

From the UK

DANIEL MORGAN INDEPENDENT PANEL

STATEMENT BY THE PANEL
ISSUED BY BARONESS NUALA O'LOAN

15 JUNE 2021

Introduction

I am not going to focus on our forensic scrutiny into the numerous investigations and operations surrounding the murder of Daniel Morgan. They are detailed in our Report. I want to take this opportunity to comment briefly on aspects relating to them – our remit, the Family, corruption and why it has taken us so long to produce a report. I will also comment later on the last-minute delay by the Home Secretary which has been the subject of so much media coverage.

The unsolved murder of Daniel Morgan on 10 March 1987 is a crime that has dogged the Metropolitan Police and the wider Criminal Justice System ever since.

Impact on the Family

Daniel Morgan's family are at the heart of this tragedy. They have been central to our work over the past eight years.

His murder left his wife, Iris, without a husband, and their two young children, Sarah and Dan, without a father; it left bereft his mother, Isobel Hülsmann and his siblings, Alastair and Jane Morgan.

They have told us what a devastating impact all this has had, and continues to have, upon them.

Daniel's mother sadly died before our Report could be published. This was a further cause of immense distress to her family.

The love which his family had for Daniel Morgan, and their desire for accountability, have made them unwavering in seeking to bring his

murderer or murderers to justice. Whilst they have not seen convictions, members of the family have kept the issue of the murder and the failures of the Metropolitan Police and others in the public eye.

It was, in part, as a consequence of their persistent pressure that the decision to establish an Independent Panel was taken.

There was, in many situations, a failure to explain to the family what was happening, and they experienced dreadful shocks and almost constant frustration over the years. This led to their increasing distrust in the police. The final chapter of our Report sets out the personal reflections of family members in their own words.

Over the years, a vast amount of public money – impossible now accurately to quantify, given the passage of time and lack of records – has been spent and huge police resources have been devoted to the various major investigations.

The Panel's Remit

The Panel was established on 10 May 2013 by the then-Home Secretary, Theresa May, to 'shine a light' on the circumstances of Daniel Morgan's murder, its background and the handling of the case since 1987.

In so doing we have addressed three main issues:

1. whether there was evidence of police involvement in Daniel Morgan's murder;
2. the role played by police corruption in protecting those responsible for the murder from being brought to justice and the failure to confront that corruption; and
3. the incidence of connections between private investigators, police officers and journalists at the *News of the World* and other parts of the media, and alleged corruption involved in the linkages between them.

The task has not been simple.

We have scrutinised some 110,000 documents, amounting to more than a million pages, plus a very substantial amount of additional sensitive or secret material held by the Metropolitan Police and other organisations.

Our work was made more difficult by the fact that the Panel was not established under the Inquiries Act 2005 and therefore did not have the statutory powers available to such an inquiry. We could not compel witnesses to testify, nor could we compel the Metropolitan Police to disclose documents in a timely manner. We had to rely on the readiness of the Metropolitan Police and others to honour their promise to the Home Secretary to provide ‘exceptional and full disclosure.’

All those interviewed came voluntarily to assist the Panel. We conducted 74 interviews with family members, serving and retired police officers, with other individuals who were closely involved with the police investigations and with those who had information they wished to make available to us. A few individuals declined to be interviewed, for a variety of reasons, including fear of reprisal, even more than 30 years after the murder. Several witnesses sought and were given anonymity.

The Investigations

The complex events we have examined began before the murder in March 1987.

Despite four major police investigations, an Inquest and several other operations, no one has ever been convicted of Daniel Morgan’s murder.

From the moment of his murder, there were serious failures of investigation – both at the scene which was never searched, and during the first investigation. In many respects that investigation was not compliant with the policies and procedures in force at the time.

Many opportunities to gather evidence were irretrievably lost during the first investigation. The forensic work in that investigation was described by a senior officer in the second investigation as “pathetic”. Three other investigations and several operations and reviews have occurred since 1987. They are all detailed in our Report.

From the beginning, there were allegations that police officers were involved in the murder, and that corruption by police officers played a part in protecting the murderer(s) from being brought to justice.

By not acknowledging or confronting, over the 34 years since the murder, its systemic failings, or the failings of individual officers, by making

incorrect assertions about the quality of investigations, and by its lack of candour, which is evident from the materials we have examined we believe the Metropolitan Police's first objective was to protect itself. In so doing it compounded the suffering and trauma of the family.

The Metropolitan Police were not honest in their dealings with Daniel Morgan's family, or the public. The family and the public are owed an apology.

Corruption

As I said, the Metropolitan Police concealed from the family of Daniel Morgan, and from the wider public, the failings in the first murder investigation and the role of corrupt officers. That lack of candour, over so many years, has been a barrier to proper accountability. In 2011 the Metropolitan Police said publicly, for the first time, that police corruption had been a factor in the failure of the first police investigation. However it was unable to explain, satisfactorily, what that corruption was or how it affected the investigation.

There have long been suspicions about the possible impact of conflicting loyalties between the obligations of police officers who were Freemasons, and their professional policing obligations. However, we have seen no **evidence** that Masonic channels were corruptly used in connection with either the commission of the murder, or to subvert the police investigations.

Nevertheless, we recommend that all police officers and police staff should be obliged to register, in confidence, on joining the police force or at any point after their recruitment, their membership of any organisation, including the Freemasons, which might call their impartiality into question or give rise to the perception of a conflict of loyalties.

We received evidence from serving and retired officers that in some circumstances, police officers who have sought to report wrongdoing by other police officers have been ostracised, transferred to a different unit, encouraged to resign, or have faced disciplinary proceedings.

This is not conducive to a culture of integrity.

We recommend that Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services conduct a thematic investigation of the operation of the practices and procedures introduced following the adoption of the College of Policing's *Code of Ethics* in 2014, to determine whether sufficient resources are available to ensure appropriate protection of those police officers and staff (sometimes called whistleblowers) who wish to draw attention to alleged wrongdoing within their organisations.

Without proper resources there can be no effective fight against corruption: we have seen evidence of inadequacies in the resources available for the investigation of alleged corruption. We recommend that the Metropolitan Police must ensure that the necessary resources are allocated to the task of tackling corrupt behaviour among its officers. Since the Independent Office for Police Conduct also has responsibility for investigating such matters, it too must be properly resourced.

Having observed current inadequacies in the vetting of police officers and staff and anti-corruption controls, we recommend that the Metropolitan Police should not only vet its employees in accordance with recently updated policy, but also that it should ensure that it has adequate and effective processes to establish whether its officers and staff are currently engaged in crime.

The family of Daniel Morgan has suffered grievously as a consequence of the failure to bring his murderer or murderers to justice, the unwarranted assurances which they were given, the misinformation which was put into the public domain, and the denial of the failings in investigation, including failing to acknowledge professional incompetence, individuals' venal behaviour, and managerial and organisational failures.

We believe that concealing or denying failings, for the sake of an organisation's public image is dishonesty on the part of the organisation for reputational benefit, and constitutes a form of institutional corruption.

We recommend the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation.

Delay

The Panel started its work in September 2013, when it first met, and was paused for six months during 2014, until I assumed the chair in September 2014

Our Terms of Reference envisaged that the Panel would complete its work within 12 months of the documentation being made available. We received the last relevant material from the Metropolitan Police in March this year.

Difficulties encountered and restrictions imposed on access to certain documentation delayed our work very significantly.

While we received excellent assistance from organisations such as the National Crime Agency, the Independent Police Complaints Commission (now the Independent Office for Police Complaints) and the Criminal Cases Review Commission, we did not experience, consistently, a similar level of co-operation from the Metropolitan Police.

At times our contact with the Metropolitan Police resembled police contact with litigants rather than with a body established by the Home Secretary to enquire into a case.

It took 15 months from the establishment of the Panel to the point at which the Metropolitan Police agreed terms under which they were prepared to disclose the investigation documents to us. This was neither necessary nor proportionate. We continued to receive documentation until March this year.

Arrangements should be made in future to ensure that any panel has timely access to the material required to do its work. Organisations, such as the Metropolitan Police, which promise to make ‘**exceptional and full disclosure**’, should do so.

Some of the delays and difficulties we encountered were the result of existing processes for archiving historic policing policies and procedures, whether national or local. We believe there should be a review of these processes so as to create a system that can quickly produce national and local documents as required.

- *Access to the police computer system HOLMES System (Home Office Large Major Enquiry System)*

Access, at our secure premises, which had been approved by the Metropolitan Police, to the HOLMES computerised investigation databases for the murder of Daniel Morgan was vital to enable us to undertake our work expeditiously. It was requested in 2013. Access was provided, only at Metropolitan Police premises, to Panel members and to only one named member of our staff in January 2015. Every time we wanted to check something, that member of staff had to cross London, get access, do the work and bring the products back to us. We are aware of investigators and reviewers in similar circumstances, including one member of this Panel, having had access to HOLMES in their own premises even before 2013.

In September 2020, during the Covid pandemic, our HOLMES expert was given a laptop with access to the HOLMES databases, to use at home

We have never received an explanation which we considered reasonable for the seven years' refusal by very senior Metropolitan Police officers to permit proper, independent and unsupervised, access to the HOLMES accounts to our properly vetted staff. The consequential major delays to our work added to the costs and caused further unnecessary distress to the family of Daniel Morgan.

All independent panels and inquiries examining police investigations should be given full access to the associated HOLMES accounts at their secure premises when they begin their work.

• *Impact on Costs*

The work of the Panel has cost around £16 million.

Panel expenditure has increased as a consequence of the excessive length of time taken by the Metropolitan Police to provide us with access to necessary documentation and the limited access to the HOLMES databases which was permitted.

• *The Home Secretary's requirement to read the Report*

Before I finish, I would like to touch on the regrettable last minute delay to the publication of our report.

We had expected to publish on Monday 17 May and the Home Office had been aware of this for several weeks. Senior Home Office officials

had indicated to us that this was a convenient date, subject to the final decision of the Home Secretary. However, at the last moment we were told this would not be possible, due to a backlog of Parliamentary business arising as a result of the pre-local government election ‘purdah’ and the period of mourning for His Royal Highness, the Duke of Edinburgh. We were told that it was likely that the report would be published in Parliament on 24 May.

Again at the last minute, and very much to our surprise, the Home Secretary informed us she would not publish our report in Parliament until she and her officials had time to read it to ensure the report did not give rise to any issues under Article 2 of the European Convention on Human Rights, or on National Security grounds.

We do not wish to rehearse the discussions which subsequently took place, other to say how disappointed we were that the Home Secretary chose to adopt this stance when she did. We are unaware of any such intervention previously.

We do not believe the Home Secretary’s approach was justified in this case.

Nonetheless, our aim throughout the discussions was to ensure that Daniel Morgan’s family had the opportunity to view our report as soon as possible.

We have achieved our aim.

Final

I would like to take this opportunity to offer our thanks to the members of Daniel Morgan’s family who have followed our work with great diligence and patience, for which we are most grateful, and to all those who have helped us in this work.