms of what we wanted to achieve from it and the issues to be worked at and looked at and to advise the Commissioner and the Metropolitan Police Service. It would have been made available to the MPA. That was then negotiated with Elizabeth Filkin and that is now coming over to the MPA for its information as a single tender action.”

2) What was the means of selecting someone to do this work? Who was involved in the selection?

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “The decision was made to appoint an individual to examine those issues and, as a result, there were a number of conversations to identify the most appropriate person to fill that role. This raised a number of names. The people that we consulted with were members of our Management Board, the MPA Chair and the Chief Executive, the Home Office, Number 10 and the Cabinet Office for those that they felt had the gravitas and the status in order to conduct this work.

Elizabeth Filkin was the person who received support from all the key players. Many of the others who did were unable to do the work within the timeframe required and were being used for things like the public inquiry with Lord Justice Leveson.

On 20 July Dame Filkin attended a meeting with myself when I asked her whether she would consider taking up that role and, as a result, a negotiation then took place with Caroline Murdoch, the Chief of Staff, in relation to the terms of reference and contractual arrangements, which will be referred to the Authority.”

3) (To MPA Chair) Did anyone from the MPA e.g. senior officers and or senior members have any involvement in the scoping of the work to be done and the selection of the person to do it?

The following response was provided at Full Authority on 28 July:

MPA Chair Kit Malthouse: "Yes. We were asked if it was a good idea, to which we said yes, and then Catherine [Crawford] and I were both asked to suggest names and review some of the other names that were in the frame."

4) 4) Does Sir Paul know Dame Elizabeth personally or have any personal connection with her?

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "I cannot speak for all the senior officers of the Metropolitan Police Service but I can certainly speak for myself and Paul and, I believe, the Management Board - which is no, we have not had any dealings with her and we do not know her personally."

Acting Deputy Commissioner Bernard Hogan-Howe: "I should declare I have."

5) Was anyone else considered to lead this work?

This question was answered as part of the response to question 2.

Actions

A8: The terms of reference for the appointment to be provided to the MPA

Status: Complete. Terms of reference for Independent Adviser on Ethics of Police / Press relations:

To advise the Commissioner of Police of the Metropolis and his Management Board as follows:

1. Generally as to ethical issues arising from the relationship between police and media;
2. The proper purpose of the relationship between senior officers / staff and more junior officers / staff and media executives and reporters at all levels;
3. Steps that should, or might, be taken to improve public confidence in police / media relations;
3. Whether there are practicable steps that should be taken to improve transparency of police / press relationships;
4. What, if any, hospitality is it acceptable for police officers / staff to receive or provide from / to the media;
5. What evidence in relation to these issues should be led by the MPS to the Public Inquiry announced by the Prime Minister on 13 July 2010?

Leaks and potential corruption

Q7: When confidential police information leaks to the press what is the procedure for investigating the source of this information? Does the MPS press office have responsibility for identifying leaked information? (JJ)

Actions

A9: Response requested in writing.

Status: Complete. Following answer has been provided by the MPS:

The DPS conduct investigations into leaks of information to the press. When leaks are identified an investigative strategy is completed that details the specific tactics to be used.

At present, the media generally approach DPA to verify information that has come into their possession. It is by this means that suspected leaks can often be identified.

In addition, a DPS Daily Management Meeting has been instigated to review media articles, open source information and new intelligence to ensure that any potential leaks are identified and investigated. Furthermore, all ongoing cases are reviewed on a weekly basis, and progress updates provided by the relevant leads.

Q8: In 2011 how many instances of confidential police information leaked to the press have been investigated internally? (JJ)

It was agreed at the Full Authority meeting on 28 July that this would be answered in writing.

Actions

A10: Response requested in writing.

Status: Complete. Following answer has been provided by the MPS:

Between 1st January and 29th August 2011 seven Conduct Matters and ten Public Complaints have been recorded in relation to allegations of information leakage to the media.

All of the Conduct Matters have been subject to investigation, and four of these are still ongoing. One of these cases has resulted in the arrest of an officer, and the subject is currently on bail. All three of the finalised cases were unsubstantiated. In two of these cases it proved impossible to identify the source. In the third the source was identified, however there was no evidence of misconduct.

Eight of the Public Complaints have been subject to investigation, with six of these cases still ongoing. The two completed cases were not upheld. The complainant in one of these cases has appealed to the IPCC. The appeal is ongoing. The remaining two complaints were withdrawn by the complainants.

Q9: Does the Directorate of Professional Standards audit access by police officers and staff to the PNC and other police databases to check whether the information accessed is appropriate and relevant to the work of the person accessing the information? If this is only done in respect of a complaint about an individual officer or staff member, will this now be done more regularly to check all accesses to information from the PNC and other police databases on a sample basis? If these wider checks are already done, what proportion of accesses to information are checked and will this proportion now be reviewed? (TH)

Q10: How many police officers and police staff have been (a) prosecuted, (b) dismissed or asked to resign, or (c) disciplined for misusing police information in each year over the last decade? (TH)

Questions 9 and 10 were taken together and answered at Full Authority on 28 July. The responses follow:

Acting Commissioner Tim Godwin: "In relation to the first part the Metropolitan Police Service has always identified information misuse, including leakage, as a key risk. To reduce that risk it conferred, through the Oversight Board of the Metropolitan Police Service Security Board and the Professional Standards' Strategic Committee, the Chair by the Deputy Commissioner. It has a specific Association of Chief Police Officers (ACPO) lead for information misuse and the policies around it which is (inaudible). The Directorate of Professional Standards (DPS) conducts...audits of all databases in response to information or intelligence triggers collected from a wide range of sources. That is if we perceive that there has been a leak in certain areas we will audit those databases.

In addition, however, centrally the Metropolitan Police Service Intelligence Bureau conducts checks of high usage and/or high risk databases and there are randomly selected checks every day. That includes the impact nominal index, the police national database and the police national computer.

Locally, on borough and operational command units (OCUs), in accordance with our...standard operating procedures, supervisors are required to conduct at least 140 monthly random audits of the PNT per borough.

In terms of criminal intelligence and the criminal database our operating procedures require supervisory checks to be undertaken daily by nominated gatekeepers and our crime information system has an audit facility which is able to ascertain who accessed individual pages, for how long and whether anything was printed.

In relation to how many incidences of confidential police information leaked to the press have been investigated internally, between 1 January 2011 and 30 June 2011 five conduct matters and five public complaints have been recorded in relation to allegations of information leakage to the media. All of the conduct matters have been subject to investigation and three of these are still ongoing. In both of these finalised cases there was no case to answer. In the first it proved impossible to identify the source. In the second the source was identified, however, there was no evidence of misconduct. Three of the public complaints have been subject to an investigation with two of the cases still ongoing. The third case found no case to answer. The remaining two complaints were withdrawn by complainants.

In the last decade 13 police officers and police staff have been prosecuted for misusing police information over that period of time. 29 police officers and police staff have been dismissed or asked to resign for misusing police information over that past decade. 208 police officers and police staff have been disciplined for misusing police information over that ten year period."

MPA Chairman Kit Malthouse: "It is worth pointing out that when I suggested, whenever it was - six/eight months ago - that we do our scrutiny before the corruption and the systems that we have in place to prevent and detect it, this is precisely the kind of thing that we wanted to look at as part of that. That work is ongoing. Obviously we can include, as part of that report which will come later in the year, some of the data around how successful they have or have not been, if that is satisfactory?"

Actions

A11: The Acting Commissioner agreed to provide a report on the misuse of police information to the relevant MPA Committee / MPA Corruption Scrutiny.

Status: In progress. MPA officers met with MPA members on 1 September to discuss the MPA Anti Corruption Review. A commissioning brief is being prepared for a report to SOP on police misuse of information and will be dispatched week commencing 5 September.

Media protocols

Q11: What guidance was available for officers on contact with the media? Has this guidance been updated in light of this case, and can I be provided with a copy? (JJ)

At Full Authority on 28 July, the media protocols were requested and the Acting Commissioner agreed to provide a copy.

Actions

A12: The Acting Commissioner agreed to provide a copy of the media protocols that are on the MPS website

Status: Complete. This has been circulated to members

Q12: Would it still be considered acceptable for senior officers to have private meetings with journalists or executives of news organisations? (JJ)

This was not asked at Full Authority, as members said the Acting Commissioner had already answered this.

Q13: In view of recent events do you on reflection regret dismissing my concerns about senior Met officers being wined and dined by senior executives of News International? (DD)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "Dee, we have had conversations in relation to that. In terms of the response it was not so much dismissing concerns; it was answering the fact that we have always said that we should have a relationship with the media in order to get the important message across to the public about what we do, which was reinforced by Sir Paul Stephenson at the Home Affairs Select Committee. However, historically, the means by which this was achieved, including attending dinners etc, we are now changing this approach.

Do I regret the perception that this has created and the tarnishing of our worldwide reputation? Of course I do. Will we be changing? Yes, we will. I agree with not being entirely compliant with our own monitoring systems in the past and that will change. I am taking action now to rectify that with a member of my own staff coming to City Hall to meet with the GLA Monitoring Officer.

Member Dee Doocey: "Thank you. If I can just follow up? I have said on previous occasions that my concern is not about the police meeting with journalists - I absolutely accept that it is necessary in order to exchange information - but I did have a concern then and the concern is here now about the fact that there were so many meetings that took place over lunches and dinners which I considered at the time, and still do, to be totally inappropriate.

I am very pleased to hear you say that, with hindsight, you do regret what I still consider to be the fact that you brushed aside my concerns. You are going to set up an internet system as I understand it so that anybody can access it and I liked the idea that you are going to base this on the GLA system which is that anything over £25 has got to be declared, whether you are giving the hospitality or receiving it. I wanted to be clear that you could perhaps give us an assurance that we would see the system that you were trying to set up. I am not suggesting we design it by committee at all but before that goes live because, in previous occasions, I have often felt that the Metropolitan Police Service does not necessarily see things with the same eyes as we do and it might be helpful if we could just see it just before you decide to go live and give you comments on it.”

Acting Commissioner Tim Godwin: “Absolutely. One of the things that we want to do is to be very open and transparent about what we are doing and what we are going to do to address those issues. We want to get the confidence back in the Metropolitan Police Service.

In terms of the regrets, what I am saying there is the way it is perceived has been a matter of great regret for us but I have no doubt in the integrity of Sir Paul Stephenson.”

Q14: (To MPA Chair) Is there an opportunity for the MPA anti-corruption scrutiny to examine the issue of corruption that has developed in dealings with the media? (JJ)

See A11 above. MPA officers met with MPA members on 1 September to discuss the MPA Anti Corruption Review. A commissioning brief is being prepared for a report to SOP on police misuse of information and will be dispatched week commencing 5 September.

Gifts and hospitality

Q15: Would you agree, in view of what has happened, that in future you will get your officers to put a list of all of their meetings with the media freely available on the internet so that anyone can see them so that there are no misunderstandings? (DD)

This was answered At Full Authority on 28 July as part of the response to Q17 below.

Actions

A13: The Acting Commissioner agreed to publish on the Internet all meetings of police officers with the media. This would be undertaken as part of action 15 below.

Q16: (To MPA Chair) Could the Chair please provide a list of any lunches, dinners or meetings he has had with newspaper executives and senior editorial staff since he became Chair, and their purpose (CP)

The following response was provided at Full Authority on 28 July:

MPA Chairman Kit Malthouse: “I am happy to. I think you are over estimating the delight with which people wish to spend time in my company, to be perfectly honest! As far as I can recall there have not been any with executives, what you would call an executive. I think I am going to have to ask you to define senior editorial staff a little more closely? I once went to a lunch where, at the other end of the table, Polly Toynbee was sitting there. She did not speak to me but does that count? What I

can say is that everything that needs to be declared is declared on the hospitality website. There have not been that many. I am not that popular sadly.”

Actions

A14: The MPA Chair agreed to provide a list of lunches, coffees, interviews and meetings with all journalists since January 2010.

Status: Complete. This has been circulated to members.

Q17: Could the acting Commissioner please advise what work is underway to improve the register of gifts and hospitality that is currently available online for the Met (CP)

The following update on the work was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “The three year review has been done and certainly I had a conversation with Dee about that only yesterday I think. In the interest of brevity, to get in on to the spreadsheet, it has changed some of them from their meanings and so, as a result of that, in order for accuracy, at the moment all members of the Management Board are going line by line to ensure that they can put down value and reason because our policy clearly states there should be a value to the Metropolitan Police Service and to London from any hospitality. Then, as soon as that is completed, we will be publishing that for the three years.

In terms of the GLA monitoring process, we will be taking a report through the Management Board, we will be asking the MPA as to how it views any scheme and we will be implementing that as soon as we can.

... [the Directorate of Public Affairs list] is a priority for us to do that, work is ongoing, I will be keeping you informed as to the progress and we will be publishing it. Likewise, we will be changing our policy very swiftly based on the learning we can get from the GLA as well and that will be implemented swiftly.”

Member Toby Harris: “When the Acting temporary Commissioner reports to us on these new arrangements could we also have a consideration of how far this should extend throughout the organisation? Should it go a long way further down? If so, perhaps we can talk about those arrangements.

The other thing is, perhaps in the interest of transparency, we consider what arrangements should be put in place for occasions when the Metropolitan Police Service has offered hospitality - for example, dinners in the Assistant Commissioner’s mess - and perhaps indicating whether those have been paid for by Metropolitan Police Service funds or by the individual officers concerned. Again, that would perhaps be relevant in the current climate.”

MPA Chairman Kit Malthouse: “It does point to a hole in our own MPA. It may be, for instance, we do have declarations of hospitality that have to be given, but none of us, as Members, have to declare if we have had a meeting with a senior newspaper executive. I drop that into the mix. I do not know whether any of you have. I do not think I have. I will have to go back through the diary to recall any.

...If I happen to shake somebody’s hand at a party and we have a chat for ten minutes does that need to be declared, even though I only had a glass of orange juice? There

are lots of questions there that I think we perhaps need to look at ourselves over the next few weeks and decide whether we need to revamp the MPA declarations as well.”

Actions

A15: The Acting Commissioner agreed that Members could see and comment on the new gifts and hospitality system for MPS officers before it goes live.

Status: In progress. An urgent review of the MPS Gifts and Hospitality policies and procedures has been taking place over the summer. This has involved liaison with the GLA to see what can be learnt from their systems. The MPS intends to seek the views of MPA Members on this matter before any new system goes live, to ensure that any revised system that we implement satisfies the concerns that have been raised.

Section 4: Ongoing investigations and due diligence

Q18: What are the terms of reference of Operation Elveden? (JM)

The terms of reference of Operation Elveden were requested at the Full Authority meeting on 28 July.

Actions:

A16: The Acting Commissioner agreed to provide the Operation Elveden terms of reference.

Status: Complete. This has been circulated to members

Q19: What due diligence has been done on officers on Operation Weeting and Elveden? (JM)

This was answered as part of the response to question 22

Q20: What measures have been put in place to ensure the independence and transparency of MPS investigating MPS regarding Operation Elveden?

This question was a duplicate of question 18.

Q21: Do you not think the investigation of ‘inappropriate payments’ to serving police officers from News International should be investigated independently from the MPS? (JM)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “Operation Elveden is, as you correctly say, an IPCC supervised investigation. That is a decision for the IPCC once we refer it. Deborah Glass has been clear that DAC Akers is leading an ongoing complex and interconnected criminal inquiry which is looking at the actions of the media and other members of the public over whom the IPCC has no jurisdiction as well as the actions of police officers which may be criminal. It is important that the overall effectiveness of that investigation is not compromised. Deborah Glass has also been clear that she expects to be kept informed of developments and will wish to discuss lines of inquiry with DAC Akers and/or the team and to be given full access to any material obtained or generated by the inquiry as she requests.

Under Regulation 6 of the Police Complaints Misconduct Regulations 2004 the IPCC is able to impose any reasonable requirements as to the conduct of the investigation as appear to be necessary, and will undoubtedly use that power.

Following Deborah Glass' attendance at the SOP when she was questioned about why the investigation is not being conducted independently Deborah recorded a YouTube message which was why are you not doing this independently?

"This is a complex investigation looking at not only the actions of police officers but also actions of the media and members of the public. That is why DAC Akers is involved in the wider phone hacking programme which I am not involved in and the allegations involving the police. If it were practical to carve out from that that part of the inquiry that just related to the police, I would do that, but at that moment I do not believe it is. I made it clear to the Metropolitan Police Service that as and when officers are identified I would want us to independently investigate but I am also clear that the overriding objective here is to identify wrongdoers and bring them to justice. I believe that the Metropolitan Police Service shares that objective and I do not want to do anything that would compromise our ability to do that".

It is an ongoing review and there will be a further look at it when people are actually identified."

Actions

A17: The MPA Chair agreed to circulate the link to the statement read by Deborah Glass on 'you tube'.

Status: Complete. The link is below

<http://www.youtube.com/watch?v=NLP5lhXVmax>

Q22: Can you give assurances that none of the current investigation team (Operation Weeting) have any links to or have received hospitality from News International? To whom is DAC Ackers reporting? (JM)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "Operation Weeting personnel were asked to declare any associations they had with the media at the commencement of the operation. The team has made three such declarations that have been assessed by the senior investigating officer (SIO) as compatible with their involvement with the investigation. None of these declarations involve titles owned by News International. No member of the team has received hospitality from News International. News staff are subject to the same processes to protect the integrity of the inquiry.

The one addition to this, which occurred years before the Operation Weeting investigation started, is in respect of DAC Sue Akers who had a business meeting with Sean O'Neill of the *Times* on 4 August 2008 when she was Head of Organised Crime Directorate. The purpose of the meeting was to discuss organised crime involving firearms. The meeting took place at lunchtime and the reporter paid for lunch. That meeting was recorded in the hospitality register and is the only one that is with a News International title.

DAC Akers has reported to AC Dick since the investigation began but now, following her move into the role of Assistant Commissioner Special Operations, she will be reporting

to Bernard Hogan-Howe in his capacity of performing the role of the Deputy Commissioner of the Metropolitan Police Service.”

Q23: What steps have been taken to ensure that the investigators within the Metropolitan Police working on Operation Weeting and Operation Elveden are not themselves compromised, either through having accepted payments or gifts from the media in the past, or through contact with officers who have? (JJ)

This question was answered as part of the response to question 21.

Q24: What processes are in place for the Commissioner/Deputy Commissioner to review internal investigations? (DD)

It was agreed at the Full Authority meeting on 28 July that this would be answered in writing.

Actions

A18: The Acting Commissioner agreed to answer the question in writing.

Status: Complete. Answer below.

It is unclear exactly what is meant with regard to the term ‘review internal investigations’. However there is a process to review serious cases such as homicides or rapes, detailed information on the processes can be provided when Members visit the Crime Academy.

Section 5: Award of contracts

Q25: Why was there a delay in referring the Chamy Media contract details to PSCSC? (VS)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “We are talking about here the Chamy media contract awarded to Neil Wallis. In June 2011 the matter was passed to me by the Commissioner, at the beginning of June, and was subsequently referred by me to the Director of Professional Standards who then, whilst on leave, took legal advice. Following that, on my return on 12 July 2011, the matter was passed to the MPA Professional Standards Committee on 18 July 2011 which found that there were no issues on that briefing of conduct in relation to senior police officers, but was referred back to me. I then submitted that to the IPCC as a referral in terms of a conduct matter which is now subject to an independent investigation. As a result, I cannot actually talk about the process of that because that is being independently investigated by the IPCC.”

Q26: Why didn’t Sir Paul Stephenson tell SOP members about the contract with Neil Wallis at the meeting on 14 July? (VS)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: “Obviously Sir Paul would answer for himself but one of the things that Sir Paul and the rest of us were very conscious of is not to in any way

affect the integrity of the Weeting investigation. There were decisions about forewarning if action was to be taken against an individual.

This Authority is also investigating complaints by members of the public who have been arrested and that that has then been leaked even though no subsequent charges have been done. As a result, it is only appropriate to make those sorts of links and announcements as and when we have formally identified a person as having been arrested. That was the reason for it but I am sure that will be part of the IPCC inquiry."

Q27: In light of allegations surrounding the award of the contract to Chamy Media, what urgent action is the MPS taking to ensure that existing and future contracts are awarded with appropriate due diligence? (JM)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "In relation to what we are doing at the moment in terms of our contract winning processes, the Metropolitan Police Service has recognised historic issues with the contract award process. A programme of improvement has been introduced to address it. The first phase of this work concentrated on contract awards over £50,000 and this work was completed last year. All contracts let above this level are let in accordance with European Union (EU) procurement law. Below £50,000 a scheme of delegation provides autonomy for individual business areas and makes (inaudible) decisions in accordance with standard operating procedures.

As from 30 June 2011 we have introduced a system called Compete4. That is mandated for purchases between £500 and £50,000 to use the system. The system is used to ensure the necessary amount of quotations are received and provides an audit trail of actions by whom and when. Above £50,000 all procurement is undertaken by a dedicated procurement team. Further checks and controls are applied around invoice payment where a three way matching process is applied. As from October 2011 a no purchase order no pay process will be introduced for all inscope expenditure where an invoice will be rejected unless it carries a valid purchase order number. A new electronic source to pay system has also recently been purchased to provide greater clarity of control over all third party expenditure. This will be in place later this year and will be subject to reports to the Governance Committee."

Section 6: Historical issues regarding News of the World

Q28: Guardian article 6th July. The Guardian (<http://www.guardian.co.uk/media/2011/jul/06/news-of-the-world-rebekah-brooks>) has reported that in November 2002 Rebekah Brooks was confronted at "press social event" in New Scotland Yard by being taken into "a side room" and confronted by Cdr Andre Baker and Dick Fedorcio about News of the World surveillance of DCS Cook. No further action was taken about this. Who was party to the decision to confront Rebekah Brooks in such a fashion and to take no further action? In particular, was the then Commissioner and the then Deputy Commissioner (a) involved or (b) informed? What other Assistant Commissioners or DACs were (a) involved or (b) informed? (I can confirm that as the then Chair I was not informed - indeed the first I learned of it was when I read the Guardian's article.) Was the team led by Assistant Commissioner John Yates which subsequently reinvestigated the murder of Daniel Morgan aware of this behaviour by the News of the World? (TH)

This was partly answered at SOP on 14 July 2011:

Acting Commissioner Tim Godwin: "The answer is yes [those matters that are in this question are being investigated] and I think that is probably the first time that we have announced that. There are a number of peripheral issues that have come out from the Weeting Elveden investigations as we have progressed and that is constantly being reviewed by the DAC Sue Akers. As a result of that some of those will end up in some form of investigation under Sue Akers. That is what we are going through at the moment which is, hence, my difficulty in answering some of the questions, even those things that have been in the media so far. I will bring that back to a Strategic and Operational Policing Committee (SOP) to brief SOP as to exactly what the structure of those various investigations are as soon as they are finalised."

The following actions were agreed following discussion at Full Authority on 28 July.

Actions

A19: The Acting Commissioner agreed to provide a written answer following the scoping of the investigations. This is linked to action 23.

Status: Outstanding. To be provided in due course.

A20: The Acting Commissioner agreed to provide information to the SOP Committee on the structure of investigations, once this is finalised, which will address which investigation is covering which outstanding question.

Status: In progress and will go to SOP in due course.

Q29: In 2003 Rebekah Wade, as she then was, told a select committee that they had paid police for stories. I would like to know what actions did the Metropolitan Police Service take after those allegations were known and what were the results of those investigations? (TA)

Answered at SOP on 14 July 2011, as follows:

'In terms of the Rebekah Wade allegations made, that does involve another individual [currently under investigation] and I think I will need to answer that one in writing, if that is okay, for the various reasons that were outlined before, because when things involve other people it is absolutely essential that I get that totally accurate... There were a range of investigations about that time that were made into issues around corruption and leakage, some of which did result in successful prosecution and conviction...there was not a specific investigation purely on what Rebekah Wade said in that appearance' (Tim Godwin at SOP on 14 July 2011).

Q30: What remit did you give to Assistant Commissioner John Yates when you asked him to review the phone hacking case in 2009? Did you set a timescale on the review? How soon after you asked him to do the review did AC Yates report back to you? Were you satisfied when he reported back to you that he had properly fulfilled the remit that you gave him? (TH)

Answered previously orally at SOP on 14 July 2011, as follows. This has since been confirmed by the MPS as an accurate record.

'I am going from memory, but I think it was asked by the media at the Associations of Chief Police Officers (ACPO) conference in Manchester did I have any comments around the story that I think the Guardian had produced that day. I think I said words to the effect - and it is on record, so people can check it - that I had asked someone, I

might that named John Yates, to check the facts and see if there was anything new, but someone would likely be making a comment later that day. And that is what John Yates did. I did not put a timescale around it and nor would I. It would be impossible to put a timescale around it. I asked John Yates to do that and that is what he did.' (Sir Paul Stephenson at SOP on 14 July 2011).

Q31: What steps did you take in 2009 to satisfy yourself that what AC Yates said was correct, and that his enquiry had been thorough enough? (DD)

Answered as above at SOP on 14 July 2011.

Q32: Can you give assurances that no other inquiries have been carried out 'half heartedly', like the one into phone hacking by AC Yates in 2009? (DD)

It was agreed at the Full Authority meeting on 28 July that this would be responded to in writing.

Actions:

A21: The Acting Commissioner agreed to respond in writing to this question.

Status: Complete. The below response has been provided by the MPS

The MPS always endeavours to conduct all investigations thoroughly and appropriately.

Q33: Lord MacDonald, the former DPP, raised some issues yesterday (allegations that the MPS did not fully disclose to the CPS at the time exactly what evidence it had) which seem to reopen some of the dispute between the MPS and the CPS. Perhaps if we could have something in writing on that that would be very useful.

The following response was provided at Full Authority on 28 July:

MPA Chairman Kit Malthouse: "I am sure those allegations will be investigated."

Acting Commissioner Tim Godwin: "I think that they will. We will have to look at the specific questions you ask in relation to the IPCC investigations that are ongoing and the judicial inquiry. They would sound, on the face of it, to be very specifically part of those two reviews which may mean it would be difficult to answer other than through that process, but we will look at the questions and see what we can do."

Actions:

A22: The Acting Commissioner agreed to respond in writing to this question in due course.

Status: In progress. This is still currently subject to the Inquiry led by Lord Justice Leveson.

Q34: Was this incident in part due to an organisational culture that is exacerbated by the rigidity of its promotion structure and the fact of a single point of entry into the force? (CB)

Answered at SOP on 14 July 2011, as follows:

Whenever we make mistakes we should be held accountable and should be open about it. Actually, in the Metropolitan Police Service we have not been slow to put our hands up where we have made mistakes. But I would actually caution you, Chris [Boothman], and remind you that we receive 6 million calls every year. We deal with over 800,000 crimes every year. You just mentioned a few inquiries, and where they go wrong and people are victimised unnecessarily, that is a matter of real regret and apology (Sir Paul Stephenson at SOP on 14 July 2011).

Section 7: The future

Q35: Is there anything else to come out? (TH)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "I am not aware of anything else, and I will leave it at that. I truly am not. If I was I would definitely declare it."

Q36: What do you intend to put in place as a result of all this and when will the MPA have sight of it? (TH)

The following response was provided at Full Authority on 28 July:

Acting Commissioner Tim Godwin: "What do you intend to put in place? There are three key things in this for me that we have to do as a team. Firstly we have to support all the investigation, the judicial reviews and the inquiries that are ongoing, together with the Independent Police Complaints Commission investigations and combat matters that are going forward. I would like to reinforce Deborah Glass' comments that the investigations, all of them, will follow the evidence, and I believe that true of the inquiry as well. Also, that people should not rush to judgement until that work is done. We need now to allow the evidence to be looked at, evaluated and judgements and conclusions made and accountability allocated.

The second thing is the perception of the Metropolitan Police Service and the senior members of the Metropolitan Police Service must change. With the hospitality and the transparency I do not believe we have anything to hide but best we therefore expose it to pick up Dee [Doocey] and Caroline's [Pidgeon] points. That will be done swiftly.

Likewise our relationships with the media and the way we interact with the media must change. We await Elizabeth Filkin's responses and equally we will be working with the Authority on that. These will be transparent and disclosed. That is what we are going to do to move forward. We will review all information misuse and our policies around information misuse and how we do that auditing and checking as you mentioned in your earlier questions."

Section 8: Questions for written answer

Q37: Will the Commissioner investigate claims that News of the World reporters were able to purchase mobile phone-tracking data, known as "pinging", for £300? (JJ)

MPS response

Whilst the MPS is aware of a number of phone hacking related issues raised in the media, it is not appropriate to reveal the detail of the ongoing investigations.

Q38: Will the Commissioner request an audit of all cases in which the MPS has accessed phone-tracking data under the Regulation of Investigatory Powers Act (RIPA) to ensure those were valid requests? (JJ)

MPS response

Robust processes for any applications under RIPA already exist. All authorities are regularly reviewed and must be cancelled at the conclusion with a record made of what action was taken and the outcome.

All RIPA Authorities are overseen by the Inspectors of the Office of Surveillance Commissioners who inspect on an annual basis. This is an independent body that reports direct to Sir Christopher Rose and his team of Surveillance Commissioners, all of whom are ex High Court Judges; Sir Christopher reporting directly to the Prime Minister.

In respect of this aspect of deployment there are two separate types of authorities under RIPA dependant on the nature of the actual tasking.

- A single Directed Surveillance authority request is made to a Superintendent, only after it has been checked by an independent gate keeper. The Superintendent can only authorise if there is sufficient intelligence to support the application and it is proportionate and necessary having regard to the investigation/operation.
- Where there is a greater level of intrusion the deployment will require a Directed Surveillance authority, as detailed above, then a further authority for Property Interference which is authorised by an Assistant Commissioner. This authority is only granted after support is given by a Detective Inspector and a Superintendent and its validity has been checked by the independent Central Authorities Unit.

In relation to Directed Surveillance telephone companies will not supply information unless the correct authority is in place.

In relation to property interference the MPS Technical Support Unit will not deploy until they have had sight of the RIPA authority (this is a legal obligation).

Q39: Will the Commissioner guarantee that, where a person has reason to suspect their whereabouts may have been gleaned from their mobile phone signal and passed to a tabloid reporter, the MPS will also check its records of RIPA requests to establish no tracking data was obtained by its officers? (JJ)

MPS response

If any information had been passed in these circumstances it would constitute a breach of RIPA and an offence. If a person suspects this is the case then any allegation would be investigated as a crime.

The MPS based on national agreement do not generally confirm or deny such a tactic has been used and in certain aspects acknowledge whether or not there is such a capability as will normally fall under the remit of Public Interest Immunity which is decided by a judge who sits as part of the Criminal Judiciary.

Again any product that was obtained would be subject to the process outlined in the previous answer.

Questions relating to case of Daniel Morgan, deceased

- Q40: 1) Can you confirm that DCS David Cook was targeted and placed under surveillance by NoW photographers and vans following his appearance on BBC Crimewatch on June 26th 2002 in connection with his investigation into the murder of Daniel Morgan?**
- 2) Can you confirm that on 27th June 2002 Mr Cook was warned by the MPS that they had intelligence indicating that:**
- a) The surveillance had been arranged by Alex Marunchak on behalf of Sidney Fillery and Jonathan Rees, two of the suspects under investigation by Mr Cook?**
 - b) Fillery had been in touch with Marunchak who had agreed to 'sort Cook out'?**
 - c) A few days' later Surry Police contacted Mr Cook to tell him that a person claiming to work for the Inland Revenue had contacted their finance department asking for Mr Cook's home address so they could post a cheque to him with a tax refund, and that their finance team refused to release the information because they were suspicious?**
- 3) Can you confirm that subsequently Mr Cook together with Mr Dick Fedorcio and Commander André Baker met Mrs Rebekah Brooks of NoW to discuss concerns that Mr Cook had been placed under surveillance by NoW?**
- 4) Can you confirm that Mrs Brooks was specifically told of concerns that Alex Marunchak had arranged for the NoW photographers and vans to be used to place Mr Cook under surveillance?**
- 5) Can you confirm that Rebekah Brooks defended Marunchak on the grounds that "he did his job well"?**
- 6) Can you confirm that Mrs Brooks stated that the reason for placing Mr Cook under surveillance was because he was thought to be having an affair with Jacqui Hames? Did the MPS find it credible that a newspaper with a reputation for investigative journalism wouldn't have made basic checks that would have shown that Mr Cook was married to Ms Hames before going to the expense of hiring vans?**
- 7) Was Mrs Brooks told that Rees and Fillery were suspected of being involved in Daniel Morgan's murder?**
- 8) What, if anything did the police ask Mrs Brooks to do about their concerns? What did Mrs Brooks say she would do about the information she'd been given? And what, in the end, was done, if anything?**
- 9) Were notes taken at the meeting? If so, can we please be given a copy of them?**
- 10) Can you confirm the date of this meeting and where it took place?**
- 11) Was DAC Andy Hayman - who was in overall charge of the police investigation into Daniel Morgan's murder - informed of this meeting and the matters raised in it?**
- 12) If so, what action, if any, did he take?**
- 13) Can you confirm that the MPS are in possession of a statement from a former employee of Southern Investigations stating that Rees and Marunchak were defrauding NoW as early as March 1987? Can you give details of how the fraud worked? Was Mrs Brooks made aware of the fraud at this meeting or at any other time?**
- 14) Can you confirm that Jonathan Rees's corrupt relationship with Marunchak went back at least as far as March 1987?**
- 15) Was the MPS concerned that Mr Cook had been targeted in order to interfere with the Daniel Morgan murder inquiry?**
- 16) Why didn't the MPS conduct a formal inquiry into a senior officer on a controversial murder investigation being put under surveillance?**

17) Is it true that the MPS's decision to take no further action reflected Mr Fedorcio's desire to avoid friction with NoW?

18) How close was Mr Fedorcio's relationship with Mrs Brooks?

19) Were concerns about any other private investigator or journalists brought up at that meeting? If so please provide details.

20) Is it true that it's now known Glenn Mulcaire managed to get Mr Cook's home address, his internal payroll number at the MPS, his D.O.B and the mortgage payments Mr Cook and his wife were paying? Did any of this information come from the MPS's own records? What, if anything, was done about this?

21) Is it true that there is evidence showing that Glen Mulcaire obtained Mr Cook's personal details on the instructions of NoW on executive Greg Miskiw's instructions?

Actions

A23: The Acting Commissioner agreed to answer the questions in due course. He clarified that scoping investigations by Commander Simon Foy and connected to Weeting peripheral issues were being undertaken.

A24: The MPA Chair agreed to arrange a meeting with Commander Simon Foy in the autumn.

Status: In progress. Commander Foy has spoken with the Morgan family and a meeting is currently being arranged between the MPA Chair and Commander Foy.

Annex 1 to Appendix B: Transcript of Full Authority Meeting 28 July 2011 related to telephone hacking briefings given to the MPA Chair and Mayor

Jenny Jones (AM): This is about whether or not you and the Mayor had briefings in the first part of September 2010 when the questions were raised. In the letters to me - thank you for the quick response - you did say that Mr Yates called you to give you a briefing on 10 September, the same day that he offered a briefing to the Prime Minister.

Kit Malthouse (Chairman): Yes. As I recall there was a scheduled telephone call that I wrote to you at 9.30am on that Friday. From memory, John [Yates] rang to say that they were looking at the New York Times allegations, that they were examining them to see if there was any new evidence, that a detective or a team of detectives was or were flying to the States to hopefully conduct interviews and they were seeking cooperation from the paper.

Jenny Jones (AM): Did you then tell the Mayor that that was happening?

Kit Malthouse (Chairman): I do not recall that I did, no.

Jenny Jones (AM): Presumably Mr Yates would have wanted to brief the Mayor directly as well as it had become an active investigation?

Kit Malthouse (Chairman): Not necessarily, no. John briefed the Mayor periodically on active investigations. The Mayor does have regular updates with the Assistant Commissioner for Specialist Operations, largely around counter terrorism. The truth is that in those periodic briefings some of them, the phone hacking investigations, would have been mentioned. The Mayor sought reassurances that the investigation was being thorough and those reassurances were given. The way the system works generally is I do take routinely phone calls from the Assistant Commissioner about various imminent issues that may happen and I tend to alert him if there is a critical incident about to occur. I would not, necessarily, alert him about an ongoing investigation of which there may be many. At that time I do not recall whether I did or not.

Jenny Jones (AM): The thing is, on 15 September, at Mayor's Question Time, the Mayor, in response to Joanne McCartney's question, that was the point at which he called the case a loads of codswallop cooked up by the Labour Party and that we do not intend to get involved with it. He said that. In the same breath, just before that, he said, "I am almost in continuous conversations with my Deputy Mayor for Policing about this and other matters. It would be fair to say that he and I have discussed this. The conclusion of our conversation will be obvious from what I have said". He is saying that you are in continuous ...

Kit Malthouse (Chairman): I do not recall whether we spoke about it in the two working days between the Friday and the Wednesday Mayor's Question Time (MQT). I just do not recall. It is fair to say that during the previous 18 months we obviously had discussed it following briefings from John Yates, where we had been given reassurance there was nothing in it. You will have to ask the Mayor why he expressed his views in the way he did. I do not believe that between Friday and the Wednesday the Mayor was in any greater possession of any facts than he was prior to the last briefing that he would have had with John Yates which I suspect, I have not looked into it exactly, might have been the month before.

Jenny Jones (AM): At Mayor's Question Time the Mayor had in front of him a briefing from somebody. I do not know who writes his briefings to answer questions at Mayor's Question Time. Joanne [McCartney] had actually made it a priority question about the case. Surely you see the briefings that are given to the Mayor before MQT if they are on a policing issue?

Kit Malthouse (Chairman): Not necessarily always, no. Some I do, yes.

Jenny Jones (AM): He must have had a briefing about this. Do you think you would not have seen it?

Kit Malthouse (Chairman): I cannot recall whether I did, Jenny. Part of the issue is that you are now asking me to recall matters from nearly a year ago which were not necessarily noted and, at the time, were part of a general competing series of priorities - whether that is teenage killings or rape or whatever the other issues that we were dealing with at the time.

The truth is I do not actually recall, in that split second, what was and was not said and what was and was not discussed. The critical thing is that obviously John [Yates] wrote to the Mayor once this emerged and confirmed in his letter that the Mayor had sought assurances during a number of meetings with John that the investigation was thorough. Those reassurances had been given and John has written to apologise that that now has put the Mayor in an embarrassing position. That is as far as we can go.

The other issue, frankly, is that obviously when I have had counter terrorism briefings with John you will understand, for obvious reasons, that I do not keep a note of those briefings so it is unclear precisely what and when it was talked about. But John has confirmed in his letter there were repeated assurances sought and those assurances were given. It now turns out, with hindsight, that that was not given on the basis of correct information and that is a source of embarrassment.

Jenny Jones (AM): However, in that case, the Mayor must have known it was an active investigation when he said it was a load of codswallop. If he sought confirm that it was being examined then he must have known it was active?

Kit Malthouse (Chairman): No. I think in the previous meetings, where it was in the media or whatever, then it would have been mentioned that the police had looked into it and there were no reasons to open the investigation, whatever those issues might be.

The critical period between the publication of the New York Times' article and then 10 September when I was informed for the first time that things were being looked at and that a team might be going out and then two working days later when the Mayor appeared at MQT, I cannot recall whether we discussed it in the two days in-between. Actually I think it is probably unlikely that we did but I cannot recall precisely and that is purely because it was one of a competing number of priorities.

It is true to say that, at the end of the month, at the MPA meeting on 30 September, Sir Paul Stephenson sat in his chair and confirmed that during that period interviews had taken place, I think on 14 September, 21 September and two others, and that there were consultations ongoing with the Crown Prosecution Service (CPS), so throughout that period there had been an investigation ongoing.

Jenny Jones (AM): You think the Mayor would not have known that that was an active investigation? For those people who are not bogged down in all this and do not understand the relevance of this, it is because I am trying to establish whether or not, when the Mayor made those comments, he knew that it was an ongoing investigation because, if he did know, he was attempting to pervert the course of justice.

Clive Lawton (AM): I am not sure this is relevant to this Authority. I am sure the Mayor must be questioned on these matters and I am sure that is right for the GLA but I cannot understand how this is relevant to this Authority.

Kit Malthouse (Chairman): I think that is a very strong charge to make, Jenny, and I think you might be getting yourself into hot water by saying things like that. Let me reiterate; we have no records - and I have no recollection - that between 10 September and 15 September I discussed this matter with the Mayor.

Jenny Jones (AM): Are you saying that when the Mayor answers a question at Mayor's Question Time on policing you do not get a view of that briefing?

Kit Malthouse (Chairman): Sometimes I do. Sometimes I do not.

Jenny Jones (AM): It just seems inconceivable that you do not because it is your area - you are the Deputy Mayor for Policing.

Kit Malthouse (Chairman): It certainly goes through my office. Whether I get to see it or not is another matter. I am happy to go back and look at the briefings that were given and see if I can remember seeing them at the time.

Jenny Jones (AM): Could we have a copy of that briefing?

Kit Malthouse (Chairman): No.

Jenny Jones (AM): Because it is something the Mayor reads out normally isn't it, so there is no reason for it not to be?

Clive Lawton (AM): We have limited time.

Kit Malthouse (Chairman): I am happy to go back and look at the briefings. I am happy to see if I can remember seeing them beforehand or seeing whether they are in my email inbox and all those details and try to establish that for you --

Jenny Jones (AM): OK. Thank you.

Kit Malthouse (Chairman): -- but as I said to you before, I do not recall speaking to him about it at that time. Not least because, you have to remember, at that time - I know, with hindsight, this is all of critical importance now but at the time - it was competing along with lots of other priorities like teenage killings, multiple rapes, the (inaudible) and all those other issues which we were engaged in at the time. All the ongoing investigations which I am sometimes informed about, I do not pass all of them on to the Mayor.

Jenny Jones (AM): I do understand that. Can I just ask you one more question before Joanne [McCartney] comes in?

Kit Malthouse (Chairman): Yes.

Jenny Jones (AM): A question was asked of the MPA and it said that you had a meeting on this topic on 15 September. It was not in your letter.

Kit Malthouse (Chairman): No. There was a meeting I think after Mayor's Question Time. A normal monthly update with the Commissioner on the afternoon of 15 September, after Mayor's Question Time, at which the Mayor and I were present. Catherine [Crawford] was there. Paul Stephenson was there and I think the Mayor's private secretary. Again, because it is an informal performance briefing effectively, no formal note is kept and we do not have any note that phone hacking was talked about at that meeting either. The Mayor meets the Commissioner two weekly and it was one of those standard two weekly meetings where we actually talked about knife crime and police numbers and budgets and all that kind of stuff. It was not specifically on this subject. I think Tim [Godwin] was on holiday at the time so Tim was not there. Normally it is with the Deputy Commissioner too.

Jenny Jones (AM): Off the hook. Thank you.

Kit Malthouse (Chairman): Joanne [McCartney]?

Joanne McCartney (AM): Thank you. I had questions in a similar vein and I will try not to duplicate the ones that Jenny has asked. When I questioned the Mayor on 15 September the New York Times article had come out a couple of days beforehand. AC John Yates had appeared before the Select Committee saying that he was looking to see whether anything was new in these allegations. We then had, on 14 September, a man, believed to be Mr Horne, was interviewed under caution. At that time there was quite a lot in the public domain that this was [sound disappears] --

Kit Malthouse (Chairman): I do not think it was in the public domain that he had been interviewed on 14 September until 30 September.

Joanne McCartney (AM): It was released that an X year old man had been interviewed and that was in the public --

Kit Malthouse (Chairman): Right. On 14 September?

Joanne McCartney (AM): On 14 September, the day before I questioned the Mayor. Can I ask you? You [sound disappears] presumably were aware on 15 September that this was an investigation that was being looked into?

Kit Malthouse (Chairman): Yes, I was informed on 10 September.

Joanne McCartney (AM): Thank you. Can I ask then, you were quite clear that this, at that stage, was not a politically motivated put up job by the Labour Party? Was that your view as well, at the time? Given AC Yates had contacted you to tell you there was a detective --

Kit Malthouse (Chairman): Yes, I knew there was an ongoing investigation into the New York Times. That is what I knew.

Joanne McCartney (AM): Thank you. Could you actually check your records to see whether you authorised the Mayor's response to me at Mayor's Question Time on 15 September?

Kit Malthouse (Chairman): Yes. I will check.

Joanne McCartney (AM): You were at that meeting. When the Mayor gave those comments to me what was your view of them? I ask that - and Members may think this is not relevant - but last week at the Mayor's press conference he stated that throughout this time he was *de facto* head of the Metropolitan Police Service which is why this is extremely relevant. Can I ask what your views were of the Mayor's comments?

Kit Malthouse (Chairman): I think they were the Mayor's view and they were based on the briefings and reassurances that had been given in previous discussions about this issue that there was no new evidence that required the investigation to be opened again.

Joanne McCartney (AM): If the Mayor's comments were based on briefings he had been given, presumably by the police, are you now saying that the police had told him that it was codswallop, it was a politically motivated put up job --

Kit Malthouse (Chairman): No.

Joanne McCartney (AM): Then they were not based on briefings that he had been given were they?

Kit Malthouse (Chairman): No. Joanne, let's be fair about this. The Mayor is a personality that likes to express himself in --

Joanne McCartney (AM): He said he was *de facto* head of the Metropolitan Police Service.

Kit Malthouse (Chairman): He likes to express himself in particular ways. I understand the case you are trying to construct here but the truth is that the Commissioner confirmed on 30 September that there had been interviews throughout the whole of September and that there were ongoing discussions with the CPS to decide whether prosecutions could be brought forward and whether there was any evidence that could be taken.

I have to say that the implication that there was some kind of improper influence brought to bear on the investigation is factually incorrect and also unfair both to the Mayor and also to the officers concerned because obviously it points to their professionalism and their independence --

Joanne McCartney (AM): I do not make any allegations against the officer. I am saying that the Mayor's comments were clearly not based on briefings. I am assuming. That is what you said. I am not trying to construct a case here; I am trying to understand what the Mayor, who says he is *de facto* head of the Metropolitan Police Service, is saying.

After the Mayor made those comments did you have any words with him about the appropriateness of him making those comments?

Kit Malthouse (Chairman): I do not recall.

Joanne McCartney (AM): I ask you that because the Mayor has already had form on this. During the Damian Green arrest there was a reference to the Standards Board where he was told his actions had been extraordinary and unwise and he had to undergo some extra training. It appears that he did not learn the lessons from that extra training. Would you look at that as to whether anything further needs to be done?

One final question to you, Chairman, if I may, is that the Mayor, when I questioned him in September, said that he could remember no briefings or conversations regarding phone hacking. Three weeks ago at Mayor's Question Time he said his memory was faulty and he now remembers occasions when it was alluded to. You have now said that you and the Mayor asked relevant and appropriate questions. You have now said that phone hacking was mentioned. Did you or the Mayor actually ask any probing questions, particularly around the civil cases that were happening around that time?

Kit Malthouse (Chairman): He periodically sought assurances from a senior grade chief constable that the investigation was thorough and that he was looking properly at any evidence and claims that were coming in the newspaper and assessing them as and when. I am happy to give you a copy of his letter to the Mayor that confirms that these assurances were sought and that those assurances were given.

I understand that there is a hindsight view now that more could have been done at the time but I actually think, beyond asking a senior chief constable ranked officer that he was satisfied the investigation has been thorough and all the rest of it, I cannot see, other than go through the bin bags himself, that the Mayor could have done anything more that would not have been improper.

I am satisfied that that took place. Frankly, as I think I said in my letter to Jenny [Jones], I do believe that the proper scrutiny of that investigation should and was done in this Authority on a number of occasions. Both you and Jenny and Dee [Doocey] and other Members asked very probing and testing questions of both the Commissioner and Tim as Deputy Commissioner and, indeed, AC Yates who came here on a number of occasions to answer questions about that investigation, and you put them through the wringer. That is the right way it should be done.

On top of that, the Mayor, as I say, sought assurances, when this issue was brought up in his normal counter terrorism briefings, that all was in order from the Assistant Commissioner in charge. Those assurances were given. He has now received a letter saying that, unfortunately, those assurances were given without full possession of the information and an apology that that has put him in an embarrassing position. That is it. Pure and simple.

Joanne McCartney (AM): I have another question to Tim [Godwin]. What is your view on the Mayor's comments and would you say they were helpful, given that they appear to be contradicting what senior police officers were saying at the time?

Tim Godwin (Acting Commissioner): What I would like to say on the back of that is that I am very clear who was in charge of the Metropolitan Police Service at that time and that was Sir Paul Stephenson and that the Commissioner is in charge of the Metropolitan Police Service. I am not sure what the Mayor's comments were so it is hard for me to comment on that, other than what I have read in the press.

What I would like to say is what Sir Paul Stephenson said at the Full Authority meeting on 30 September 2010. What he said is,

“We are considering the material which has recently come to light and we will be consulting with the Crown Prosecution Service. As part of that process of inquiry, (inaudible) or not, a 47 year old man was interviewed on 14 September 2010 and 21 September 2010 and then a 29 year old man was interviewed as well. We have interviewed two people further on this and we are looking at the outcome of that and deciding is there anything new or not and we will be consulting the CPS about it. That is the process at this moment in time.”

That was what was occurring at that time. The other bit I do have some difficulty in, is that some of this will be, undoubtedly, a matter of public inquiry and, additionally, some of it will certainly be part of the IPCC referral that it is considering as we speak, so anything further than that I think would be unwise for me to say.

Kit Malthouse (Chairman): Toby [Harris]?

Toby Harris (AM): Two quick supplementary questions, one of which is designed to be helpful. Chairman, could you tell the Authority whether, in your experience, the Mayor sticks to the briefings that he is given?

Kit Malthouse (Chairman): The Mayor knows his own mind.

Toby Harris (AM): Secondly. I am trying to bring this forward. It would be useful to know how the approach that you and/or the Mayor took would have been different were we in the new legislative framework that is envisaged from some time later this year or next year? How would you have approached this issue under circumstances in which there was a Mayor's Office of Police and Crime (MOPC) in place?

Kit Malthouse (Chairman): It is a good question but the truth is that where I have been, and would need to be, very careful in the future is the division between operational policing decisions and strategic decisions. While it is right for somebody in my position, or whoever is MOPC, to be informed about critical investigations, as Len Duvall and you will have experienced as previous Chairs, for anybody to be in a position where they could be accused of influencing an operational decision either way would be completely improper. The proper role of the Chair and the Mayor and indeed the MOPC will be to receive assurances from reputable senior police officers that everything that is being done could be done but, in the end, you have to abide by their operational decisions. That is the way it works.

Toby Harris (AM): So you disagree with the Prime Minister who says that if the new arrangements with a directly elected Police and Crime Commissioner are in place, the sort of thing that has happened in this instance would never have occurred?

Kit Malthouse (Chairman): I think this sort of thing could occur. Look, investigations go wrong. To say to somebody who is in a governance position, “That investigation went wrong because you did not ask the right question” is not a fair position to put people in. Investigations go wrong. What the person who governs the police, or even the organisation that governs the police, has to do is make sure that you recruit, retain, train and develop the right people and that you rely on their professionalism, which is what was done.

Toby Harris (AM): I think you are agreeing with me that the Prime Minister was wrong!

Chris Boothman (AM): I am not seeking to question whether the Prime Minister is right or wrong. My question is slightly addressed to Tim [Godwin] as well. Will we get a briefing sometime in the near future about how investigations are managed and how investigations are supervised and reviewed so that we can understand the steps that should occur to ensure that this kind of thing does not happen? It seems to me that, over the last year, there have been a number of investigations where questions have been raised about how the investigations have been framed and how they have been carried out. I think we need some assistance in understanding the process more so that we can ask the right questions and have a better grip on what is going on.

Tim Godwin (Acting Commissioner): We can certainly brief you on the various review processes and policies that we have. It is obviously different for different types of crime but we can certainly arrange that.

For us, I would like to put on record that one of the things that the police service is very keen to reinforce, which has been reinforced in the current debates around changing the governance, is the operational independence of the police. With operational independence comes accountability. If you ever saw a graphic representation of that in the last week or so the Metropolitan Police Service has shown what that accountability means.

Chris Boothman (AM): Hopefully, Tim, that kind of thing should not have to happen too often.

Tim Godwin (Acting Commissioner): The obvious answer is we really hope not.

Kit Malthouse (Chairman): OK. Valerie?

Valerie Brasse (AM): What we have heard a lot of up until now is the assurances that were sought. This is a question about does this trip over to what is about operational accountability. Did you also ask and how did you seek those assurances? Were you asking the Commissioner, “Give me an assurance that all is as it should be” and do you ask him how he sought those assurances?

Kit Malthouse (Chairman): No. I am trying to remember now. I cannot recall precisely the questions that were asked in the meeting other than we emerged from the various discussions with reassurances that everything that could be being done was being done.

In fact, in many ways, the probing questions should and were asked in public. Here. If you go back and review the transcripts you will find very comprehensive questions asked by a number of Members with comprehensive answers being given, including Paul Stephenson’s confirmation of exactly the action that was taken following the New York Times’ stories, that

interviews were held and consultations with the CPS. Later I think it was reported there was a CPS conclusion that there was no evidence that crossed the threshold of a prosecution in the future. All of that was aired in public here. Fundamentally, that is where it should be done.

Valerie Brasse (AM): Yes, but I come back to the point; if we had perhaps been more on the how rather than the what we may have been in a different place. Maybe that is an issue that we need to think about going forward and maybe once there is a MOPC the how is as important as the what issues.