



**METROPOLITAN
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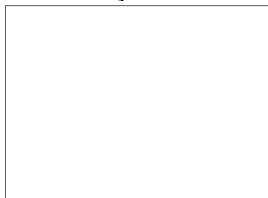
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SPECIALIST OPERATIONS

15th October 2009

Our Ref: ACSO/513A/09

Mr R F Quick



John Yates QPM
Assistant Commissioner
Specialist Operations

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Dear Bob

Thank you for your letter of 9th October 2009.

The 'significant and relevant facts' that you refer to were, as you confirm, drawn to the attention of the Johnston Review and therefore would have been taken into account by Sir Ian Johnston in reaching his conclusions. I have reviewed the documentation that was sent to the CPS but remain of the opinion that the public interest falls against publication of this material for the reasons stated in my letter of 8th October. Furthermore, I do not believe that producing a chronology of events both before and after the Johnston Review will be of any additional benefit.

The extent of redactions made in the Johnston Review for reasons of disputed fact is small. While you are correct that the HMIC report has not sought to adjudicate on the issue of proportionality the report does make comment as follows: *"Sir Ian Johnston concluded that the arrest of Damian Green was not proportionate. Senior Metropolitan Police officers responsible for making the decision sanctioning his arrest did not and do not agree with this conclusion and contend that it was proportionate.... It would not be appropriate for this review to comment on the weight of each set or arguments; save to comment that for this matter still to be contested at this stage is regrettable. Such a decision could be avoided by a realisation/outcome based approach and if necessary appropriate legal advice..."*

The fact that Mr Green sought to claim that items seized from him (following his arrest) attracted Parliamentary privilege is a matter that presented a number of legal difficulties from which further lessons will be learned. The Johnston Review made clear that this material was not available to it and I have seen nothing to indicate that the Johnston findings would have been any different had this material been available.

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Both reports have now been published and I hope that the lessons learned will assist us in managing other difficult cases in the future.

Yours etc



John Yates
Assistant Commissioner
Specialist Operations

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