

# Operation Lynemouth: Third interim report

HMICFRS inspection of the Metropolitan Police  
Service's review and reassessment of alleged criminal  
offences arising from the 2014 mayoral election in the  
London Borough of Tower Hamlets

February 2018

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ISBN: 978-1-78655-613-4

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# 1. Summary

When we conducted our second inspection in September 2017, we specified eight areas in which we expected significant progress to have been made before our third inspection. We conducted our third inspection in January 2018 and focused on those areas; we also considered the overall investigation in accordance with our terms of reference.

We are satisfied that the Metropolitan Police Service (MPS) has made sufficient progress in five of the eight areas we specified in our second report, although work has not been completed in every case. In two other areas, which relate to resourcing and training, progress has not been as good as we had envisaged. A further area concerns a City of London Police review, for which the MPS was still to receive a final report. We understand that the report was due to be delivered soon.

Although the operation is making progress, it is clear that it will take longer – potentially a great deal longer – than was envisaged at the outset. Evidential opportunities concerning a broader range of offences have been identified; the MPS will need to decide now how it should address them. We stress that time is of the essence: evidential material might be lost with the passage of time, as financial records do not have to be retained indefinitely.

We appreciate that undertaking an investigation into these lines of enquiry – which have been identified through Operation Lynemouth's work – would require a significant increase in resources, but opportunities which were missed or disregarded in the past should not be overlooked again. Senior officers should explore options to meet the resource requirements.

We have specified again the areas in which we expect significant progress to be made during the next quarter.

## 2. Introduction

### The background to this inspection

In producing our interim reports, we aim to avoid repeating details unnecessarily. However, for the purpose of clarity, we include here some contextual information that our previous reports included.

In March 2017, the Mayor of London's Office for Policing and Crime (MOPAC) asked Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)<sup>1</sup> to inspect the Metropolitan Police Service's (MPS) investigation of alleged criminal offences arising from the 2014 mayoral election in the London Borough of Tower Hamlets. HMICFRS agreed to proceed, under the provisions set out in section 54(2BA) of the Police Act 1996 (inserted by section 83 of the Police Reform and Social Responsibility Act 2011).<sup>2</sup>

MOPAC agreed that HMICFRS should inspect and provide assurance of the MPS's operation. We were also to provide MOPAC with interim assurance reports every quarter, particularly about governance, resourcing and progress towards objectives – and to supply a final report, identifying lessons learned and best practice for the future. This is our third interim report.

On 2 May 2017, the MPS established Operation Lynemouth as a new police operation ('the operation'). The operation has been divided into four strands:

- review of 27 files from the election court hearing, which declared the result of the 2014 mayoral election (and the re-election of the outgoing mayor, Lutfur Rahman) void;
- review of evidence in relation to electoral fraud;
- reassessment and review of other criminal allegations relating to Lutfur Rahman or the London Borough of Tower Hamlets; and
- City of London Police review of the Metropolitan Police Service's investigation into Communities, Localities and Culture (CLC) Youth Project grant funding.

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<sup>1</sup> On 19 July 2017, HMIC also took on responsibility for fire and rescue service inspections and was renamed HM Inspectorate of Constabulary and Fire & Rescue Services. The methodology underpinning our inspection findings is unaffected by this change. References to HMICFRS in this report may relate to an event that happened before 19 July 2017 when HMICFRS was HMIC. Citations of documents which HMIC published before 19 July 2017 will still cite HMIC as the publisher.

<sup>2</sup> Letter from Matt Parr, HM Inspector of Constabulary, to Sophie Linden, Deputy Mayor for Policing and Crime, dated 10 April 2017.

We conducted our previous inspections in May and September 2017, and published our findings.<sup>3</sup> In each report, we specified those areas in which we expected significant progress to be made before our next inspection; there were eight such areas in our second report. When we conducted our third inspection, in January 2018, we focused on those areas and considered the overall investigation in accordance with our terms of reference.

## **HMICFRS' terms of reference**

Our terms of reference remain the same and are:

- “1. To inspect and provide assurance of the Metropolitan Police Service’s review and re-investigation of alleged criminal offences arising from the 2014 mayoral election in the London Borough of Tower Hamlets;
2. To further monitor developments through Metropolitan Police diamond and gold governance groups;
3. To provide MOPAC with interim assurance reports on a quarterly basis, with particular regard to resourcing, governance and progress towards objectives; and
4. To provide MOPAC with a final report, identifying lessons learned and best practice for the future.”<sup>4</sup>

## **Methodology**

We have continued to follow the staged approach that we adopted at the outset, with quarterly inspection fieldwork and interim assurance reports for MOPAC.

During the period subject of this report, we have attended the MPS diamond (the most senior level of command) and gold (the second most senior level of command) governance group meetings,<sup>5</sup> in accordance with our terms of reference.

In consideration of point 4 in our terms of reference, (to identify lessons learned and best practice), we met again a senior representative of the Electoral Commission and conducted further interviews with police officers who were involved in policing, or investigating, the 2014 mayoral election. We also interviewed the head of electoral

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<sup>3</sup> See: [www.justiceinspectorates.gov.uk/hmicfrs/our-work/specialist-inspections/inspection-tower-hamlets-mayoral/](http://www.justiceinspectorates.gov.uk/hmicfrs/our-work/specialist-inspections/inspection-tower-hamlets-mayoral/)

<sup>4</sup> *Op. cit.*, Parr M., 10 April 2017.

<sup>5</sup> The generic command structure, nationally recognised, accepted and used by the police, other emergency services and partner agencies, is based on the gold, silver, bronze hierarchy of command and can be applied to the resolution of both spontaneous incidents and planned operations. The MPS has supplemented the structure with a diamond level of command.

services for the London Borough of Tower Hamlets. In addition, we met the assistant chief constable, who is the National Police Chiefs' Council (NPCC)<sup>6</sup> lead for electoral crime, and discussed developments since 2014.

We re-visited the Operation Lynemouth major incident room in December 2017 and January 2018. As before, we interviewed the principal members of staff and examined documents in order to assess the rate of progress.

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<sup>6</sup> The National Police Chiefs' Council (NPCC) is the UK's representative body for chief police officers. It was established on 1 April 2015 to help the police service to co-ordinate policing operations, and to reform, improve and provide value for money.

### 3. Findings

For this section of our report, we again paid particular attention to point 3 in our terms of reference (interim quarterly assurance reports), and have arranged our findings under three subheadings:

- governance;
- resourcing; and
- progress towards objectives.

#### **Governance**

We provided detail in our first report of a tiered system of governance that the police commonly use: the gold, silver and bronze command structure. The MPS has applied this for Operation Lynemouth but has added a 'diamond' level of command to the structure. The diamond commander is an assistant commissioner, while an officer of commander rank has been appointed gold commander. The diamond and gold commanders each chair a governance group.

##### **The diamond governance group**

The diamond commander held meetings on 3 October 2017 and 24 January 2018. As on earlier occasions, the meetings dealt mainly with matters such as: the progress of the investigation; reviews and inspections (i.e. the HMICFRS inspection, City of London Police review of the fourth strand of the operation and a proposed independent review of the operation by another force); resources; legal issues; and communication with interested parties. We believe the objectives, the agenda items and the attendees to be appropriate for the operation.

##### **The gold governance group**

We attended gold group meetings on 2 October 2017 and 15 January 2018. The meetings we attended dealt with matters such as: the progress of the investigation; communication with interested parties; community impact; legal issues; and risks to the operation. Again, we consider the objectives, the agenda items and the attendees to be appropriate for the operation.

The gold group continues to work towards the strategic aims (set by the diamond group) that we included in our first report. Originally, it was scheduled to meet every month but, following discussion at the meeting on 2 October 2017, the gold commander decided that such frequent meetings were no longer necessary. As an alternative, the senior investigating officer (SIO) was to circulate monthly progress reports to attendees; a decision would then be made as to whether to convene a meeting.

While that arrangement may have been appropriate at the time, the operation is entering a phase in which difficult decisions will need to be made about its future and the outcome will need to be monitored carefully. We recommend that gold group meetings revert to the monthly schedule during this important phase of the operation.

## **Resourcing**

For this aspect of our inspection, we again examined two issues: the senior investigating officer's assessment of what resources the operation would need (which had been agreed by the diamond and gold commanders), and the actual level of resources made available and deployed to the operation.

### **The resource requirement**

The initial resource requirement was for the use of a HOLMES-equipped<sup>7</sup> major incident room, with a team of 16 police officers and two police staff. We considered this requirement during our first inspection and concluded that it was appropriate at that time. However, we noted that the review process had just begun and that the staffing level might need to be revised in due course. It transpires that a significant increase may be needed in the near future. This is discussed in greater detail on page 11.

### **The actual resourcing**

At the outset, a HOLMES-equipped major incident room was made available with the team of 18, as requested, and the officers and staff began working on the operation on 2 May 2017. This number was reduced soon afterwards, when five of the constables were temporarily redeployed to homicide investigations. The officers did not return to the operation until the beginning of July 2017 because of other major incidents in the MPS area.<sup>8</sup>

However, since our second inspection, one of the detective constables has been transferred to the Grenfell Tower investigation and has not been replaced. In addition, a detective sergeant who performs the important HOLMES office manager role is due to retire. A detective constable, who is awaiting promotion, has been identified as a suitable replacement for the sergeant but she is already a member of the Operation Lynemouth team; this will create another vacancy. It is important that any vacancies are filled as soon as they occur.

In our second report, we expressed the view that the operation would benefit from the addition of a suitably experienced financial investigator to offer strategic advice

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<sup>7</sup> The Home Office Large Major Enquiry System (HOLMES) is an investigation management system which is used by law enforcement agencies to investigate serious crimes.

<sup>8</sup> On 3 June 2017, there were terrorist attacks in the London Bridge and Borough Market areas of London, while on 14 June 2017 there was the Grenfell Tower fire.

and practical support. We also recommended that the MPS should consider any short training courses in fraud investigation that City of London Police could provide to team members with limited, or no, relevant experience. Both of these matters are still under consideration (see page 15).

## **Progress towards objectives**

For this part of our third interim report, we have concentrated again on the matters we consider most important and relevant for now: the eight areas in which we expected significant progress during this quarter; the status of each of the various strands of the investigation; the investigative process that Operation Lynemouth has adopted; and the MPS's engagement with interested parties.

### **Areas specified in the first interim report**

We are satisfied that the MPS has made sufficient progress in five of the eight areas we specified in our second report, although work has not been completed in every case. In two other areas, which relate to resourcing and training, progress has not been as good as we had envisaged. A further area concerns a City of London Police review (strand 4), for which the MPS was still to receive a final report.

### **The specified areas**

**Senior financial investigator:** the operation should be provided with a suitably experienced financial investigator for strategic advice and practical support; if necessary, City of London Police should be approached for possible assistance.

The MPS has been unable to identify a suitable senior financial investigator who has not been involved previously with the investigation, and City of London Police currently is unable to assist. Further progress on this matter is subject to decisions about the future direction of the operation (see page 15).

**Fraud investigation training:** the MPS should consider initial fraud investigation training for Operation Lynemouth's staff (the City of London Police Economic Crime Academy provides such training).

The senior investigating officer (SIO) has prepared a paper for consideration by the gold commander concerning a two-week specialist fraud investigator course, which City of London Police conducts. The SIO has negotiated a heavily reduced total cost of £17,417 for a bespoke course to be delivered on MPS premises to the 12 members of staff who would require it (as opposed to a normal cost of £33,000). Again, progress is subject to decisions about the future direction of the operation and expenditure of this nature cannot be justified at this stage.

In the meantime, 12 investigators are to attend a City of London Police two-day 'policing elections and investigating electoral fraud course', at a total cost of £4,020.

**Potential corruption:** a written policy should be introduced for dealing with any actual or suspected instances of police corruption uncovered by the operation.

A policy has been produced, which has been agreed by the MPS's directorate of professional standards. No evidence of police corruption has been found to date.

**Crime-recording policy:** a written policy should be produced, based on the SIO's decision log and commensurate with national policy and standards.

A policy has been introduced that accords with the national crime recording standard (NCRS) and the Home Office Counting Rules (HOCR).<sup>9</sup>

**Liaison with the Crown Prosecution Service (CPS):** a report should be submitted to the CPS, seeking advice on a broader range of potential offences.

A comprehensive report has been submitted to the CPS, and a CPS lawyer and counsel have provided advice. This matter is discussed further on page 11.

**Strand 2** (review and reassessment of a previous investigation into electoral fraud): make significant progress with a view to completing this strand before May 2018.

At the time of our inspection, 106 out of a total of 169 allegations had been reviewed and a further nine were under way. We are satisfied that sufficient progress has been made.

This strand of the operation is discussed in greater detail on page 12.

**Strand 3** (other criminal allegations relating to Lutfur Rahman or Tower Hamlets): all relevant material (including that held by third parties) should be collated in preparation for the review process.

This strand has not been completed, but we accept that sufficient progress has been made during the last quarter. Staff are undertaking the arduous task of collating third-party material but the quantity of material to be gathered will depend ultimately on the future direction of the operation.

This strand of the operation is discussed in greater detail on page 12.

**Strand 4** (City of London Police review of the previous investigation into grant funding): consider the findings of the City of London Police review and document proposed action in respect of any recommendations.

We reported previously that City of London Police had completed its review and had prepared a draft report. We understand that this led to further enquiries, which meant that a final report had not been completed by the time of this inspection, although its completion was imminent. We shall consider the report when it is available.

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<sup>9</sup> For more information, see: [www.gov.uk/government/publications/counting-rules-for-recorded-crime](http://www.gov.uk/government/publications/counting-rules-for-recorded-crime)

This strand of the operation is discussed further on page 13.

### **Status of each strand**

In our second report, we indicated that the operation was likely to run at least until the end of 2018. Subsequent developments suggest that it could take even longer and could require a significant increase in resources.

Our first report mentioned that the operation would work with the CPS and counsel to assess the evidence from all the strands in its entirety. This assessment was to consider a broader range of offences that would include, but not be limited to, offences of conspiracy (contrary to the Criminal Law Act 1977) and misconduct in a public office (contrary to Common Law).

At the time of our second inspection, we reported that this work was well under way; we are encouraged to find now that it has identified further lines of enquiry. However, the current staffing levels are inadequate for the type of investigation required and would need a substantial increase. Furthermore, the investigators would need relevant skills and experience.

The SIO has prepared a paper outlining the different options. They can be summarised as follows: take no further action in respect of the evidential opportunities that have now arisen, and concentrate only on the four strands of the operation; identify another suitable organisation that has the capacity – and is willing – to undertake the further investigation on behalf of the MPS; or undertake the investigation with MPS staff.

The diamond and gold commanders concur with the SIO's opinion that the first option (to take no further action) is not viable; we agree. The lines of enquiry concerned would have been available at the time of the initial investigation and either lay undiscovered or were disregarded; this should not happen again. We appreciate that the MPS's resources are stretched at this time, but if another organisation cannot – or will not – undertake this new area of investigation, the MPS should consider various ways of meeting the staffing requirements itself. This could include employing suitably qualified individuals on short-term contracts.

Whichever route the MPS decides to follow, we stress that time is of the essence: evidential material might be lost with the passage of time, as financial records do not have to be retained indefinitely.

### **Strand 1 (election court files)**

On 9 June 2017, Operation Lynemouth obtained authority from the Election Commissioner, Mr Richard Mawrey QC, to access the 27 files from the election court hearing, which comprise over 10,000 pages.

An early assessment of the court files indicated that they duplicated a lot of material that was available by other means and already in the MPS's possession as a result

of the original investigation. That material is being considered as a priority under strand 2; to avoid further duplication, it is not being assessed independently in the meantime under strand 1. However, the files have been downloaded onto optical character recognition (OCR)<sup>10</sup> software to enhance computer search capabilities. As a result, material in strand 1 can be considered in conjunction with strand 2.

We acknowledge that Operation Lynemouth must prioritise its work, but the operation must review every strand and pursue evidential opportunities in line with its terms of reference before drawing the investigation to a conclusion.

### **Strand 2 (electoral fraud)**

This strand concerns the review and reassessment of the previous investigation into 169 allegations arising from the 2014 election. It was envisaged initially that Operation Lynemouth would have completed this strand by the time of our second inspection. This was not possible, mainly because of the amount of material involved; the SIO aimed to complete this strand in advance of the 2018 mayoral election. We had estimated that, were this to be achieved, more than 100 allegations would need to have been reviewed by the time of our third inspection; we are encouraged that the operation's staff have succeeded in doing so.

This does not take into account 23 boxes of ancillary material and approximately 2,300 files of electronically-held data (referred to as the 'S drive') from the initial investigation, which the special enquiry team has provided to the operation. However, much of the content is known and typically consists of material that is duplicated elsewhere.

This is only a review exercise; consideration will need to be given to any further lines of enquiry that are identified. That said, any evidential opportunities that are identified may duplicate work elsewhere on the operation, or may no longer be feasible because of legal considerations.

### **Strand 3 (other criminal allegations)**

This strand concerns the review and reassessment of other criminal allegations that do not fall into the categories of the previous two strands. The MPS's fraud squad considered ten matters during the original investigation, including allegations of fraud, bribery, perjury and tax evasion. A further four allegations have since been added.

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<sup>10</sup> Optical character recognition (OCR) is a system for converting images and electronic versions of handwritten, typed or printed documents into machine-encoded text.

This strand is very broad and the amount of material that it will generate is still unknown. Much of the material is now in the possession of third parties and the extent to which it will be sought and gathered is subject to the way in which the investigation as a whole is to progress. Investigators currently are pursuing other investigative lines of enquiry that the SIO has prioritised.

#### **Strand 4 (Youth Project grant funding)**

City of London Police has undertaken this strand, a review of a fraud investigation, in recognition of that force's expertise in investigating fraud. The review had been completed before our second inspection and City of London Police had drafted a report detailing its findings. The report was still in draft form at the time of our third inspection.

The MPS will need to consider carefully any evidential opportunities that the report highlights for Operation Lynemouth and review its systems and processes, if need be. In particular, the findings should be considered in conjunction with any new investigation, which looks at a broader range of offences.

#### **The investigation process**

The operation continues to follow the clear and logical processes that have been apparent throughout. This approach, although it consumes time and resources, has identified potential opportunities, and much will depend on decisions that are to be made in the near future.

#### **Further independent review**

When the acting commissioner of the MPS outlined his proposals to the deputy mayor for policing and crime on 20 March 2017,<sup>11</sup> he stated that an external force was to be commissioned to conduct an independent review of the operation in three months' time. When we conducted our previous inspections, we felt that this further layer of external assurance might be unnecessary until the four strands were nearer to completion.

We recommend that arrangements for such a review be considered now, with a view to it taking place in the summer of 2018. By that time, the operation will have been established for over a year, and the consequences of any decisions that have been made about the future direction of the operation will be apparent.

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<sup>11</sup> Letter from the acting commissioner to the deputy mayor, dated 20 March 2017.

## **Engagement with interested parties**

Operation Lynemouth's staff are in the process of interviewing interested parties and gathering evidence. In the meantime, the governance groups continue to monitor the effect of the operation on the community, and the gold commander reviews the media strategy at gold meetings.

Community engagement is one of the borough commander's main responsibilities and she continues to attend gold meetings. She recognises that engagement is essential as the next mayoral election approaches, and she and her staff have met interested parties, who are provided with reports about the election from a policing perspective.

At this stage, we still consider the MPS is taking adequate steps to engage with interested parties and communicate effectively.

## 4. Conclusions

In conducting our quarterly inspections, we consider the progress that has been made to date and the progress that we would anticipate during the following period.

### Progress to date

Although the operation is making progress, it is clear that it will take longer – potentially a great deal longer – than was envisaged at the outset. The structured approach that has been adopted appears to have identified evidential opportunities that were not pursued during the initial investigation; the diamond and gold commanders will need to decide now how to address them. In our opinion, all reasonable and proportionate lines of enquiry should be pursued. Opportunities that were missed or disregarded in the past should not be overlooked again.

### The next quarter

By the time of our fourth interim inspection, we anticipate that greater progress will have been made, particularly concerning the areas below.

- Future investigative strategy: the primary aim should be for the diamond and gold commanders to consider the options in respect of new evidential opportunities involving a broader range of offences. Any decision to conduct a further investigation into these matters (whether the MPS or another organisation is to undertake that investigation) should be acted on without delay.
- Gold group meetings: we recommend that the group reverts to monthly meetings during the current phase of the operation, when important decisions will need to be made and monitored.
- Resourcing: subject to the outcome of deliberations, the MPS should allocate sufficient staff to the operation. In any event, (as our last report recommended), the operation should be provided with a suitably experienced senior financial investigator for strategic advice and practical support. In addition, any current vacancies should be filled.
- Fraud investigation training: the diamond and gold commanders should decide whether Operation Lynemouth's staff should attend the training course that we recommended in our last report.
- Independent review: we recommend that arrangements for such a review be considered now, with a view to it taking place in the summer of 2018.

- Strand 2 (review and reassessment of a previous investigation into electoral fraud): as before, significant progress should be made, with a view to completing this strand before the 2018 mayoral election.
- Strand 3 (other criminal allegations relating to Lutfur Rahman or Tower Hamlets): as before, all relevant material (including that held by third parties) should be collated. Subject to a decision about the future direction of the operation, this might involve substantially more material than was envisaged previously.
- Strand 4 (City of London Police review of the previous investigation into grant funding): as our last report recommended, consider the findings of the City of London Police review and document proposed action in respect of any recommendations.