



**METROPOLITAN
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SPECIALIST OPERATIONS

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Dear Bob

Thank you for your recent letter, received by E-mail on 2nd October 2009. I am grateful to you for your representations in relation to the proposed publication of the Johnston Review.

For the record, you should be aware that I have read your letter, the Ian Johnston Review, the CPS report and the latest draft of Denis O'Connor's Review before coming to my conclusion and decision set out in this letter.

I have noted your concerns about what you term are 'inaccuracies' in the Ian Johnston document. It goes without saying that the work undertaken by Denis O'Connor takes into account all the facts and all the evidence in this case as opposed to the Johnston Review which was completed at a much earlier stage and at a particular point in time. I am aware that you have had sight of the Denis O'Connor Review and the conclusions he has reached. They do not need to be rehearsed here.

Turning now to particular issues around the Johnston Review; it concludes that the arrests of Mr Galley and Mr Green were lawful and the searches of their respective premises (including Mr Green's Parliamentary office) were both lawful and proportionate. The Review did however conclude that the manner of Mr Green's arrest was not proportionate. Following receipt of the Review report the MPS confirmed publicly that the review had concluded that the arrests and searches were lawful but that it had questioned whether the method of Mr Green's arrest was proportionate.

You will be aware from having now read the document that a number of redactions have been made. These redactions fall broadly into the following categories:

- Names of non-ACPO ranked police officers and junior Cabinet Office/Home Office staff
- References to sensitive operational methodology
- Sensitive information provided to the investigation in confidence
- Matters falling outside the terms of reference of the Review

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- Reference to third party witness evidence given in confidence where the third party does not consent to publication and disputes the accuracy of the observations made
- Legal advice subject to legal professional privilege

I note your concern that the Review may have the potential to mislead the public and that, in your opinion, other documents exist that could be published alongside it or as an alternative. I believe that you are referring to the *Response of the Investigation Team* that was sent to the CPS on 18th December 2008.

I have carefully considered whether this document could be published. I have a number of concerns about this. This document (and the letter that accompanied it) was prepared for the purpose of seeking advice from the CPS on the future conduct of the investigation and potential prosecutions. For this reason I am advised that it falls into a class of documents that attract public interest immunity from disclosure.

I have to consider the importance of maintaining PII in relation to correspondence and communications exchanged between the investigation team and the CPS for this and other investigations. I know you will understand the public interest importance of allowing police to be candid in relation to sensitive matters, which may affect the outcome of a case or a decision to charge. This has to be balanced against the public interest that may be served by publishing the document. Even if PII were to be waived I believe substantial parts of the document would need to be redacted for similar reasons to those given above and this may defeat the object of publication. On balance I have concluded that the balance of the public interest falls against publication of this document and on this basis public interest immunity prevents such publication.

The statement of the DPP made it clear that, in his opinion, once a pattern of leaks was established in this case it was inevitable that a police investigation would follow. He went on to state that the investigation was thorough and without it he would not have been able to reach a conclusion on the particular facts of this case.

As you know, the Johnston Review will be published as an addendum to the Denis O'Connor Review commissioned by the Home Secretary. I hope that matters raised by Denis, together with the learning adduced from the previous review, will assist the Service in managing sensitive investigations such as this in the future.

I send you my best wishes.

Yours sincerely

John Yates
Assistant Commissioner
Specialist Operations

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