



**METROPOLITAN
POLICE**

PROFESSIONALISM HQ

Ms Emma Whitting
Senior Coroner
Bedfordshire & Luton Coroner's Service
Central Bedfordshire Council Coroner's Office
The Court House
Woburn Street
Amphill
Bedfordshire
MK45 2HX

[REDACTED]
Deputy Assistant Commissioner
New Scotland Yard
Victoria Embankment
London
SW1A 2JL

[REDACTED]
Our Ref: IX/2241/21

Date: 17 November 2022

Dear Ms Whitting,

Re: Regulation 28 Report to Prevent Future Deaths – Harper Denton

I am the Deputy Assistant Commissioner for the Directorate of Professionalism in the Metropolitan Police Service (MPS). I write to provide the response on behalf of the Commissioner of Police of the Metropolis to the matter of concern addressed to the MPS in the Report to Prevent Future Deaths dated 15 September 2022.

On behalf of the MPS may I first of all express my sincere condolences to Harper's family. Our thoughts and sympathies are very much with them.

Matter of concern

The MPS does not appear to have adopted ACPO Guidance on *Protecting the Public: Managing Sexual Offenders and Violent Offenders 2010* and subsequent APP College of Policing *MOSOVO* Guidance, particularly with respect to PDPs. Because this concern maybe relevant to other police forces nationally, this concern is directed to the CEO College of Policing and the Chair of the NPCC as well as the Commissioner for the MPS.

Response

There is no legislative definition of a Potentially Dangerous Person (PDP). A PDP is someone who is not eligible for management under the Multi-Agency Public Protection Arrangements (MAPPA) as they have not been convicted of, or cautioned for, any offence that would thereby place them into one of the three MAPPA categories. However, their behaviour gives reasonable grounds for believing that there is a risk of them committing an offence or offences that will cause serious harm.

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On a number of previous occasions, the MPS has scoped the feasibility of introducing a PDP process as outlined in the guidance provided by the NPCC Policing Practice 2017 and College of Policing Authorised Professional Practice (APP), which superseded the ACPO Guidance on 'Protecting the Public: Managing Sexual Offences and Violent Offenders 2010'.

On each of those occasions the MPS has encountered difficulty in two areas;

1. Within London, even after applying strict filter parameters, the sheer number of nominals who would fall within the definition of a PDP would have made such a process unworkable.
2. The lack of a legislative framework (as recognised by the APP guidance) proved problematic particularly with regard to partnership working.

The Commissioner of the Metropolis and individual Chief Constables have operational independence and so can deviate from the APP guidance if they so choose. In light of the two difficulties mentioned above, the MPS has not adopted a PDP process to date.

Other than the PDP process, the MPS does have existing mechanisms in place that comply with other areas of the College of Policing's (CoP's) APP for violent offenders. In particular the use of Category 3 MAPPA and Violent Offender Orders (VOO) where appropriate.

For a person to be treated as a Category 3 MAPPA, they would need to have an existing caution or conviction for a relevant offence and pose a risk of serious harm to the public.

MAPPA provides a gateway for the MPS and policing generally, to share information with responsible authorities and other third parties where persons are identified as posing a serious risk to the public. The MPS is required to follow the statutory MAPPA guidance which exists to try to ensure consistent application of MAPPA, including considerations of disclosure.

MAPPA provides an information sharing protocol and a mechanism to provide disclosure based on risk to the public. In all MAPPA Level 2 or Level 3 managed cases, disclosure is a mandatory consideration.

Common Law powers of disclosure can be used to protect those at risk. To be lawful, any disclosure must comply with the Human Rights Act 1998, Data Protection Act 2018, the Rehabilitation of Offenders Act 1974, and established case law. Such disclosure can be to parents and/or carers of children who may be at risk of harm from a particular person.

The MPS is committed to ensuring that organisational learning from the events which led to Harper's murder is captured and addressed appropriately.

The MPS is currently reviewing its existing MAPPA processes. This review will include consideration of a new scoping exercise to assess the feasibility of introducing a PDP process as outlined by the College of Policing's APP Guidance. It is currently anticipated that the outcome of this review will be completed within six months and will determine whether the MPS adopts the CoP APP guidance with regard to PDP's.

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I hope that this response addresses the matter of concern you have raised and that you are reassured that the issue is being addressed as part of the ongoing review into MPS MAPPA processes.

Please do not hesitate to contact me should you have any queries.

Yours sincerely

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Deputy Assistant Commissioner