

Our ref: 20135/9409 & 20135/11190

[Copies of the report and Appendix A](#)

Please find attached a copy of the information requested. Unfortunately, West Yorkshire Police is unable to provide you with all of the information requested as this information as it is exempt by virtue of Section 23(1)(3)(a) – Information supplied by, or relating to, bodies dealing with security matters and Section 40(2) – Personal Information. Please see Appendix A, for the full legislative explanation as to why West Yorkshire Police are unable to provide the information.

Appendix A

Our ref: 20135/9409 & 20135/11190

The Freedom of Information Act 2000 creates a statutory right of access to information held by public authorities. A public authority in receipt of a request must, if permitted, state under Section 1(a) of the Act, whether it holds the requested information and, if held, then communicate that information to the applicant under Section 1(b) of the Act.

The right of access to information is not without exception and is subject to a number of exemptions which are designed to enable public authorities, to withhold information that is unsuitable for release. Importantly the Act is designed to place information into the public domain. Information is granted to one person under the Act, it is then considered public information and must be communicated to any individual, should a request be received.

DECISION

Your request for information has been considered and I regret to inform you that West Yorkshire Police cannot comply. This letter serves as a Refusal Notice under Section 17 of the Freedom of Information Act 2000.

Section 17 of the Act provides:

(1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-

- (a) States the fact,
- (b) Specifies the exemption in question, and
- (c) States (if that would not otherwise be apparent) why the exemption applies.

REASONS FOR DECISION

The reason that we are unable to provide you with this information is covered by the following Exemptions:

Section 23(1)(3)(a) Information relating to the Security bodies;

Section 23 is an absolute class-based exemption and therefore there is no requirement to conduct a harm or public interest test.

Section 40(2) Personal Information

Section 40 is a class based absolute exemption and there is no requirement to evidence the harm or consider the public interest.

DEVON AND CORNWALL CONSTABULARY

From: **Sec. 40 (2)**
Sec 40(2)
MCIT - Ashburton

To: **Sec. 40 (2)**
Sec 40(2)
MCIT - Ashburton

Tel No: 305841

Ref.:

Your Ref.:

Date: 27 March 2013

Subject: OP GARNETT

Sir

1. Introduction

- 1.1 Operation Garnett was initiated by Devon & Cornwall Police in December 2012 following a request by the Chief Constable of Merseyside Police. The Force was requested to review a Professional Standards Department (PSD) investigation which had been undertaken by West Yorkshire Police (WYP) in December 2006, which subsequently resulted in civil litigation in October 2011.
- 1.2 The initial complaint had been made to WYP by a company called Forensic Telecommunications Services (FTS). The complaint merged into civil litigation resulting in a finding against WYP at the Royal Courts of Justice, London. At the heart of FTS's initial complaint was the assertion that WYP staff had misappropriated computer software owned by FTS and had then utilised the software and ultimately marketed it as their own.
- 1.3 A second complaint to WYP was made by Mr Trevor Fordy on the 08/07/11, who had been employed by FTS as an advisor and to act as a Police Liaison for FTS. Mr Fordy had been involved in the early stages of the PSD investigation and following a number of meetings with PSD he felt he had been deliberately misrepresented by PSD and as a consequence his professional reputation and livelihood had been jeopardised. Fordy's complaint however was never formally recorded because WYP sought a dispensation from the IPCC on the basis the complaint was out of time.
- 1.4 Mr Fordy approached the Police Authority in June 2012 as he prepared to apply for a judicial review of the IPCC decision to grant dispensation. Following a meeting between the Chief Executive, Fraser Sampson, and Mr Fordy on 24 September 2012 the matter was raised with the Deputy Chief Constable, John Parkinson. A review was proposed, which the DCC agreed to, which would be independent of

WYP and would consider the investigation(s) undertaken by PSD and also the matters raised by Mr Fordy.

2. Remit

2.1 In order to focus the review and to ensure an all party expectation of it, Terms of Reference were agreed in January 2013. The Terms of Reference were:

To review the investigation(s) undertaken by West Yorkshire Police Professional Standards Department into matters raised by Trevor Fordy. In particular to examine: -

1. *Whether all reasonable lines of enquiry were acted upon.*
2. *That the decision making had clear rationale and was based on objective fact or evidence.*
3. *That any internal communication to either Mr Fordy, other interested third parties or the IPCC was factually accurate.*
4. *Furthermore, to determine whether Mr Fordy had evidence to substantiate his assertion at the meeting on Wednesday 24 October 2012 that WYP officers and staff had committed criminal offences and, if so, this evidence to be assessed as to whether it warranted further investigation.*

3. Overview of Complaint

3.1 In November 2006 WYP PSD were approached by a **Sec. 40 (2)**, **Sec. 40 (2)**. He alleged two serving officers within the WYP Hi-Tech Crime Unit (HTCU) had inappropriately obtained software belonging to FTS. **Sec 40(2)** disclosed the names of the two officers as DC Stephen Miller and DC Stephen Hirst. He stated both were involved in a website called Phones.forensic.com and the website was offering a free piece of software to download called CLiVE. **Sec. 40 (2)** stated that DC Hirst had disclosed to a third party (**Sec. 40 (2)**) that he'd previously had access to a computer programme loaned to WYP **Sec 23(1)(3)** called HEX2 and Hirst had bragged that he'd taken the program apart, copied it and sent it back. It was further claimed that Hirst had extracted information from other websites including FTS and the Netherland Forensic Institute.

3.2 [Sec 40(2)] also stated a third party had downloaded a copy of the software and it had been noted that a licence agreement had been produced with the software which detailed Hirst & Miller as the licence holder. However the licence itself made reference to another computer company called .XRY and as such [Sec 40(2)] alleged the licence had been copied in breach of copyright. [Sec 40(2)]

[Redacted] MD5 is a computer forensic company and in 2006 they were direct competitors with FTS, basically offering similar services to law enforcement agencies. [Sec. 40 (2)] of PSD recorded and submitted [Sec. 40 (2)] intelligence correctly via the 5X5X5 system.

3.3 [Sec. 40 (2)] was approached the following day by PSD, T/DCI Whiteley & [Sec. 40 (2)], and stated the FTS software was called HEX2 and he too named the two officers as DC Stephen Miller and DC Stephen Hirst. It was alleged by [Sec. 40 (2)] that Hirst had been given the opportunity to obtain the software during a [Sec 23(1)(3)]

[Redacted] [Sec 40(2)] advised the software was being offered as a download via a website managed by Hirst & Miller.

3.4 [Sec 40(2)] detailed his information to [Sec 40(2)] who duly submitted three intelligence reports via the Force Intelligence System. In summary the information amounted to [Sec 40(2)] having arranged to meet Hirst at a public house in Wakefield in August 2007, Hirst was seeking employment with MD5. During the course of the meeting Hirst admitted to acquiring software owned by FTS, to then “taking it apart” and using it to support the development of a WYP in house software development known as CLiVE. This [Sec 40(2)] alleged, was theft of intellectual data belonging to FTS. The intelligence items never formed part of the investigation papers.

3.5 It seems that from this point onwards it was always assumed there was only one source [Sec 40(2)] it is clear [Sec 40(2)] never features in the [Sec. 40 (2)]

4. West Yorkshire PSD Response

4.1 PSD evaluated the intelligence and instigated an investigation into the allegation. An SIO from PSD was appointed, this was Det Supt Trevor Kerry along with a Case Officer, this being Temporary Det Ch Insp Malcolm Whiteley.

4.7 **Sec 23(1)(3)**
[Redacted]

4.8 Kerry and Whiteley were conscious of the close knit community surrounding law enforcement technical methods. Mindful of this position there was a reluctance to contact other HTCUs through fear that Hirst & Miller would be alerted to the developing enquiry. They were also reluctant to examine or view the websites administered by Hirst & Miller for fear of leaving a “footprint” which could alert the suspects to their interest. They also considered the issue of whether the two suspects had been using WYP equipment, resources and time to develop software which they intended to benefit from commercially.

4.9 The meeting on 12/12/06 took place with the following persons present D/Supt Kerry (PSD), T/DCI Whiteley (PSD), D/Supt Fear **Sec. 40 (2)**, a **Sec 23(1)(3)**, Fordy (FTS) and **Sec. 40 (2)**. This meeting transpired to be significant and in some respects is at the heart of the grievances voiced by Fordy.

4.10 **Sec 23(1)(3)**
[Redacted].

4.11 During the course of the meeting Kerry requested a copy of FTS’s HEX software. This would allow a comparison to take place between HEX and CLiVE to either show they were identical copies and thus CLiVE had in fact been appropriated, or to identify dissimilarities which would tend to suggest CLiVE had been developed independently.

4.12 The PSD perspective on this request is that Fordy refused to offer to supply a copy of HEX stating it would be commercially unsound to do so. Furthermore it is suggested Fordy implied that FTS would not be able to support a criminal prosecution for similar reasons and in order to protect the HEX software.

- 4.13 Kerry responded by implying if as the SIO he knew a prosecution was unlikely, it would have a significant impact on the way he would progress the enquiry. He further added if he knew a criminal prosecution was never a likelihood, then he would not be in a position to arrest individuals. Kerry sustained his position by reference to *Plange v Humberside* (if no prosecution likely then an arrest may be deemed illegal).
- 4.14 Sec 23(1)(3) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Sec 23(1)(3)
- 4.15 Fordy also confirmed that HEX2 was not patented or subject to copyright.
- 4.16 Fordy immediately reported back the contents of the meeting to the Managing Director of FTS, Jonathon Clark. It is clear Fordy relayed his frustrations and thoughts to Clarke as to his perceived lack of drive with the PSD enquiry and no doubt his views on the attitude of Kerry.
- 4.17 That same day Clarke telephoned Whiteley and expressed his concern that his and FTS's assets (HEX2) were not being protected and he suggested Sec 23(1)(3) [REDACTED]
[REDACTED] Clarke also advised Whiteley that he would be writing to the Head of PSD and the Chief Constable in which he would layout an expected timescale for a suitable resolution. Clarke also stated he would be seeking injunctions to freeze WYP assets, with a view to impending civil action.
- 4.18 The following day, 13/12/06, Whiteley again spoke with Clarke, who on this occasion stated he had taken advice from counsel and he would not be writing a letter to the Chief Constable but instead proceeding to civil action. Clarke also wanted assurances that imminent action was being taken by PSD and he was advised by Whiteley the investigation was proceeding diligently.
- 4.19 Kerry & Whiteley raised the matter with T/DCC Sampson, C/Supt Parkinson (Sec 40 (2)) and C/Supt Ian Kennedy Sec. 40 (2). The outcome of that meeting was to establish if Hirst & Miller were acting for their own benefit and, if they were, to disassociate WYP from their actions.

4.20 Whiteley then contacted the Head of the WYP HTCUC, D/Supt David Sharp. On 14/12/06 Sharp advised Whiteley that both Hirst and Miller were considered good employees and both had worked considerable hours, many in their own time, to develop software that would support law enforcement agencies around downloading data from mobile phones. The suggestion was that Hirst & Miller were keen to develop software for use by law enforcement agencies which would negate the need to employ private companies with the inherent costs involved. The development was supported by WYP, albeit not in any formal process. It was genuinely believed by their immediate line managers that Hirst & Miller were developing software that would benefit all law enforcement agencies and would ultimately provide a considerable cost saving to WYP.

4.21 Sec 23(1)(3) [REDACTED]

4.22 Sharp referred Whiteley to Hirst & Miller's immediate Line Manager, D/Insp Michael Crampton. He echoed the sentiments expressed by Sharp and added that Hirst & Miller had been instrumental in developing a website aimed at law enforcement agencies for the express purpose of developing mobile phone forensic work. This site was called www.phoneforensic.com and had been administered by Hirst & Miller. Crampton advised that the site was recognised internationally but both Hirst & Miller had been instructed by Sharp to withdraw from its administration, due to concerns that WYP had no control over the content. They did so around March 2006 and the site went on to be administered by non WYP staff.

4.23 Crampton also added he was aware Hirst & Miller were developing their own software which would enable downloads of certain mobile phones. They had been developing this software over several months and knew they had used the phoneforensic website to gain advice and information about the development from other law enforcement staff, both in the UK and overseas. Crampton advised the software developed by Hirst & Miller was called CLiVE. Crampton added that most of the development of CLiVE had taken place at the homes of Hirst & Miller while they were off duty but ultimately for the benefit of WYP and other law enforcement agencies.

4.24 Crampton stated the HTCUC had purchased “jafa” boxes in May 2006 which enabled them to download all the data from a mobile phone. He stated Hirst & Miller had been developing software which would allow the data to be translated into a readable format, the software was called CLiVE.

4.25 Sec 23(1)(3) [REDACTED]

4.26 On 15/12/06 Kerry & Whiteley reviewed the case and concluded there was no evidence of theft of the software and that it was not protected by copyright or patent. They supported their decision on the basis they were satisfied there had been no opportunity during Sec 23(1)(3) for the programme to have been copied (laptop remained secure) or accessed (dongle accounted for). They also noted other companies had developed software to translate phone downloads and thus it was not a unique tool exclusively developed by FTS. It followed therefore that if other companies could develop similar programmes to FTS then it was possible, with the right knowledge and abilities, for technically minded officers to do likewise. Kerry & Whiteley also concluded there were no discipline issues evident.

4.27 Having reached the above conclusions and spoken with Fear, Sharp and Crampton, Whiteley & Kerry made the decision they would informally approach Hirst and Miller to obtain a view from them.

4.28 On 15/12/06 Kerry & Whiteley met Hirst with Crampton present. At the time Miller was on Sec. 40 (2) Hirst explained that the HTCUC had been examining phones since 01/07/05. They had developed their techniques and research showed “jafa” boxes downloaded all the data and bypassed the phone security codes. A by-product of this was it recovered the “memory dump” but in an unreadable format. Hirst explained he and Miller realised this data needed decoding and they developed a programme to translate the data. Much of the research had been done at their homes in their own time. Hirst stated Miller, who had previously written programmes, wrote CLiVE to do the translating.

4.29 Hirst also stated the development of CLiVE was a collective approach where several other persons had been involved, including **Sec. 40 (2)** from Leicestershire Constabulary. They had also sourced information and advice from the Netherland Forensic Institute.

4.30 **Sec 23(1)(3)**
[Redacted]

4.31 **Sec 23(1)(3)**
[Redacted]

4.32 Hirst stated CLiVE would operate with “cheap” Nokia phones and it had been shared with other police forces. He confirmed his earlier involvement with the phoneforensic website and confirmed he had withdrawn from the administration of the site after being advised by D/Insp Crampton in March 2006.

4.33 Hirst stated CLiVE had been available to download from the phoneforensic website for about three months, since September 2006 and it was only available to law enforcement practitioners who were given access by the administrators. He stated CLiVE had now been removed from the site.

4.34 Hirst was asked about the licence agreement that appeared with the CLiVE software. In particular he was asked why the agreement bore the name of the company .XRY. Hirst accepted they had copied the agreement but argued the agreement was of a wordage that was common place amongst such licences and not unique to any particular company or thus owned as such.

4.35 Hirst added he was aware that other companies were capable of doing hex dumps and he named Focus **Sec. 40 (2)** and MD5 as two such companies.

4.36 **Sec 23(1)(3)**
[Redacted]

Sec 23(1)(3)

- 4.37 Whiteley also contacted Sec. 40 (2) who was an Administrator of the Phone-forensic website. Whiteley was given immediate access to the site and was able to confirm that CLiVE could no longer be downloaded from the site.
- 4.38 On 18/12/06 Whiteley received information that two other companies TrewCo and BK Forensics were able to complete hex downloads. This indicated that other companies had developed a tool capable of downloading hex data and these products were commercially available.
- 4.39 It would seem at this stage (18/12/06) the PSD enquiry ceased to be and, in effect, no further investigatory work was undertaken to prove or disprove the complaint of theft or any disciplinary matters. WYP PSD (Whiteley & Kerry) had satisfied themselves that there had been no wrongdoing by WYP staff that warranted further investigation.
- 4.40 Although effectively a NFA decision had been made by PSD on 18/12/06, the decision was not, or ever, effectively communicated to either Fordy or FTS.

5. Civil Proceedings

- 5.1 On 22/12/06 WYP received a letter from Cooper-Burnett Solicitors on behalf of FTS. The letter outlined the concerns FTS had with regards to the theft of HEX and requested WYP disclose within 21 days the steps and processes that had led to the development of CLiVE. The letter added if this request was not met then there would be an application to the High Court.
- 5.2 The letter also included a comparison of HEX and CLiVE which was passed to the HTCUC for a view on the alleged similarities.
- 5.3 The WYP Force Solicitor at the time was Mr Ajaz Hussain and on 02/01/07 he replied to Cooper-Burnett's letter suggesting that the alleged similarities between the two programmes should be independently verified.
- 5.4 There then followed a series of letters and faxes between Hussain (WYP) and Cooper-Burnett (FTS) principally endeavouring to identify

a suitably qualified and independent third party to provide a view on the two programmes.

- 5.5 There were also requests made by Cooper-Burnett to record the issue as a public complaint against WYP. On 25/04/07 Ch/Supt Mark Bradley (Head of PSD) wrote to Cooper-Burnett. In his letter he provided a comprehensive overview of the enquiry undertaken by Whiteley. He also confirmed the matter had been recorded as a public complaint on 13/02/07 under the terms of the Police Reform Act 2002. He further added the matter had not been referred to the Independent Police Complaints Commission.
- 5.6 Bradley also stated a statement had been taken from the original source of the intelligence **Sec. 40 (2)** – obtained on 01/02/07) which reaffirmed the original allegation.
- 5.7 Bradley did not advise Cooper-Burnett that the PSD enquiry had effectively concluded as per the decision of Kerry & Whiteley on 18/12/06. One affect of Bradley’s letter was the impression that there was a live complaint investigation ongoing and being managed by WYP PSD. This was clearly not the case and WYP were now purely engaged in looking to defend themselves in a forthcoming civil action.
- 5.8 Nor did Bradley allude to the fact that WYP had been compelled to record the matter as a complaint following directions by the IPCC who had been made aware of the issue by FTS and Fordy.
- 5.9 The above was then compounded by the WYP lawyer, Ajaz Hussain, who was tasked with defending WYP’s position in the litigation. On several occasions during early correspondence Hussain alluded to a PSD investigation, eg email 08/01/07 to FTS lawyers “comments remain subject to the PSD investigation which remains ongoing”, email dated 08/02/07 to FTS lawyers in which Hussain declined to answer any further questions from FTS’ lawyers “until the conclusion of the PSD enquiry” and “this remains a police matter and not one for lawyers”.
- 5.10 Over the next two years there were attempts to reach a resolution, most notably by Ch/Supt Ian Kennedy who in April 2008 proposed a “without prejudice” meeting between FTS and WYP and who drafted a “Terms of Agreement” which, while not accepting any wrong doing by WYP staff, is conciliatory in nature.

- 5.11 Unfortunately no common ground could be found and it became apparent that civil proceedings would take place.
- 5.12 In preparing a defence for the civil action WYP (Hussain) sought to use Hirst & Miller as witnesses for WYP. **Sec 40(2)**
Sec 23(1)(3) In 2009 Hussain interviewed Hirst who admitted that **Sec 23(1)(3)**, an operative had supplied him with a list of permanent memory absolute (PM Abs) addresses which he then posted on the phoneforensic website. Consequently those PM Abs addresses were used by WYP HTCUC in phone forensic work and were presumably used by other agencies which had access to the site.
- 5.13 FTS eventually took WYP and Hirst to the High Court in London where their grievances were heard on 09/11/11. FTS had by now changed their position and were no longer alleging theft of the software (intellectual data). They were alleging breach of copyright around the PM Abs addresses, suggesting that research identifying the PM Abs addresses amounted to an original literary work. This was successfully defended by WYP.
- 5.14 FTS however were successful in their claim for breach of confidence and breach of database right. FTS convinced the court when Hirst had received the PM Abs addresses **Sec 23(1)(3)** he did so knowing them to be confidential and posted them on to the Phoneforensic website. Then WYP HTCUC had utilised those PM Abs addresses in their phone forensic work and had consequently breached FTS' database rights.
- 5.15 Hirst gave evidence at the hearing, albeit in his now civil capacity having resigned from WYP. Although he was supported by WYP. Hirst stated in evidence he received the PM Abs addresses from **Sec 40(2)** on the basis they were not confidential and available on the web in any case. He suggested the PM Abs addresses were supplied to him as an act of mutual assistance between two law enforcement agencies. Hirst implied he had only been given two or three pairs of numbers.
- 5.16 **Sec 23(1)(3)**
Sec 23(1)(3)
Sec 23(1)(3)
Sec 23(1)(3)
Sec 23(1)(3)

5.17 The judge then referred to the PM Abs addresses found on the phoneforensic.com website and noted they closely matched the numbers from the FTS manual. **Sec 23(1)(3)**

5.18 Hirst argued he had only posted one or two numbers and the rest had been posted by other law enforcement personnel interested in developing the technology. Hirst was simply not believed by the court on this issue.

6. Mr Trevor Fordy

6.1 Fordy is a retired Detective Superintendent formerly with Northumbria Police. Following his retirement he gained employment with FTS in a police liaison/marketing role.

6.2 On 09/07/11 Fordy made a complaint to WYP about the conduct of Kerry alleging he had made “spurious assertions” and “untruths” in a letter, Kerry wrote on 15/03/07 to the solicitors acting for FTS. The complaint was recorded by WYP.

6.3 On 10/08/11 a further letter was received by WYP from Fordy in which he refers to a letter dated 29/03/07. This was written by Clark (FTS MD) to DCC Hodgson raising concerns over Kerry’s handling of the matter. Fordy was advised that Kerry had retired in August 2010 and there was the potential that Fordy’s complaint would be deemed as “out of time”.

6.4 A further letter was received from Fordy on 19/08/11 in which he asserted his complaint could have been formally recorded and investigated earlier. He also stated that it had not been conducive to his marketing and liaison role to have made a formal complaint earlier.

6.5 On 30/08/11 WYP sent an application for dispensation to the IPCC on the grounds the complaint was out of time and it was not reasonably practicable to investigate. On 15/09/11 the IPCC granted the application as out of time and stated no good reason had been provided for the delay.

6.6 The civil case, as outlined above, resolved on 09/11/11. As previously stated FTS were partly successful in their claim and costs were awarded against WYP.

- 6.7 On 27/01/12 Fordy wrote to WYP seeking to resurrect his complaint of 09/07/11. He was advised his complaint was out of time. He appealed this decision to the IPCC who, on 08/03/12, refused his appeal.
- 6.8 On 19/06/12 Fordy wrote to WYP advising them he was preparing a 'letter for claim' with the intention of seeking a Judicial Review. Mr Fordy also wrote to the Police Authority and had a meeting on 24 September 2012 with Fraser Sampson who raised the matter with DCC Parkinson.
- 6.9 A meeting was held at WYP HQ on 24/10/12 with Mr Fordy. Persons present were DCC Parkinson, ACC Akhtar, C/Supt Callaghan (Head of WYP PSD) and Insp Chesters. Fordy gave his view of the matter and effectively stated he had lost confidence in WYP and would prefer an independent review.

7. Devon and Cornwall Police Review – Methodology

- 7.1 Based upon the remit as detailed in para 2.1 Devon & Cornwall Police (D&C) sought to review the PSD investigation and to assist in doing so, make reference to the documentation that was generated through the civil process.
- 7.2 C/Supt Callaghan (Head of WYP PSD) gave a brief to D&C staff on 05/12/12 and handed all the documentation in the possession of WYP relating to the investigation and subsequent litigation.
- 7.3 The documentation was then reviewed and key individuals were identified. There was a particular focus on any material which directly related to the PSD investigation of 2006. Furthermore there was focus on any material which could or should have influenced such an investigation post decision to NFA in December 2006.
- 7.4 Once potential witnesses had been identified a document was drafted which tailored the review approach to that individual. This ensured the approach was relevant and again remained focused on the review remit.
- 7.5 There was a constant need throughout the review to remain focused on the PSD investigation. The civil litigation, although clearly linked to the issues at hand, was not part of the remit although it was able to inform the review and thus assist the Review Team in an understanding of the issues involved. It has to be acknowledged the

Review Team were therefore in a more advantageous position than the PSD Enquiry Team was in 2006.

8. PSD Enquiry

8.1 As detailed above the initial contact to PSD was made in November 2006 by **Sec 40(2)**, his intelligence was managed by **Sec 40(2)** **Sec 40(2)** referred PSD on to **Sec 40(2)** and his intelligence was again correctly recorded and submitted by **Sec 40(2)**

8.2 As the PSD enquiry progressed **Sec 40(2)** should have been revisited and his intelligence evaluated and assessed in line with additional information unearthed by the enquiry. **Sec 40(2)** should have been requested to provide a witness statement in support of the PSD enquiry.

8.3 **Sec 40(2)** eventually provided a statement on 01/02/07 but this was only seemingly in anticipation of civil litigation. A review of **Sec 40(2)** intelligence submission and that of his statement show a marked difference in the detail of his allegations. In particular the statement makes no mention of Hirst obtaining a copy of HEX2 and “taking it apart”. **Sec 23(1)(3)**

Sec 40(2)

Sec 40(2)

8.4 The review can find no evidence that **Sec 40(2)** was ever approached by PSD, despite the fact it was he who initiated the enquiry. Therefore any intelligence or evidential development opportunities and /or corroboration opportunities were missed.

8.5 The initial information was assessed by WYP PSD C/Supt Bradley, Supt Kerry (SIO) and T/DCI Whiteley. For reasons outlined in para 4.8 PSD were cautious in their approach to evidence gathering opportunities. At this early stage and given WYP owned all of the computers operated by the HTCUC, including those by Miller & Hirst, it would have been possible to covertly monitor their activity at work which may have given an indication as to their commercial involvement around CLiVE or other interests.

8.6 In endeavouring to identify a thematic approach to the investigation the review have sought to rely upon policy documents or decision making documents. To date none have been made available to the Review Team. It is believed that the policy has been recorded on the running

progress electronic log, this is limited and offers very little in the way of decision making rationale.

8.7 Whiteley made contact by telephone with Fordy and effectively disclosed all of the intelligence attributed to **Sec 40(2)** even disclosing **Sec 40(2)**. This approach seems contradictory to the cautious approach by PSD. Certainly disclosure of the informants' details, particularly during the development phase of an enquiry, displays a lack of investigatory judgement and is possibly a breach of the Data Protection Act. When interviewed by the Review Team Whitley conceded he did contact Fordy on a number of occasions, but he disputes supplying Fordy with **Sec 40(2)** name.

8.8 Furthermore consideration should have been given to the potential use of Fordy as a witness for FTS in the civil case. By disclosing the intelligence of another potential witness, Whiteley is exposing himself and Fordy to the suggestion of collusion, or to at least having contaminated the witness.

8.9 The review does however acknowledge that the expertise of Fordy and FTS was relevant to the progression of the investigation and to this end it was clearly prudent to involve FTS at an early stage to identify investigatory opportunities. Furthermore given FTS were the alleged victims, again it would have been prudent to advise them of the complaint and to seek support in the forthcoming investigation. The approach therefore to Fordy was appropriate, although the manner was not.

8.10 Fordy disclosed to Whiteley that he had shared his concerns and suspicions with D/Supt Fear. **Sec 23(1)(3)**

[REDACTED]

8.11 The review has not seen any minutes from the meeting on 08/12/12. It is believed none were made, but understand that **Sec 23(1)(3)**

[REDACTED]

[REDACTED] The likely impact would have been around disclosure and whether the integrity of some exhibit submissions had been compromised. Without detailed minutes comments cannot be drawn on the contents of the meeting but understandably **Sec 23(1)(3)**

[REDACTED]

Whether Fear's concerns ultimately influenced the PSD enquiry cannot be evidenced.

- 8.12 The reassurances given by Fear to Whiteley, that FTS must have simply misunderstood the provenance of the reports, would have in part downgraded the significance of the intelligence supplied by Fordy. It should not have impacted on the intelligence submitted by **Sec 40(2)**
- 8.13 On 12/12/06 the meeting between D/Supt Kerry (PSD), T/DCI Whiteley (PSD), D/Supt Fear **Sec 23(1)(3)** Fordy (FTS) and **Sec 40(2)** took place. Again this meeting was not minuted at the request of Fear.
- 8.14 Following this meeting Fordy felt there had been a distinct shift in the enthusiasm for PSD to investigate the allegations. He has described Kerry as being “unprofessional” and attributed several comments to him which clearly relayed to Fordy that the investigation was stalling. For his part Fordy admits he suggested that if the enquiry did not progress then FTS would have no alternative but to seek legal redress to protect its interests.
- 8.15 The significance of the meeting held on 12/12/06 became apparent in March 2007 when Kerry wrote a letter dated 15/03/07 to the solicitors representing FTS. In the letter Kerry effectively stated the PSD enquiry could not progress due to the reluctance and refusal of Fordy to support the investigation. Kerry suggests that despite knowing of “rumours” among “techi circles” for several months Fordy had not chosen to approach PSD which struck him as “very surprising”, particularly given that Fordy was a retired police officer well versed in internal criminal and discipline matters.
- 8.16 Kerry stated that since November 2006 WYP PSD had been conducting enquiries into the matter but had been frustrated by a lack of co-operation from Fordy/FTS. Kerry asserts it was Whiteley who initially contacted Fordy (this is correct on 28/11/06) but then suggests Fordy was not forthcoming, refused to discuss the matter and wished to make his own enquiries, adding he was going on holiday and would make contact upon his return on 11/12/06. Kerry implies that WYP PSD were therefore unable to make expeditious enquiries because Fordy was not prepared to share information, unwilling to support the investigation and that he was prepared to wait two weeks to go on holiday before any meaningful discussion could take place.
- 8.17 Kerry however then made reference to contact with Fordy on 29/11/06 and again on 06/12/06 (eight days after Whiteley’s initial contact with Fordy). This contact therefore belies the above suggestion that Fordy

was on holiday and disengaged from the enquiry, in fact Fordy asserts it was he who initiated these contacts.

- 8.18 Significantly Kerry stated in his letter he was “more than a little surprised” when Fordy clearly stated that FTS would not support any criminal prosecutions should anyone be found culpable. According to Kerry Fordy “could not be swayed” on the matter and he suggests Fordy further stated allowing access to HEX would be commercial suicide. Kerry implies this reluctance to engage with any criminal process severely restricted his options as an investigator, particularly when it came to arresting suspects. Kerry suggests that he therefore made the decision not to arrest any individuals because it would have been disproportionate to do so knowing there was no likelihood of a criminal prosecution.
- 8.19 Fordy vehemently denies suggesting that FTS would not support a criminal prosecution and it is this issue that perhaps is at the heart of Fordy’s grievance with WYP. Fordy does concede he was not comfortable in agreeing to allow a copy of HEX to be handed over and examined by WYP, or an independent authority, given the sensitive commercial value it possessed. Fordy’s view is he advised Kerry he would need to consult with his MD, Jonathon Clarke, before he could agree to hand over a copy of HEX. In his view this cautious approach to a valuable commodity does not constitute a clear statement of refusal to support an investigation or prosecution.
- 8.20 Kerry adds in his letter that the necessity for solicitors to be involved was brought about by FTS engaging solicitors in December 2006 and threatening WYP with legal action. He adds WYP will continue to engage solicitors “throughout this enquiry, which is being conducted by Police Officers within the Professional Standards Department”. The review cannot find any evidence that PSD were progressing an investigation post December 2006. The only involvement between WYP and FTS by this stage was through lawyers. Kerry has served to convey the impression there was an ongoing PSD enquiry into the matters raised by Fordy and FTS. This was clearly a misleading and inaccurate impression.
- 8.21 On 15/12/06 Kerry & Whiteley reviewed the case and decided there was no evidence of theft and no misconduct issues to consider. Kerry then made the decision to “informally” interview Hirst, albeit in the presence of his Line Manager D/Insp Crampton. The interview was held later that same day. Hirst was not cautioned nor was he served with a Reg 9 Notice, seemingly he was given an overview of the

complaint and then asked for his view. When interviewed Kerry stated he did not serve Reg 9 Notices as Hirst knew he was under investigation and he (Kerry) could not see the purpose.

8.22 Once Kerry had committed to this course of action his future options were limited. Any subsequent criminal or disciplinary action would have been susceptible to an abuse of process argument. This became evident when in February 2007 WYP were advised by the IPCC to record a formal complaint by FTS and to investigate it. Clearly having “informally” approached the suspect Kerry and any future investigation was now in a difficult position. This may offer an explanation as to why Kerry alluded to the ongoing PSD investigation in his letter of 15/03/07, knowing there was no active investigation taking place.

9. Remit 1 - Whether all reasonable lines of enquiry were acted upon

9.1 The review believes the decision to treat Hirst as above was made prematurely and without recourse to other investigatory opportunities. It is recognised had Kerry genuinely felt FTS were not going to support a prosecution this would have affected his investigation plan and possibly frustrated his intended lines of enquiry. However it is generally accepted if one investigatory opportunity is shut down this does not preclude the opportunity for developing other lines of enquiry.

9.2 The review accepts the meeting held by **Sec 40(2)** and Hirst in the public house in Wakefield was in August. However consideration should have been given to seizing the CCTV from the public house.

9.3 As previously mentioned the covert monitoring of the work computers by Hirst & Miller, to potentially show the alleged commercial interest they had in CLiVE, etc.

9.4 An approach to **Sec 40(2)**, who was a potential witness and who may have provided additional information / evidence. It seems on this point that the intelligence initially provided by **Sec 40(2)** has become confused with that of **Sec 40(2)** and consequently **Sec 40(2)** does not feature in any WYP correspondence.

9.5 **Sec 40(2)** should have been revisited to develop the intelligence. The Review Team can only state **Sec 40(2)** was approached by PSD on the occasion he initially gave his intelligence to **Sec 40(2)** at the end of November 2006. The next contact with PSD was in January 2007 when **Sec 40(2)** rang PSD to enquire what had happened regarding his intelligence. **Sec 40(2)** was then approached to provide a statement which he did on

01/02/07. It was queried with Whiteley why **Sec 40(2)** was requested to provide a statement when the PSD enquiry had unearthed no offences or discipline matters, he states the statement was taken for the sake of completeness. It is the view of the Review Team the statement was more likely taken following the direction from the IPCC to WYP to record and investigate the complaint from FTS.

9.6 There were a number of witnesses who were referred to by Hirst & Miller who should have been approached. These witnesses could have been in a position to support the independent development of CLiVE. **Sec 40(2)** of Leicester Constabulary, was interviewed by the Review Team. He seems to corroborate the view CLiVE was developed by Hirst & Miller via support through the phonesforensic website. **Sec 40(2)** is a USA based officer and he too met both Hirst and Miller and was supportive of their development of CLiVE. **Sec 40(2)** a police employee outside WYP, was also active on phonesforensic and was in a position to comment upon Hirst & Miller and their activities in developing CLiVE.

9.7 **Sec 40(2)** also named a male called **Sec 40(2)** from Trew & Co, stating he **Sec 40(2)** had knowledge of CLiVE and its development. **Sec 40(2)** should have been approached to determine what evidence he had to offer.

9.8 Consideration should have also been given to interviewing the other staff at WYP HTCUC to discuss CLiVE **Sec 23(1)(3)** **Sec 40(2)**. It should also have been considered whether there would have been benefit in interviewing **Sec 40(2)**, the direct supervisor to Hirst & Miller. There were other WYP employees within the HTCUC who could have been approached namely **Sec 40(2)** **Sec 40(2)** **Sec 40(2)**. Other staff who were seconded to the HTCUC during **Sec 23(1)(3)** should have been approached, namely **Sec 40(2)** and **Sec 40(2)**. All of the above were potential witnesses to the workings of Miller & Hirst within the HTCUC. Once Reg 9 Notices had been served and the enquiry became overt, they could all have been approached.

9.9 **Sec 23(1)(3)** **Sec 40(2)**
Sec 40(2)
Sec 40(2)
Sec 40(2)
Sec 40(2)

10. Key Witnesses

10.1 Several key witnesses have been identified within the review and each have been approached. Attached at Appendix A is a précis of the information each relayed to the Review Team.

11. Remit 2 – That decision making has clear rationale and was based on objective fact or evidence

11.1 There is no evidence of a devised investigation plan or strategy. This served to subsequently compound matters mainly around significant decisions that were made, particularly so around the decision to NFA the enquiry. No clear rationale can therefore be evidenced. The only evidence of any reference to the enquiry is via the computerised progression sheet used by PSD, which gives no indication of rationale or enquiry development and purely serves to document actions taken during the enquiry.

11.2 Equally there was no clear view given as to the management of Hirst and Miller. At no stage do they seem to have been classed as suspects or significant witnesses. Therefore it is ambiguous as to what status PSD placed upon them. This is evident when Hirst is interviewed on 15/12/06. He was not cautioned or served with a Regulation 9 Notice, yet it was considered necessary to have his Line Manager present.

11.3 There were grounds for an initial investigation which was supported by at least two potential sources. The management of the two sources and their intelligence was initially correct. The subsequent action in developing the intelligence lacked initiative and cohesion with one of the sources, **Sec 40(2)** never featuring in the enquiry again. This was a missed opportunity.

11.4 The initial approach by Whiteley to Fordy (FTS) was appropriate under the circumstances but the level of disclosure, though in part disputed by Whiteley, was incorrect and not in keeping with a confidential enquiry.

11.5 The actions around developing and corroborating the intelligence in relation to the activities of Hirst and Miller were too tentative and therefore limited the opportunities to the enquiry. Certainly their work computers should have been subject to covert monitoring.

11.6 The decision by Kerry to NFA the investigation in December 2006 was taken too prematurely and without developing the enquiry fully.

12. Remit 3 – That any internal or external communications to either Mr Fordy, other interested third parties or the IPCC was factually accurate

12.1 As detailed above one of the key issues identified by the review was the lack of clear communication from the PSD enquiry to FTS / Fordy.

12.2 In particular it seems at no stage was it ever communicated to FTS, Fordy, Cooper-Burnett or the IPCC that an enquiry had taken place and had concluded there was no wrong doing. Instead it would appear that the impression given to the interested parties was that there was an enquiry ongoing and an outcome would ultimately be reached.

12.3 The review suggest this was not the case and unfortunately it would appear the civil litigation and dialogue between legal sides then took precedence and the whole issue stalled on the appointment of a suitable expert to compare both pieces of software.

12.4 Equally in failing to acknowledge the enquiry was complete this added to speculation that there was no desire within WYP to investigate the matter, which consequently fuelled suspicions there was some sort of cover up being practiced.

12.5 The letter written by Kerry on 15/03/07 has been discussed beforehand. Suffice to say it is the review's belief that Kerry overstated Fordy's position in the meeting on 12/12/06. To assert Fordy did not wish to support a prosecution seems at complete odds with his absolute desire to conclude this matter ever since. Certainly Whiteley does not agree with the claim, nor does **Sec 40(2)** (see précis Appendix A).

12.6 It is the review's view that Kerry has relied upon Fordy's reluctance to hand over a copy of HEX as the reason to suggest Fordy will not support a prosecution. This may have then provided Kerry with the easier option of not affecting arrests, searches, seizures, etc.

12.7 As previously mentioned in the report (para 5.9) Hussain also alluded to an ongoing PSD enquiry, which only served to increase the expectations of FTS. It is possible Hussain was being misadvised by PSD. Although an approach was made to Hussain he refused to meet with staff from the review.

12.8 The result of the impressions given by PSD is that all interested parties expected some sort of resolution, in part that was expected following the litigation process, hence Fordy's re-instigation of his complaint on 09/07/11.

13. Remit 4 – To determine whether Mr Fordy had evidence to substantiate his assertion at the meeting on Wednesday 24 October 2012 that WYP officers had committed criminal offences and if so, this evidence to be assessed as to whether it warranted further investigation

13.1 Fordy met with the Review Team on 7th, 26th and 27th February 2013. He was prepared to allow staff to review his documentation and he was prepared to allow staff to copy relevant documents.

13.2 It seems the main tenet of Fordy's allegations of a cover up seem to centre on the existence of the statement made by **Sec 40(2)** 01/02/07. This statement was taken by **Sec 40(2)** and handed to Whiteley.

13.3 The statement details the meeting between **Sec 40(2)** and Hirst in Wakefield in August 2006. **Sec 23(1)(3)**

[REDACTED]

13.4 **Sec 23(1)(3)** [REDACTED] This as we now know was subsequently accepted as receipt of the PM Abs addresses. The statement falls short of suggesting it proves Hirst was culpable of theft.

13.5 Fordy has implied this revelatory statement, only first seen by him in disclosure for the civil matter in 2010, is proof that PSD had evidence that implicated Hirst in the theft. The review accepts it supports the initial intelligence and subsequent account supplied by Hirst but it falls short of proof of theft.

13.6 Fordy's assertion on the back of the "discovery" of the statement is that it has been deliberately and systematically "buried" by WYP as not conducive to their "no case to answer argument". However it has to be

acknowledged that Whiteley took possession of the statement and thus was aware of its existence. Coincidentally **Sec 40(2)** Whiteley was tasked with preparing the disclosure for the civil litigation. It was Whiteley who then disclosed the statement to the lawyers for FTS. This tends to suggest if the statement formed part of a cover up, and a critical part, then Whiteley has either not been party to it, which seems at odds given his central role in the enquiry, or simply there was no such cover up.

13.7 However the Review Team are of the view the disclosure for the civil action was not managed particularly well. It would appear that bundles of paperwork were disclosed without reference to the actual contents or individual documents. Thus it is possible the statement made by **Sec 40(2)** which should have been disclosed anyway, was disclosed in a manner which gave the appearance it was a document tucked away amongst other documents. The statement was significant to Fordy, because throughout the civil process Hussain, Hirst & Miller had referred to the original informant as anonymous. In “finding” the statement amongst other disclosed documents in 2010 this served to place in Fordy and FTS’ mind there had been a deliberate attempt to downplay the quality of the original source which comprised no direct evidence. Clearly in the minds of Fordy & FTS the existence of a witness statement as early as February 2007 undermined the “anonymous” stance held by WYP and served to show a cover up was in practice.

13.8 Hussain maintained to the court that WYP had no case to answer in response to the accusations from FTS. In his summaries and statement to the court he makes no reference to a statement from **Sec 40(2)** and he describes the PSD enquiry as thorough with no supportive evidence being identified. Fordy feels this is tantamount to dishonesty and forms part of the cover up and as such he feels aggrieved towards the conduct and disclosures to the court provided by Hussain. However the remit of the review was not to examine the civil litigation and the conduct of individuals therein.

14. Conclusions

14.1 Key to any enquiry, particularly one which is perceived as complex, is to ensure the right people are involved in its progression. The Review Team are of the opinion that Kerry and Whiteley, although employed within PSD, were not experienced enough in investigatory work to warrant command of such an enquiry. This is particularly relevant when

such an enquiry could place the reputation of an entire organisation, in this case WYP, in jeopardy.

- 14.2 Key roles within an enquiry should be allocated to staff with the requisite skill profile. It is unclear to the Review Team the level of experience that Whiteley possessed in disclosure and the Criminal Procedures and Investigations Act. Had a qualified member of staff been employed the disclosure of key documents would have been made in an appropriate and transparent way, thus precluding any suggestion of connivance.
- 14.3 The Review Team understands the enquiry team structure comprised of Kerry as SIO and Whiteley as IO. This structure seems at odds with the structure within PSD at the time. The enquiry should have been referred to either the overt or covert team within PSD, both of whom Whiteley as T/DCI supervised. It was not appropriate for the enquiry to sit at that level and certainly the DI at overt or covert should have been appointed to progress the enquiry overseen by Whiteley. The rationale given why Whiteley was the lead was due to the fact he was in charge of the Intelligence Unit when the initial report came in and kept the enquiry when he was temporarily promoted.
- 14.4 The Review Team have noted the excellent management of information as handled by [REDACTED]. There were no issues identified with the original management and submission of the intelligence provided by Sec 40(2) [REDACTED]
- 14.5 A critical element identified by the Review Team was the poor communication between the PSD enquiry and Fordy & FTS. This has been touched upon previously in the report. The most damning criticism is the lack of wherewithal in advising Fordy / FTS that an enquiry had been conducted and concluded. It is accepted that neither Fordy nor FTS would have accepted this conclusion, but in doing so at least the WYP position would have been clear and expectations could have been managed in an honest way. Instead there existed post December 2006 a misleading suggestion that an enquiry was ongoing and consequently a result would be forthcoming. This position was exacerbated when the reason or excuse given around failure to respond to requests, etc was that there was a PSD enquiry ongoing.
- 14.6 Kerry's letter of 15/03/07 was written in response to Jonathon Clarke's letter (FTS) which was critical of the PSD investigation and which questioned the effectiveness of the enquiry. The Review Team are of the view Clarke's letter was written with merit and deserved a considered

and unbiased response. Unfortunately a decision was taken that the best person to respond to the letter was the very person whose quality of investigation and effectiveness was being questioned. Consequently the letter was defensive and set out to blame shortcomings on the investigation elsewhere, most notably at the feet of Fordy.

- 14.7 The contents of the letter have been referred to earlier in the report. The Review Team feel this letter was written in a manner which did a disservice to Fordy. The letter clearly stated Fordy was non co-operative with the PSD enquiry. The review can find no evidence of this whatsoever. It is the Review Team's view the letter written by Kerry was in a subjective manner and did not reflect the meeting held on the 12/12/06. The letter as such misrepresented Fordy's actual position and served to jeopardise his livelihood and professional standing. This particularly aggrieved Fordy who has sought some form of redress ever since. WYP would be best placed to consider remedial action in relation to Kerry's letter, see recommendation para 15.1.
- 14.8 By contrast Kennedy was honest in his review of the investigation, which was undertaken in 2008. He endeavoured to address the shortcomings and, in the view of the Review Team, sought to bring the whole matter to a mutually beneficial conclusion. Part of this was to initiate a "without prejudice meeting" and to formulate an agreed statement which included an undertaking by WYP not to use CLiVE. Unfortunately the view by now from FTS was one of a total lack of confidence in WYP; this was primarily fuelled by Kerry's letter. Despite Kennedy's best efforts a solution could not be agreed. The Review Team acknowledge the efforts by Kennedy who inherited an unenviable position in taking on this issue upon being appointed Head of PSD.
- 14.9 The decision making process was not documented in any way other than limited entries on the progress sheet of the complaint log. In the absence of clear evidence of decision making rationale it is difficult to comment on the quality of the key decisions made by Kerry and Whiteley. Comprehensive decision making and an audit to those decisions is a key ingredient to the management of criminal investigations. The absence of any serves to expose the quality of the investigation.
- 14.10 The Review Team have found record keeping was poor. It is accepted a progression log was maintained, principally by Whiteley, though this is limited and offers no insight to rationale, identified lines of enquiry,

suspect's status and investigation strategies. Furthermore in terms of record keeping, the complaint raised by FTS and their solicitors should have been recorded upon receipt in December 2006. Instead a complaint was only recorded after persistent requests from FTS and eventually directions from the IPCC. This lack of acknowledgement of the complaint only served to exacerbate FTS' view that WYP were reluctant to investigate the allegations properly.

14.11 Ownership of the enquiry post 2006 is unclear. Once litigation became a factor and following the decision to NFA in December 2006 there is no apparent direct input around the allegations. Ajaz Hussain is seemingly left as the sole participant for WYP and it is Hussain who then endeavours to prepare a defence for WYP, whilst responding to letters from FTS and their lawyers.

14.12 The opportunity to identify inappropriate behaviour was available. Had PSD pursued their enquiry **Sec 23(1)(3)**

[REDACTED]

14.13 Such a disclosure would have identified inappropriate behaviour by Hirst in receiving the PM Abs addresses. It is clear Hirst knew the significance of the addresses and he would have had due regard to the sensitive and commercial value of them. For Hirst to suggest the addresses were supplied to him in the spirit of mutual co-operation between law enforcement agencies is simply not credible. This stance was ultimately not accepted by the court and equally should not be acceptable to a professional organisation such as WYP. It is clear in taking receipt of the PM Abs addresses and then posting them publically and utilising them in CLiVE Hirst, despite possible noble intentions, has opened himself to disciplinary proceedings. The investigation failed to identify this significant issue and one is thus left with the conclusion it failed.

14.14 **Sec 23(1)(3)**

A request to meet with the relevant operatives was sent. The review team received a written response indicating the operatives did examine a number of laptop computers for WYP and shared the results of those examinations. However no other information was disclosed to WYP staff (ie PM Abs numbers) The response also indicated the relevant staff have now left the service. It also indicated that WYP PSD did not

make an approach to speak with the operatives at the time of the investigation but CH/Supt Kennedy had made a request, which was denied, at a later date.

- 14.15 From the information available to the review team they are of the opinion there is insufficient evidence to progress a prosecution against any persons. It should be noted the review team have complied with the TOR's and have not carried out any investigations into the original allegation of theft.

15. Recommendations

- 15.1 That WYP consider a suitably worded apology to Fordy, which in particular refers to the letter of 15/03/07 written by Det Supt Kerry. Consideration should be given to the withdrawal of the letter and to a conciliatory offer to Fordy to compensate him for the time and expense he has incurred in endeavouring to defend his position. Further consideration should be given to compensating him for the holiday he was on when contacted by Clarke in response to the Kerry letter. Unfortunately Fordy found himself on holiday abroad and having to defend his position to his employers, thus impacting significantly on his time and ultimately the enjoyment of his break. The review senses Fordy would be receptive to such an offer.
- 15.2 There should be a review of staff employed within WYP PSD to establish those in key posts possess the requisite skills, training and experience to carry out potentially complex enquiries. Furthermore there should be put in place a system within PSD to quality assure and peer review investigations. The review accepts the events reported upon took place six years ago and it may be that the recommendations are now in place.
- 15.3 FTS and Clarke need to be updated and the outcome of the PSD investigation needs to be formally laid out to them. As it stands they believe a PSD enquiry would resume post civil litigation and they are under the impression such an enquiry was in abeyance until the outcome of the litigation.
- 15.4 Letters of appreciation should be forwarded to the persons and staff who supported the review. A list at Appendix B provides details of the individuals involved.

Submitted for your consideration.

Sec 40(2)

Major Crime Investigation Team