

GREATER LONDON AUTHORITY

(By email)

Our reference: MGLA160222-4453

20 October 2023

Dear

Thank you for your request for information which the Greater London Authority (GLA) received on 15 February 2022. Your request has been considered under the Freedom of Information Act (FoI) 2000.

You requested:

1. Please disclose all communications (including but not limited to email, text, and WhatsApp) relating to the resignation of former Metropolitan Police Commissioner Dame Cressida Dick sent and received between 00:00 Wednesday 9th February 2022 and 23:59 Monday 14th February 2022 by the following officials:
 - Sadiq Khan
 - Sophie Linden
 - David Bellamy
 - Richard Watts
 - Staff/advisers in the Mayor of London's office

I would like correspondence as defined above to and from (i) ministers and officials at the Home Office, (ii) the Metropolitan Police, and (iii) the Metropolitan Police Federation

If "relating to the resignation of former Metropolitan Police Commissioner Dame Cressida Dick" is too broad, please search for the following search terms: "Cressida Dick", "Cressida", "Dick", "resignation", "resign", "mayor", "Sadiq Khan", "confidence" and "commissioner".

I would like to remind you of the recent updated guidance from the ICO on official communications held in non-corporate communication channels which can be found here <https://ico.org.uk/for-organisations/foi-and-eir-guidance/official-information-held-in-non-corporate-communications-channels/> Please read my FOI request in this context – I would like all communications covered in the scope of my request across any and all messaging platforms between the named individuals on this topic.

Our response to your request is as follows:

Please find attached the information that the GLA holds within the scope of your request.

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Some of the information within the scope of your request (including the redacted elements contained within the above links) is exempt under the Act. Some data has been withheld as it is exempt from disclosure and therefore this response serves as a Refusal Notice under Section 17 of the the Act by virtue of the following exemptions:

- Section 31(1)(a) - Law Enforcement
- Section 36(2)(c) – information that would otherwise prejudice the effective conduct of public affairs;
- Section 40(2)&(3A)(a) - Personal Information

Section 31(1)(a) - Law Enforcement - Section 31(1)(a) of the Act provides that any information is exempt if its disclosure under the Act would, or would be likely to, prejudice the prevention or detection of crime.

I have applied this exemption in that the requested records contain contact details of the Commissioner's office, the Commissioner's Chief of Staff and the email addresses of senior employees of the Metropolitan Police Service (MPS) and the Mayor's Office for Policing and Crime (MOPAC). This information would, if released, provide persons intent on disrupting the work of the MPS, with information that would assist them in this endeavour.

The provision to refuse access to information under Section 31(1)(a) is both qualified and prejudice based. I am accordingly required to conduct a public interest test to determine whether the 'public interest' lies in disclosing or withholding the requested information. In addition to conducting a public interest test, I must also establish the nature of the prejudice/harm that would result from disclosure and where prejudice/harm is established but not certain, determine the likelihood of it occurring.

Please find the public interest test considerations that I have identified and considered in relation to claiming Section 31(1)(a) of the Act.

Disruption to the Work of Senior Members of Staff - The release of the contact details of senior members of staff, would provide persons intent on disrupting the work of the MPS and/or MOPAC, with information that would assist them to do so. In this regard, a person within this intent would be likely to use this information to make inappropriate contact with senior members of staff and/or send them vast amounts of unsolicited correspondence. This would disrupt the work of these members of staff and cause disruption to the work of the MPS and MOPAC, hindering their ability to both prevent and detect crime.

Having considered your request, I accept that there is a public interest in transparency when any request is made for police information. The public interest favouring release must be balanced against any associated risk and/or prejudice that would be caused through disclosure. Having carefully considered this, I have found that the public release and publication of the contact details of senior members of staff at the MPS and MOPAC, would provide persons intent on disrupting the work of the MPS and/or MOPAC, with information that would assist them in this endeavour. Given this and the fact that the removal of this information does not detract from the quality of the records disclosed, I have found that the release of this information is not in the public interest.

Section 36(2)(b) - Prejudice to the effective conduct of public affairs

The provisions of s.36(2)(b) provide that information can be withheld if its release under this Act would, or would be likely to, inhibit-

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- (i) the free and frank provision of advice, or
- (ii) the free and frank exchange of views for the purposes of deliberation,

Arguments under s36(2)(b)(i) and (ii) are generally based on the concept of a 'chilling effect'. The chilling effect argument is that disclosure of discussions would inhibit free and frank discussions in the future, and that the loss of frankness and candour would damage the quality of advice and deliberation and lead to poorer decision making.

In this case, the disclosure of the communications would be likely to inhibit the 'free and frank provision of advice', as well as 'the free and frank exchange of views for the purposes of deliberation', and disclosure would inhibit the ability of senior officials to engage in frank discussions relating to emerging, sensitive and 'live' situations in order to make decisions on how best to proceed. By their very nature these communications are imparted quickly and with candour as situations develop, and private space is needed for such an environment.

Those taking part in the exchanges do so on the basis that they are able to work through issues in free and frank exchanges without an expectation that the details will be made public. Release of the information would be likely to lead to more guarded opinions being expressed, thereby resulting in a reduction in the quality of that free and frank advice. It is likely that the impact of disclosing this information would be significant and could affect how senior leaders in policing and in the Greater London Authority (GLA) are able to handle difficult and sensitive live policing matters.

Moreover, we are mindful that disclosure could prejudice the effective conduct of public affairs within the GLA - our ability to equip senior leaders at the GLA, MPS and MOPAC with the best advice. The exchanges themselves took place in the middle of emerging emergency situations and at a time of considerable concern around public order and public safety. We consider the disclosure of the requested information would be likely to prejudice the effective conduct of public affairs within the GLA, MPS and MOPAC.

The provisions of section 36 of the Act confer a 'qualified exemption' which are subject to a public interest test (PIT). This test is used to balance the public interest in disclosure against the public interest in favour of withholding the information, or the considerations for and against the requirement to say whether the information requested is held or not.

The 'public interest' is not the same as what interests the public. In carrying out a PIT we consider the greater good or benefit to the community as a whole if the information is released or not. The 'right to know' must be balanced against the need to enable effective government and to serve the best interests of the public.

We acknowledge the public interest in knowing the circumstances surrounding the resignation of the former MPS Commissioner and holding the Mayor to account. The release of the requested information could also increase public trust in and engagement with the GLA and this could have a beneficial effect on the overall quality of decision-making in the GLA.

On this point, it is worth emphasising that a lot of information pertaining to the resignation of the former MPS Commissioner, Dame Cressida Dick has since been published.

Further, some of the information within the scope of your request has previously been disclosed and is available here:

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- [Commissioner Cressida Dick's resignation communications - Email Chain \(met.police.uk\)](#)
- [Commissioner Cressida Dick's resignation communications - Commissioners Letter to Mayor - 10/02/2022 \(met.police.uk\)](#)
- [Correspondence between CMSR Dick and Home Sec/Mayor - CMSR Resignation \(met.police.uk\)](#)

However, against this, we must also be mindful of the importance in maintaining effective relationships between the Mayor of London, the staff and officials of the GLA, in regard to emerging policing matters in the Capital and that senior officials should be able to freely discuss such matters and that disclosure would be likely to inhibit the free and frank exchange of views for the purposes of deliberation.

While the public interest considerations favouring release of this information carry particular weight, it is felt that, on balance, the public interest considerations favouring withholding this information overwhelmingly outweigh those favouring disclosure.

Section 40(2)&(3A)(a)(b) - Personal Information - of the Act provides that any information to which a request for information relates, is exempt information if the first condition of Section 40(3A)(a) is satisfied. The first condition of Section 40(3A)(a) states that personal information is exempt if its disclosure would contravene any of the data protection principles.

There are six principles that are set out in Article 5(1)(a) of the General Data Protection Regulations (GDPR) that dictate when the processing of personal data is lawful. The first principle requires that any processing of personal data must be lawful, fair and transparent. Under Article 6(1)(f) of the GDPR, the disclosure of personal data is considered to be lawful if:

- a. There is a legitimate interest in the disclosure of that personal data.
- b. The disclosure of the personal data is necessary to meet that legitimate interest.
- c. The disclosure would not cause unwarranted harm to the data subject.

This exemption applies to the following two categories of information:

Personal information relating to Cressida Dick

Personal Criminal Offence Data - The requested letters contain operational updates about criminal investigations from which living persons can be identified. Having considered the legitimate interest test in respect of this personal data, I have found that:

- a. The Information Commissioner (the ombudsman for the Act) guidance¹ on the release of personal criminal offence data under the Act states:

'Due to its sensitivity, the conditions for processing criminal offence data are very restrictive and generally concern specific, stated purposes. Consequently, only two are relevant to allow you to lawfully disclose under FOIA or the EIR. They are similar to those identified above for special category data. These are:

- *consent from the data subject; or*

¹ [s40 Personal information \(section 40 and regulation 13\) version2.3 \(ico.org.uk\)](#)

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- *the processing relates to personal data which has clearly been made public by the individual concerned.*

If a relevant condition cannot be met, you must not disclose the information as disclosure would be unlawful and therefore in contravention of principle (a).'

The conditions required to release personal criminal offence data are not present in this case. The release of the requested personal data does not accordingly satisfy a legitimate interest and cannot be disclosed under the Act.

The provision to refuse access to information under Section 40(2)(a)(b) and (3A)(a) of the Act is both absolute and class based. When this exemption is claimed, it is accepted that harm would result from disclosure. There is accordingly no requirement to demonstrate what that harm may be in refusing access to information.

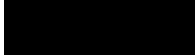
Lastly, please accept our apologies for the delay in responding to your request and thank you for your patience in this matter.

Yours sincerely

Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>



From: Sophie Linden
Sent: 10 February 2022 07:50
To: Ali Picton
Cc: David Bellamy; Richard Watts; Sarah Brown; Felicity Appleby
Subject: FW: OPERATION HOTTON - STRATEGIC BRIEFING NOTE
Attachments: Copy of Annex B - Op HOTTON individual officer breakdown CONFIDENTIAL (002).xlsx;
CONFIDENTIAL MPS Hotton briefing 040222 (002)RW (002) final.docx

Ali

I spoke to Robin W last night – he and Steve H (in a text) have both flagged this briefing and questioned whether Mayor has read it – wanted to flag in case Cress raises today.

Sophie



MPS Briefing

Date: 06/02/22
Topic: Operation Hotton

Issue

This is a strategic briefing on Operation Hotton, the investigation into the behaviour of officers at Charing Cross. It is not intended to be a detailed analysis, and a more detailed briefing can be provided as needed. This note also does not seek to cover the extensive and urgent programme of work underway to change culture and to raise professional standards.

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

Operation Hotton: Summary

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Other Questions Arising

Was wider discreditable behaviour identified beyond this team?

10. During their extensive and wide-ranging inquiry, the IOPC approached a number of witnesses and examined evidence from a wide range of sources. The only evidence of the behaviours reported were those found within the scope of the investigation. As other officers' behaviour came to notice throughout the investigation, the IOPC consulted with the Met and we supported the widening of the investigation to include the new areas of concern. This is why there were eventually nine strands to the investigation; as further behaviour of concern was uncovered, a new strand was created.

What action has the Met already taken on the use social media by officers?

11. The MPS did not wait for the conclusion of the IOPC investigation or the publishing of the learning recommendations to address concerns. Since 2017, the behaviours identified as part of this investigation were known and there have been several other cases, some IOPC and some DPS led, involving similar themes that have come to light within the MPS and across forces nationally.

12. The Met's 'Ethical Use of Social Media & Online Communication Principles' were introduced in February 2020. These are delivered on the key training touchpoints for recruits and promotion courses. They have been continually reinforced with an internal awareness campaign. The principles remain current and have been circulated nationally as best practice. They apply to use of all forms of social media and require adherence, including to the Code of Ethics and Standards of Professional Behaviour in both a personal and professional capacity.

13. In June 2021, the IOPC published nine national recommendations regarding police officers' use of WhatsApp. The IOPC guided forces nationally to take significant steps to tackle the problems identified. As a result the NPCC Inappropriate Use of Instant Messaging and Social Media Working Group was established, chaired by Assistant Chief Constable Mark Travis (South Wales Police). The five strands are: Intervention, Policy and Procedure, Learning, Development and Culture, Technology and Data and Communications. The MPS' DPS OCU Commander sits on this national group and is the national strand lead on policy and procedure, working with the other strand leads nationally to issue guidance to forces. The main focus of our work has been on the behaviours and not the platform it is exhibited on. Learning and Development provides training to both new recruits and to newly promoted Sergeants and Inspectors on these issues and the MPS intranet highlights the policy on inappropriate use of social media and instant messaging to all staff. The messaging from Chief Officers over the last 12 months has been clear - behaviour such as this will not be tolerated. Work is also ongoing to enhance our proactive monitoring and audit capability in order to detect inappropriate behaviours on Met ICT systems.

Misconduct Regulations: Reform

14. The Met has long argued for reform of the regulatory framework. This is urgently required to achieve the fundamental shift that is needed to tackle these cases in a way that is faster, more effective, more robust, and ultimately necessary to increase the public's trust in the conduct of officers. The Commissioner's decision-making authority is limited. The Met can influence at key points, but does not have the authority to dismiss an officer outside of this process.

15. We are pleased that Baroness Casey has agreed to consider the Met's use of the misconduct Regulations as a priority within her independent review. However, we



strongly believe there is a case for urgent reform and will want to work with the Mayor and MOPAC to build momentum for this across policing and with the Home Office. In particular, we want to explore urgently the scope for Regulatory change that would enable the Commissioner to authorise fast-track dismissal for grossly discreditable conduct, in order to be able to dismiss even more quickly those who shame the service and let down the public, who put their faith in them to do the right thing.

END

ANNEX A

HIGH LEVEL SUMMARY: POLICE MISCONDUCT PROCESS

- ***IOPC Referral:*** Complaints, conduct matters and death or serious injury (DSI) matters that meet criteria set nationally are referred to the IOPC (mandatory referrals), plus other cases where the Met judges that the gravity of the subject matter (or exceptional circumstances) justify referral (voluntary referrals). This may be, for example, because the complaint or conduct matter could have a significant impact on public confidence, or the confidence of particular communities, or where the Met otherwise feels there is a need for independent involvement in the investigation.
- In every instance, the IOPC decides whether to investigate the case themselves independently, or pass back to the Met for investigation.
- ***IOPC Conclusion:*** Where the IOPC investigates, at the conclusion of the investigation they provide to the Met an assessment of whether there is a case to answer or not, and if so whether the investigation justifies proceedings at the level of gross misconduct, misconduct or a lower sanction such as management advice.
- ***Met Review:*** At this point, the Met (the Appropriate Authority in DPS) also reviews all the evidence to assess whether we agree or not with the IOPC's conclusions. At this stage, the Met sends our opinion and rationale to the IOPC.
- ***IOPC Decision:*** The IOPC then reviews the position taking account of the Met's opinion, before coming to a final decision. That decision rests with the IOPC. They have the power to direct that the Met proceed with a case at the level they believe is right. (The Met has no power in law to proceed with a case at a higher level than that set by the IOPC.)
- ***Gross Misconduct Hearings:*** Gross Misconduct cases are considered by a panel of three, consisting of a Legally Qualified Chair and an Independent Panel Member who are both appointed by MOPAC, and a serving police officer of at least the rank of Superintendent. Both the officers subject to proceedings and the Met are usually represented by Counsel.

After hearing all of the evidence the panel decides whether the case is proven or not. If allegations are proven the panel invite the officer and the Met to make representations as to what they consider the appropriate sanction should be. The panel then makes the final decision on sanction.

- ***Accelerated Case Hearings:*** Where the Met is satisfied that certain special conditions are met (irrefutable evidence and the officer should cease to be a member of a police force without delay), under 2020 Regulations the Met may hold an Accelerated Misconduct Hearing (AMH). Under 2012 Regulations this was referred to as a Special Case Hearing (SCH). These proceedings are often used in cases where an officer has been convicted of a criminal offence, but can also be used for non-criminal cases if the conditions are met. AMH's are chaired by an Assistant Commissioner.
- ***Misconduct Meetings:*** Police Conduct Regulations (2020) require Misconduct meetings to be chaired by an officer of at least one rank above the subject officer. In the MPS, policy dictates that this will be at least the rank of an Inspector. DPS provide training to a cadre of officers who perform this role. Policy was recently updated to take into account the need for a more senior officer to chair those cases where there has been an IOPC investigation



involving a death or serious injury. These cases are now chaired by a Superintendent.

- **Appeals:** The Commissioner has no ability other than through Judicial Review to challenge the outcome of a disciplinary panel. However, officers can challenge the outcome - and such cases are then heard by a Police Appeal Tribunal.
- **Police Appeal Tribunals:** If the PAT overrules a dismissal decision, the officer has to be reinstated. The Commissioner has no right of appeal - other than to Judicially Review the PAT. The Met has done that on two recent cases where it was felt the PAT's decision to overrule the decision and require the Met to reinstate two officers was wrong and would undermine trust and confidence.

[REDACTED]

From: [REDACTED]@met.police.uk
Sent: 11 February 2022 15:06
To: [REDACTED]@met.police.uk
Subject: Commissioner's weekly update to the Mayor (11 February 2022)
Attachments: [REDACTED]110220223364_001.pdf

Good afternoon

Please find attached the Commissioner's weekly update to the Mayor, on **Friday 11th February 2022**.

Kind regards

[REDACTED]

Staff Officer to Commissioner Cressida Dick



[REDACTED]

New Scotland Yard, Victoria Embankment, London. SW1A 2JL

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Sadiq Khan
Mayor of London
City Hall
Kamal Chunchie Way
London
E16 1ZE

11th February 2022

Cressida Dick
Commissioner of Police of the Metropolis

Metropolitan Police Service
New Scotland Yard
Victoria Embankment
London
SW1A 2JL


www.met.police.uk

WEEKLY UPDATE

Dear Sadiq

As you are aware, I indicated yesterday that I would step aside as Commissioner. The role depends on genuine and wholehearted support from the Mayor, and you made it clear to me that I do not have your confidence. Rest assured, I will continue to do everything I can to lead the Met effectively in the coming weeks. My leadership team is strong, capable and very determined to deliver, operationally building on our strong results in so many areas, to continue to transform for the future culturally and through technology, and to improve trust and confidence.

This week, my leadership teams have been out and about even more than usual, underlining the messages of my email about behaviour and standards. I have been struck by colleagues' powerful and positive reactions.

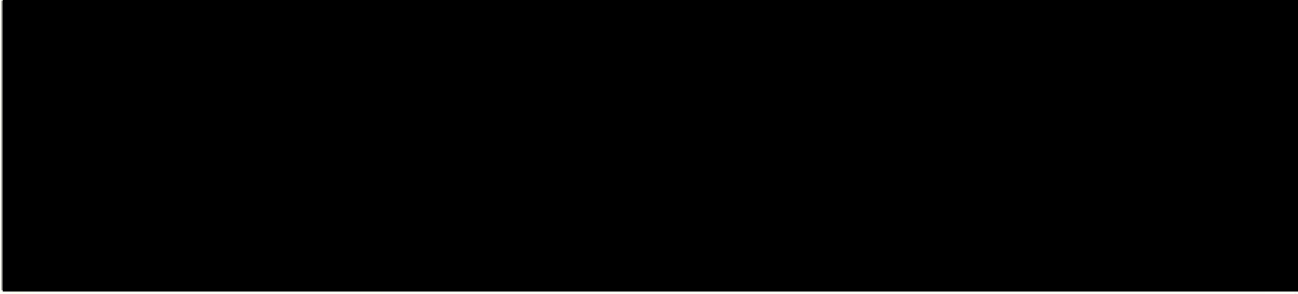
On Monday this week, we welcomed a cohort of 364 new police officer recruits into the Met, of which 57% were women. Tying in with National Apprenticeship Week, 125 of these recruits joined under our Police Constable Degree Apprenticeship course. The intake also included a cohort of part-time officers - part of our ongoing work to ensure we attract as wide a range of diversity and talent into the Met as possible. Since January 2021, 1,095 people have started a new vocation under our apprenticeship scheme, making a real difference to the safety of London's communities and working towards a degree fully funded by the Met.

Elsewhere, we were pleased to host the Policing Minister yesterday in Lewisham and Greenwich. The visit followed a recent meeting he and Sophie had with Commander Al Murray on innovative projects to tackle teen homicide and serious violence. The Minister was able to see first-hand how Operation Denali is using a range of tactics to tackle serious youth violence, in particular the carrying of knives. Since 17th January, there has been a deployment of pan-Met and local assets in areas of high footfall to both disrupt knife carrying and highlight to young people that they are likely to get caught if carrying a knife. The operation is focussed in boroughs (Greenwich, Croydon and Haringey) where teenage homicide has been high, and highlights our commitment to tackling this scourge.

Our latest data shows that our efforts to tackle teenage violence are having an impact. Analysis has been conducted for all incidents of stabbings, lethal-barrelled discharges and homicides where the victim of the offence that received injuries is aged between 13 and 19. There have been significant reductions in violence where the victim of the offence is a teenager with each of the years analysed seeing a reduction in the offences committed. Overall offending levels in 2021 were 25% lower than those seen in 2019 and still slightly below those of 2020, despite the easing of restrictions. However, there is still work to do, as despite these overall reductions, there have been increases in the higher harm offences such as homicide, attempted murder and firearm discharges. Sadly, as you know there were two homicides this week of young men, one of whom was an 18-year-old teenager. We are making good progress in both investigations.

We are also seeing some significant results from our real time DNA pilot, which has been live for just over a week. It is a 6-month pilot at six Custody Sites where we are undertaking DNA profiling in a

desktop device ('kiosk') within the Custody suite whilst the suspect is detained. Profiles are loaded to, and searched against, the National DNA Database. In the first week 238 samples were taken and 'run' on the Real time devices, generating ten matches – two of these relate to unsolved rape investigations. One in Sussex, while the other is a Met investigation with details of the case below showing a great result that demonstrates the benefits of RTDNA, not least in supporting the Met's priority to tackle violence against women and girls:

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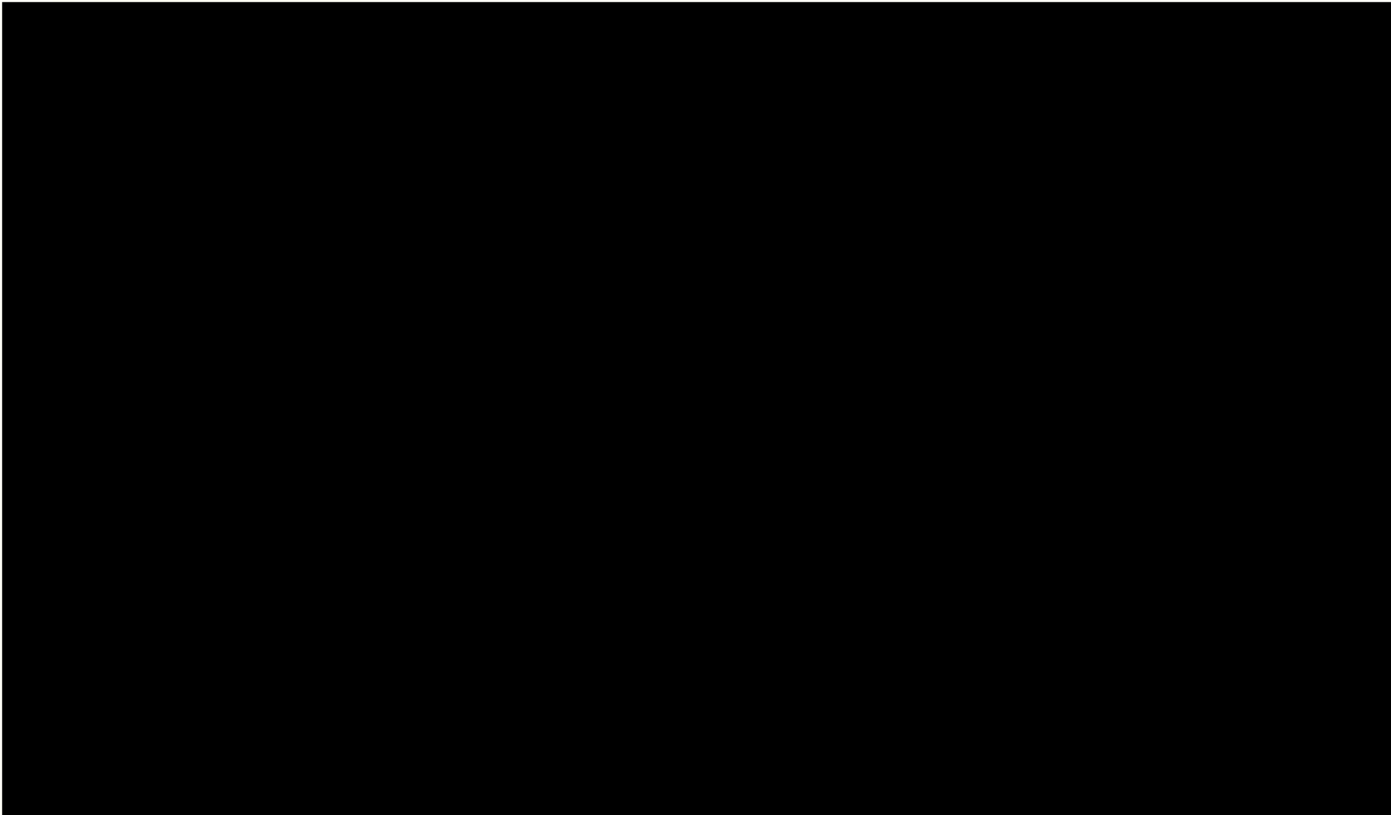
More generally, you will be aware that we are putting a significant focus on driving up our sanction detection rates. To support these efforts, we have put in place a new governance regime and a weekly data set, produced in order to understand, at a granular level, where performance is good, where further focus is required and where we can learn from best practice. You will appreciate that this is not a quick process due to the scale of the organisation and volume of activity across the BCUs. However, whilst overall sanction detection rates still have a long way to go in terms of meeting our aspirations, the weekly data and quarterly comparisons are encouraging and show a steady level of improvement.

Alongside the new governance structure, additional investment has been made into BCUs to support activity, and we have seen some very significant results over that period:

- Burglary week of action (08.12.21) – 102 sanction detections (SDs) + 12 offences to be taken into consideration (TICs) compared to a normal average of 45 SDs per week;
- Burglary week of action 2 (20.12.21) – 77 SDs + potential for over 35 TICs; and
- Domestic Abuse 16 days of action (10.12.21) – 725 SDs (compared to previous 16 days of 418).

There have also been many impressive operational results across the capital in the last week:





We also saw significant convictions this week, following complex investigations:



This was also a very good week for seizures, through planned operational activities and disruptions – with drug-seizures including 10kg of cocaine, 60kg of heroin and additional amounts of undefined Class A. We closed four separate County Lines, seized cash in excess of £278,000 and recovered four fully viable firearms, along with significant quantities of ammunition.

I hope that you and all at City Hall have a peaceful and pleasant weekend.

Yours



**Cressida Dick
Commissioner**