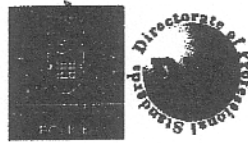


From: Commander Phillip Hagon, BSc (Hons), MSt (Cantab), FCMI

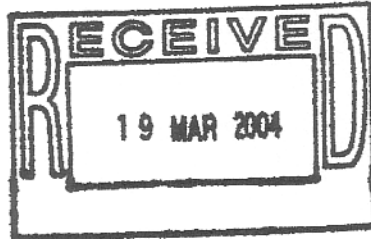
Your Reference:

Our Reference: Operation Oakley

Date: 17th March 2004



The Secretary to the Morris Inquiry
50 Broadway
Victoria
London
SW1H 0RG



METROPOLITAN POLICE SERVICE
Directorate of Professional Standards

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Telephone: [REDACTED]
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Dear Ms Kelly

Inquiry into professional standards and employment matters in the Metropolitan Police Service

On 5th March 2004, you wrote to Mr Dick Fedorcio, the Director of Public Affairs, asking him to assist the Panel in respect of the work of the Directorate of Public Affairs ('DPA'). At the third bullet point of your letter, you asked Mr. Fedorcio to explain how the MPS deals with 'unauthorised public comment' in relation to 'high profile' cases; employment tribunal cases and other professional conduct matters.

Whilst the DPA may identify such an occurrence of 'leaking', it is not within their remit to take further action other than to notify the relevant Senior Investigating Officer in charge of the matter to which the leak relates. Indeed, the Directorate of Professional Standards ('DPS') would undertake any subsequent investigation. It necessarily follows that in my position as Deputy Director of the DPS, I am perhaps better able to assist the Panel with this issue.

Unauthorised public comment, that is to say, unauthorised disclosure of confidential information by a police officer, may amount to a breach of the Police Conduct Regulations. Similarly, such action by a member of police *staff* may amount to a breach of Civil Staff Misconduct and Discipline procedures. Any such action may also constitute a criminal offence under various statutes, including the Official Secrets Act and the Regulation of Investigatory Powers Act 2000.

All 'leak' allegations received at the DPS are treated seriously but, like any other allegation, they are assessed and judged on a case by case basis. Where it is apparent that a disciplinary offence may have taken place an Investigating Officer will be appointed. It would then be the task of the Investigating Officer to identify the source and to take whatever action is deemed necessary.

Since 2001, the DPS has investigated eleven 'leak' allegations. Seven emanated from complaints from members of the public and four were initiated internally.

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It is important to appreciate that, for a number of reasons, such investigations are rarely straightforward. Factors that tend to cause complications include the following:-

- It is common for the press to describe information they receive as a 'leak' when it has in fact been legitimately disclosed to them through the appropriate channels. Presumably this misrepresentation is a marketing strategy but nonetheless it would obviously leave those personally involved in a case with the wrong impression.
- It is not always obvious where 'leaked' information has come from. Many police investigations, particularly those of a complicated, serious or protracted nature, involve other agencies and bodies (the CPS, MPA, PCA, IAG, Customs & Excise, *et al*) and any leak could, potentially, emanate from any of those organisations.
- Statements and other prosecution papers are served on police officers and staff that are under investigation both pre-interview and when or if they are charged. It is not inconceivable that such officers might themselves give unauthorised press disclosure.
- In respect of revealing their source, members of the media who publish unauthorised material will invariably exercise journalistic privilege and decline to assist an investigation.
- The deliberate manipulation of media coverage is, in some circumstances, a vital investigative tool.
- Press strategy is ultimately the responsibility of the Senior Investigating Officer and as such there is an element of subjectivity in the decision-making process. It is often a very difficult to make the differential between what information the public has a right to know and what constitutes an unauthorised disclosure.

I trust this information will assist the Panel and that it addresses the question posed in your letter to Mr. Fedorcio. However, should I be able to assist you further, then please do not hesitate to contact me.

Yours sincerely



Phillip Hagon
Deputy Director
Directorate of Professional Standards

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