

Daniel Morgan Independent Panel

National Police Chiefs' Council and College of Policing response

Introduction

Since the tragic murder of Daniel Morgan in 1987, no one has been brought to justice. Our thoughts and sympathies remain with his family. While there has been much progress in the way the police respond to this type of crime, more can still be done. Policing must be held to the highest possible standards and it has not always lived up to those standards. It is vitally important, therefore, that as a profession we reflect on our collective failings and always seek to improve.

This report is a joint response from both the National Police Chiefs' Council (NPCC) and the College of Policing (College). It is in response to the Daniel Morgan Independent Panel report, which was published in June 2021. A response to the Panel has also been provided by the Metropolitan Police Service (MPS) and the Home Office. While policing now looks very different to how it did in 1987, this response will set out the areas where we are addressing comments or recommendations made by the Panel and the actions we intend to take.

1. Murder Investigation Manual

The Panel's report contains a recommendation for the MPS in relation to its compliance with the Association of Chief Police Officers' Murder Investigation Manual, which was originally published in 2005 (**Rec. 3**).

In 2021, this manual was updated and republished as a new NPCC Major Crime Investigation Manual, supported by College [authorised professional practice \(APP\)](#). It sets the standard for all forces when investigating major crimes. The manual is a key component of the professionalisation of investigative practice in policing. It reflects the considerable developments in major crime investigations, including the accreditation of senior investigation officers (SIOs), the importance of adopting a professionally curious

mindset and the use of the national decision model in investigative decision making. This means that all forces have clear guidance when investigating a case such as the Daniel Morgan case. Therefore the fundamental mistakes made in that investigation should not be repeated.

2. Covert human intelligence sources

The Panel's report includes a recommendation in relation to covert human intelligence sources (CHIS) (**Rec. 11**).

There has been significant progress in this area since 1987. The use of such sources is strictly governed by the [Regulation of Investigatory Powers Act 2000 \(RIPA\)](#) which, among other things, sets out the need for and the authority to use a CHIS and the activity that they can undertake. It also creates a requirement for the Home Office to undertake public consultation and publish a Code of Practice which provides further guidance on the use of the CHIS tactic. This [new Code](#) was published in December 2022. Importantly, RIPA also sets out the external oversight regime by an independent body – the Investigatory Powers Commissioner's Office (IPCO) – which carries out annual inspections of any agency using the CHIS tactic. It also creates the ability for any person who has been affected by the use of such tactics to bring an action to the Investigatory Powers Tribunal. This is to ensure that CHIS tactics are properly used and there are sufficient safeguards to ensure there is a safe and ethical use of the tactic.

3. Home Office Large Major Enquiry System – HOLMES

The Panel's report has recommendations for the MPS in relation to the use of and access to HOLMES (**Rec. 4 and 20**).

In 2021, the NPCC and the College published a new edition of the [Major Investigation Room Standardised Administrative Procedures](#). This provides forces with guidance to ensure that all major incident rooms are run in a consistent way and ensure that officers and staff are aware of their roles and responsibilities. The guidance promotes an organised and methodical approach to managing material which comes into or flows out of the major investigation room. This allows the SIO or lead investigator to direct and control the course of the investigation and underpins timely and effective disclosure of information.

The report also comments on how policing should work with future panels (**Rec. 18, 19 and 20**). HOLMES is now based on the cloud which means it is much easier to access for those

who have legitimate reasons to access it. This will avoid undue delays or issues accessing information as part of future investigations or panels, further fostering a culture of openness and accountability in policing.

4. Information and records management

The Panel's report includes recommendations for the Home Office in relation to effective information and records management, including the need for access to be balanced against the need to hold information securely (**Rec. 21, 22 and 23**).

The College has recently refreshed the Code of Practice on Police Information and Records Management and this now (June 2023) awaits final Parliamentary approval before publication. This new Code will help improve the way in which records are kept, including by introducing a standardised process for archiving files where there is a public interest. It will also set out advice on how files should be migrated to newer platforms to allow for accessibility.

The Panel mentioned the difficulty it had in accessing relevant police policies and guidelines that were in place at the time and as they were revised. Both the NPCC and the College have committed to ensuring that all policies are clearly accessible.

While the recommendations around data breaches (**Rec. 6 and 8**) were specific to the MPS, the NPCC along with the College will ensure that the guidance the MPS has drafted in respect of data breaches and recovery options is shared nationally to avoid similar situations being repeated. In addition, senior information risk owner (SIRO) training will introduce recovery options as part of the data breach module.

5. Tackling corruption

While noting the differing opinions on the definition of corruption from the different reports and responses, the NPCC and the College fully support the range of measures proposed and already in place to root out corruption. The NPCC and the College will work with stakeholders to agree a shared definition of 'corruption' as part of the new anti-corruption APP that will be published in 2023. This will help to ensure that all forces are familiar and equipped with the tools they need to counter corruption at every level.

The College works closely with practitioners through the NPCC Vetting portfolio to ensure that the [Vetting APP](#) is proportionate, considers current best practice, legislative changes and case law and is reviewed on a continual basis. Officers who are dismissed for gross

misconduct (including corruption) are placed on the [barred list](#), ensuring they are unable to work anywhere in policing, which is a significant development since 1987. His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is leading a review into counter corruption and vetting practices in forces. The Angiolini Inquiry into the circumstances around Wayne Couzens' vetting may prompt further national guidance or practice, which the NPCC and the College will help to ensure is disseminated and embedded across forces.

In respect of declarable interests or associations (**Rec. 14**) all officers are already required by police regulations to declare any associations with groups or individuals that might give rise to a conflict with their duties as a police officer. All forces have their own policies to ensure compliance with those regulations and this is supported by the College's [Counter corruption APP](#).

6. Duty of candour

There are two recommendations from the Panel around transparency and public accountability. The first relates to the creation of a duty on all public institutions to cooperate fully with bodies such as the Panel (**Rec. 16**) and the second recommends a duty of candour on law enforcement agencies (**Rec. 17**). A duty of cooperation for all serving police officers has already been introduced by the [Police \(Conduct\) Regulations \(2020\)](#) and this ensures that officers participate fully in investigations, inquiries and formal proceedings. In addition, the College will embed a duty of candour in the refresh of the [Code of Ethics](#), to which chief officers must legally have regard. In this way, the intention is to further embed a culture of authenticity and openness in policing and be frank with the public when decisions made or actions taken have been wrong, or mistakes have been made. This is intended to help foster an environment of both individual and organisational learning and development, helping to safeguard from the same errors occurring in the future.

A duty of candour will complement the legislative reforms around police integrity introduced in 2020. These have allowed police professional standards directorates to focus on the most egregious allegations of misconduct, while sub-optimal conduct and underperformance is addressed through reflective practice to safeguard against recidivism and promote workforce development. In terms of transparency and openness, there remains a presumption in law that misconduct hearings are held in public, with prior notice being given on a force's website and the outcome of proceedings published. In addition, the

reforms ensured the Independent Office for Police Conduct (IOPC) always investigates allegations of misconduct against chief officers. This avoids chief officers investigating allegations of misconduct against one another. Similarly, the IOPC gained a new 'power of initiative' enabling it to investigate matters without having to wait for referral by the police.

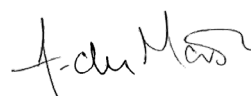
Policing remains committed to working with all relevant stakeholders to build further on these reforms to ensure an environment exists in which corruption can never be accepted or tolerated. Instead it will at all times be reported and tackled with the utmost seriousness, using legislation and disciplinary regulations to ensure such malignant behaviour is excised from the service.

Conclusion

The measures set out in this report are intended to help prevent the series of events in the Daniel Morgan case from being repeated. While it is true that policing has come a long way since 1987, the profession must remain ever vigilant and engage in a continuous learning cycle in which we are always reviewing, refreshing and revising our policies and practices to improve our responses to cases such as this.



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