



Len Duvall, AM

City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Cressida Dick CBE QPM
Commissioner of Metropolitan Police
New Scotland Yard
Victoria Embankment
London SW1A 2JL

18th October 2018

Dear Commissioner,

I am writing in relation to recent reports that the Metropolitan Police Service (MPS) has not yet launched any criminal investigation into the potentially unlawful activities committed by the Vote Leave and Leave.EU campaigns.

I understand that the Electoral Commission shared its report and all related evidence with the MPS a number of months ago. However, according to reports from Open Democracy UK the MPS are yet to open any formal investigation.^[1] Commander Cundy has previously re-assured MPs that the evidence is being assessed by the MPS in order to make an informed decision as to whether a criminal investigation is required.

It has been reported that the MPS received over 900 files from the Electoral Commission. I appreciate that this is a complex case and the need to investigate thoroughly will take time. Nonetheless, I have some concerns over the perceived lack of action and would be grateful if you could provide me with any expected timescales for the investigation.

Furthermore, I note that a spokesperson for the MPS described 'political sensitivities' as a reason for the delay in the investigation. I am concerned at this use of language and would like to clarify whether this has been a factor in delaying the investigation. As you know, mistakes were made in the investigation of alleged criminal offences arising from the 2014 mayoral election in the London borough of Tower Hamlets, some of which were most likely due to a combination of a lack of understanding of electoral law among some officers and misplaced political sensitivities.

As such, I am seeking reassurance that this investigation will be conducted in a thorough manner and that political sensitivities will not have an impact on the length or thoroughness of the investigation process.

Yours sincerely,

Len Duvall AM
Assembly Member for Greenwich and Lewisham

^[1] <https://www.opendemocracy.net/uk/brexitinc/james-cusick-adam-ramsay/met-police-stall-brexit-campaign-investigations-claiming-polit>

Commander Neil Jerome
Metropolitan Police
Specialist Crime Command, 3rd Floor
Victoria Embankment
London
SW1A 2JL

Len Duvall AM
City Hall
The Queen's Walk
London
SE1 2AA
Switchboard: 020 7983 4000
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Web: www.london.gov.uk

Date: 12 November 2018

Dear Commander Jerome,

I would like to thank you for your response to my letter, dated 19th October, concerning the progress of the criminal investigation into the potentially illegal electoral activities committed by the Vote Leave and Leave.EU campaigns during the EU Referendum.

Naturally, I understand that it is necessary for the Metropolitan Police to carefully assess over 2,000 evidence documents received from the Electoral Commission before arriving at the judgement of whether to launch a criminal investigation into these matters. I also welcome the fact that the MPS will make the outcome of the decision public.

However, despite the fact that two referrals were made to the MPS by the Electoral Commission in May 2018 and July 2018 respectively, you have reported that the Metropolitan Police did not receive the relevant documentary evidence until September.

As a consequence of this, there has been public concern as to whether the MPS have approached these very significant allegations with the appropriate degree of urgency.

With the National Crime Agency's recent announcement that they are opening an investigation into Arron Banks and the nature of his Leave.EU election spending, I am sure you can appreciate that the situation is picking up much greater pace.

I would therefore appreciate it if you could provide some clarity over why there was such a lengthy delay between the two referrals made by the Electoral Commission and the MPS receiving the appropriate evidence documents.

In addition, I would like to ask whether the MPS have set a deadline for when a decision should be reached on whether to launch a criminal investigation into the allegations made against Vote Leave and Leave.EU.

Yours sincerely,



Len Duvall AM
Greenwich and Lewisham
Leader of the GLA Labour Group



Len Duvall AM
City Hall
The Queen's Walk
London
SE1 2AA

Neil Jerome
Commander
Specialist Crime Command
3rd Floor
Victoria Embankment
London
SW1A 2JL

7th January 2019

Dear Mr Duvall,

Thank you for your letter dated 12 November 2018 regarding the referrals made by the Electoral Commission. Please accept my apologies for this delay in responding to you.

As you will be aware from our correspondence, the Electoral Commission made two referrals to us. Although stating the referrals were being made, the Electoral Commission were not in a position to hand their material to us until September. The reasons for the length of time between the announcement and the handing over of material are as follows;

Initially only a limited amount of evidence was handed to the MPS. Following legal advice obtained by the MPS the Electoral Commission were informed they needed to hand over all the available evidence in their possession. Furthermore, before handing over the additional material the Electoral Commission required that a data protection agreement was put in place. This necessitated further time to implement.

The relevant legislation that is being considered is the Political Parties Elections and Referendum Act 2000. This is a complex piece of legislation requiring advice from the Crown Prosecution Service as well as an assessment of the material in our possession. Whilst I acknowledge the question about whether a deadline has been set, given the scale of the material and the complex nature of the legislation we are unable to set a deadline for these reasons.

Yours sincerely

A handwritten signature in black ink that reads "Neil Jerome".

Neil Jerome
Commander – Specialist Crime

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Neil Jerome,
Commander – Specialist Crime
Metropolitan Police Service,
3rd Floor,
Victoria Embankment,
London SW1A 2JL

15th January 2019

Dear Commander Jerome,

Thank you for your response to my last letter and for your assistance on this matter so far.

I would like to ask for further clarification on the events leading up to the launch of the Metropolitan Police investigation into the allegations that have been made against Vote Leave and Leave.EU.

In your most recent response, dated 7th January 2019, you indicated that the Electoral Commission was not in a position to hand over evidence materials to the Met until September.

In addition, you attributed the period of delay between the original referrals and the launch of the police investigation to the fact that not all the evidence had been handed over by the Electoral Commission, and that a data protection agreement needed to be set up before any additional material was transferred.

However, I have recently seen a copy of an email sent by the Electoral Commission which appears to contradict this account and claims that on both the 11th May and 17th July, that they informed the Metropolitan Police that the evidence from each investigation was ready to be passed on.

In this email, The Electoral Commission also confirmed that the Met did not request the files until late August and did not collect them for three weeks.

If this is the case, it would seem that the Met was responsible for the delay in the investigation.

I would appreciate it if you would be able to confirm the veracity of this timetable of events, and if not, explain why the Electoral Commission might be mistaken on this matter.

Yours sincerely,



Len Duvall AM

Len Duvall, AM

Neil Jerome,
Commander – Specialist Crime
Metropolitan Police Service,
3rd Floor,
Victoria Embankment,
London SW1A 2JL

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The Queen's Walk
London SE1 2AA
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6th March 2019

Dear Commander Jerome,

I am writing to request an update to my last letter, dated 15th January, which has not yet received a written response.

In my letter, I asked for your confirmation that the Metropolitan Police recognises the Electoral Commission's timeline of the events leading up to the launch of the investigation into the allegations that have been made against Vote Leave and Leave.EU's electoral activities during the Referendum.

Specifically, I would like to know whether the Met can verify the Electoral Commission's report that their evidence documents relating to each investigation were in a ready state to be handed over to the police on 11th May and 17th July.

If so, I would also like to know the reasons why the Met did not collect the evidence, despite being available, until 7th September.

I also understand that a phone call was made to my office asking for a copy of the Electoral Commission's account of events. I would recommend contacting them directly for this.

I would appreciate a written response to my previous letter as soon as possible.

Yours sincerely,



Len Duvall AM

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Neil Jerome,
Commander – Specialist Crime
Metropolitan Police Service,
3rd Floor,
Victoria Embankment,
London SW1A 2JL

Date: 14th March 2019

Dear Commander Jerome,

I am once again writing in relation to the Metropolitan Police Service's ongoing investigation into the Vote Leave and Leave.EU campaigns over alleged electoral offences during the 2016 EU Referendum.

I first wrote to you on 19th October 2018 to request information about the reasons for the perceived delays in the investigation. I did receive an initial response, but have since written you for further clarification, as the Electoral Commission have indicated that the files were available for collection in 11th May and 17th July 2018, months before the Metropolitan Police Service (MPS) collected the files in September 2018.

This week, HM Inspectorate of Constabulary and Fire Services released its final report on Operation Lynemouth which identified the lessons to be learnt from the investigation into alleged criminal offences arising from the 2014 Mayoral Election in the London Borough of Tower Hamlets.

HMICFRS found that: "The policing of the election and the subsequent investigation was deficient in too many areas. There was a lack of corporate responsibility, a lack of training and insufficient resources for the SET investigation. In essence, the MPS did not consider the election and investigation a priority".

As such, I am seeking further information about the resourcing and timeliness of the Vote Leave and Vote.EU investigation to ensure that we do not repeat the same mistakes.

The first area HMICFRS recommended for continual consideration was, "Prioritisation: the policing of elections and the investigation of electoral offences must be afforded the importance that a democratic society deserves."

As such, I would like to know:

- 1) What level of resource the MPS has allocated to the current Vote Leave and Vote.EU investigations?
- 2) I would also like to know what oversight processes are in place and who the senior responsible officer for the investigation is?
- 3) Lastly, could you provide me with a rough timetable for the investigation. I do of course understand that given this is a live investigation any timescale given will necessarily be an estimate.

I am seeking this information in addition to an explanation, which I have previously requested, in relation to the Electoral Commission's indication that the files were available for the MPS to collect in May and July 2018 and yet were only collected by the MPS in September 2018.

Your sincerely,

A handwritten signature in black ink that reads "Len Duvall". The signature is written in a cursive style with a large, prominent 'L' and 'D'.

Len Duvall AM
London Assembly Member for Greenwich and Lewisham
Leader of



Len Duvall AM
City Hall
The Queen's Walk
London SE1 2AA

Neil Jerome
Commander
Specialist Crime Command
3rd Floor
Victoria Embankment
London
SW1A 2JL

21st March 2018

Dear *Mr Duvall*

Thank you for your letters dated 6th and 14th March regarding the referrals from the Electoral Commission.

Firstly, I will answer the questions you raise in your letter dated 6th March. The Electoral Commission (EC) made referrals to the Metropolitan Police Service and provided their investigative report on the 17th July. In relation to that report the MPS requested CPS assistance and advice on 24th July. The CPS advice was received on 15th August and at a meeting with the Electoral Commission on the same day a formal request was made by the MPS of the EC for all of the material they held on their investigations. The EC made a request for Data Protection Act forms to be completed to enable them to provide the material to the MPS and on 22 August the EC confirmed they had received those forms, further forms were sent on 6th September. The material was collected from the EC on the 7th September. The MPS has been assessing the material provided and as a result of that assessment have identified that not all of the relevant material has been provided to the MPS. The MPS has made further requests to receive that material and until that material is received we are unable to complete the assessment.

In relation to the specific points you raise in your letter dated 14th March;

- 1) The referrals made by the Electoral Commission are being assessed by the Special Enquiry Team. This team comprises a Detective Chief Inspector, Detective Inspector, Detective Sergeant and 5 Detective Constables. This team are the point of contact for referrals from the Electoral Commission and liaise closely with the Crown Prosecution Service.
- 2) I am the chief officer with oversight of the assessment and I chair a 'Gold' group specifically on these referrals.

- 3) The completion of the assessment is dependent on receiving all of the material from the Electoral Commission and as such it is not possible to provide an estimate of a timeline for the assessment.

Yours sincerely

A handwritten signature in black ink that reads "Neil Jerome". The signature is written in a cursive style with a large initial 'N'.

Neil Jerome
Commander – Specialist Crime

Len Duvall, AM



City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Mr Bob Posner,
Electoral Commission
3 Bunhill Row
London
EC1Y 8YZ

Date: 3rd April 2019

Dear Mr Posner,

I am writing with regards to the reports of the Electoral Commission released on 11th May concerning Leave.EU and 17th July concerning Vote Leave. In particular, I am interested in the Electoral Commission's ongoing cooperation with the Metropolitan Police Service following the publication of these reports.

I have received a letter from Commander Neil Jerome of the Metropolitan Police Service which sets out a timeline of events following the publication of these reports. This states that the Metropolitan Police Service made a formal request to the Electoral Commission for all of the material which it held as a result of their investigations on the 15th August 2018. The Electoral Commission then requested a Data Protection Act form to be completed prior to the information being shared. This process was completed and the Electoral Commission handed over materials on the 7th September 2018.

However, the Metropolitan Police Service have concluded that not all of the relevant material has been provided by the Electoral Commission and as such, has had to make further requests to receive all of the relevant material.

I am writing to ask why the Electoral Commission did not hand over all of the relevant evidence to the Metropolitan Police Service on the 7th September 2018.

Furthermore, I would like to know why the Electoral Commission have not yet complied with the Metropolitan Police Service's most recent request to receive all of the material relating to the Leave.EU and Vote Leave investigations and when the Electoral Commission expects to provide this information to the Metropolitan Police Service.

As I know you will understand, it is vital that these investigations are carried out in a manner which is thorough and timely. The policing of elections and the investigation of electoral offences must be afforded the importance that a democratic society deserves and I hope you can respond promptly to my concerns so that the public can be assured the Metropolitan Police Service and Electoral Commission are working together effectively to achieve this.

Your sincerely,

A handwritten signature in black ink that reads "Len Duvall". The signature is written in a cursive style with a large, prominent 'D'.

Len Duvall OBE, AM
London Assembly Member for Greenwich and Lewisham

Len Duvall OBE, AM
City Hall
The Queen's Walk
London
SE1 2AA

16 April 2019

Dear Mr Duvall,

Vote Leave and Leave.EU investigations

Thank you for your letter of 3 April to Bob Posner, regarding the Commission's cooperation with the Metropolitan Police Service. I am responding on his behalf.

We are committed to strong working relationships between the police and the Commission, in support of the effective regulation of electoral law. Consistent with data protection law, we have well established processes for receiving and responding to requests for information from the police.

As you indicate, we found Vote Leave and Leave.EU, separately, committed multiple serious offences relating to their spending in the 2016 EU Referendum. In the course of these investigations, we found evidence which indicated other offences, outside of our enforcement remit, may have been committed. We asked the Metropolitan Police Service to consider these, and have worked closely with them to support this consideration.

While we can, and in both these cases did, tell the police what information we considered when deciding to ask them to look at potential offences, the police must decide what is relevant to their work. In September, we gave the Metropolitan Police Service the information they requested about Leave.EU. Also in September, we gave the police requested information about Vote Leave, and we continue to provide some additional documents. Recently, the police indicated they wanted to make a new request for information about Vote Leave. Once we receive this, we will take it forward.

Yours sincerely



Louise Edwards
Director of Regulation

Len Duvall, AM



City Hall
The Queen's Walk
London SE1 2AA
Switchboard: 020 7983 4000
Minicom: 020 7983 4458
Web: www.london.gov.uk

Neil Jerome,
Commander – Specialist Crime
Metropolitan Police Service,
3rd Floor,
Victoria Embankment,
London SW1A 2JL

Date: 3rd April 2019

Dear Commander Jerome,

Thank you for your letter dated 21st March regarding the timeline of referrals from the Electoral Commission and the governance and structure of the ongoing investigation.

I have two brief clarification points which would assist my understanding in the timeline of referrals from the Electoral Commission.

You note in your letter that the MPS' Special Enquiry Team assessed the information which it received from the Electoral Commission on the 7th September and has concluded that it did not receive all of the relevant material. As such, the MPS has made further requests to receive material.

I would be grateful if you could let me know when the MPS went back to the Electoral Commission to ask for all relevant material and whether the MPS received any response from the Electoral Commission to these further requests.

Your sincerely,

A handwritten signature in black ink that reads "Len Duvall". The signature is written in a cursive style with a large, looped initial "L".

Len Duvall AM
London Assembly Member for Greenwich and Lewisham



Len Duval AM
City Hall
The Queen's Walk
London SE1 2AA

Neil Jerome
Commander
Specialist Crime Command
3rd Floor
Victoria Embankment
London
SW1A 2JL

23rd April 2018

Dear *Len,*

Thank you for your letter dated 3rd April. I write to answer your two points of clarification.

As you are aware the Metropolitan Police Service met with the Electoral Commission (EC), on 15th August 2018, and requested that the EC provide all the relevant material for a full assessment to be completed. On the initial receipt of material, on 7th September 2018, the MPS began the process of assessing the material. On 27th September 2018 the MPS requested the assistance of the Electoral Commission to confirm that all relevant material had been provided to the MPS, determine the relevance of the material received and obtain the necessary witness statements.

Since that date there has been ongoing liaison between the Electoral Commission and the MPS in order to allow the MPS to assess all the relevant material, exhibits and witness statements.

Yours sincerely

A handwritten signature in cursive script that reads "Neil Jerome".

Neil Jerome
Commander – Specialist Crime