



Working together for a safer London

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30th May 2008

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The Rt Hon. David Davis MP
House of Commons
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Dear Mr Davis

Following our initial meeting and brief discussion, I thought it might be helpful to write and ensure clarity of understanding on a number of matters where there appears to be potential for misleading accounts to gain credence.

We discussed your assertion that Chief Constables had a variety of views on the merits of extended pre charge detention limits. I explained that Chief Constables had discussed the issue in detail at Chief Constable's Council, and whilst a number of viewpoints were given the Council agreed on a single position, namely that recently put forward by the ACPO President, the Commissioner and myself at various fora. I was therefore surprised to read comments in the media the next day, attributed to you, that I had in effect agreed with your assertion.

It has also been suggested that police had evidence to charge subjects with an offence on the 12th day of detention where that charge was not then placed until the 27th day of detention during the course of Operation Overt (the airline plot currently at trial). Following our discussion I personally spoke to Sue Hemming, Peter Clarke, DAC John McDowall and Commander Tim White and learnt that in this particular case an evidence cell was created to manage the processing of evidence recovered and other aspects of the ongoing investigation. A senior prosecutor from the Counter Terrorism Division was in a position to ensure that the CPS was sighted on all the significant evidential developments hour-by-hour, day-by-day. I am therefore convinced that detention was necessary; the High Court Judge in granting extensions to detention was clearly of the same opinion. I am aware that Ms Hemming from the CPS, in evidence to the public bill committee, has also refuted the suggestion. It appears obvious to me that the investigation was by no means complete on day 12 of the detention of those suspects charged on day 27; and that the evidential picture continued to develop further in the intervening days.

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On the issue of the Threshold Test I would wish to make it clear that there must be at least reasonable suspicion that the suspect has committed an offence, mere suspicion is not sufficient nor can the Test be applied to intelligence that will not be available in an evidential format. In cases where early arrest has been necessary on public safety grounds evidence may be limited. It is a fact however that the Threshold Test is applied on a regular basis by the CPS in determining the sufficiency of evidence to charge, a decision which rests solely with them. It is important to remember that the full test must be kept in view as the conditions of the Test must eventually be met for the case to proceed. The test is outlined in the Code for Crown Prosecutors (June 2004 edition) and the Director of Public Prosecution set out its history in a published letter to the JCHR. This is appended to their report. Accordingly I cannot support your assertion that applying the Threshold Test will negate any possible requirement for extended detention.

I look forward to meeting again on the 4th June and trust this can be taken forward in a constructive manner.

I also want to mention, on a separate basis, the evidence that the Commissioner and I gave to the bill committee about the number of disrupted terrorist plots. Both the Commissioner and I interpreted the question wrongly and gave evidence about the number of plots since 2000, not since 2005.

Our office contacted the Clerk's office almost immediately after the hearing and corrected the information given. My staff were left under the clear impression that the Clerk would inform members of the Committee which apparently did not happen. This was subject to criticism from Committee members. I want to assure you, as Shadow Home Secretary, that there was no intention of misleading the Committee or being discourteous.

Yours sincerely



Robert F Quick QPM MBA
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Specialist Operations