



Home Affairs Committee

Oral evidence: [The work of the National Crime Agency, HC 688](#)

Tuesday 14 October 2014

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Written evidence from witness:

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Members present: Keith Vaz (Chair), Ian Austin, Mr James Clappison, Michael Ellis, Paul Flynn, Lorraine Fullbrook, Dr Julian Huppert, Yasmin Qureshi, Mr David Winnick.

Questions 1 - 78

Witness: Keith Bristow QPM, Director General, National Crime Agency, gave evidence.

Q1 Chair: This is our inquiry into the work of the National Crime Agency. We are delighted to welcome Mr Keith Bristow, the Director General of the National Crime Agency. Thank you for coming in, Mr Bristow.

Keith Bristow: Thank you, Chairman.

Chair: Thank you also, if I may say so, for the way in which you have dealt with questions and correspondence that the Committee sends you. You are always very prompt in your reply, providing us with a great deal of detail, which means that we only need to see you once a year, because you have been very helpful with all our various inquiries.

The NCA celebrated its first birthday last week, 7 October. I would have thought that you would have liked a good celebration, with lots of great achievements—which I am sure you have—but you must be very disappointed that this was accompanied by you having to refer your organisation to the Independent Police Complaints Commission. Was that a disappointment to you that you had to refer this brand new organisation to the police watchdog?

Keith Bristow: I am pleased with the start that we have made, but equally I am disappointed, less that we have had to refer ourselves to the Independent Police Complaints Commission and more that we may not have managed the risk to a group of children in the way that we might. Child sexual exploitation is something that I am looking forward to discussing with you, Chairman.

Q2 Chair: Yes. You must agree that you have let these children down, having sat on some information that had been sent by the Toronto police. I think it arrived on 24 July 2012. It then

stayed in CEOP, which of course was not part of the NCA then, and it remained in your organisation for another two months before Mr Gormley discovered it. How did Mr Gormley suddenly discover that there were all these names in a file that was sent by Toronto police following the involvement of Interpol, and decide to disseminate that information? It sounds a little bit disorganised for an organisation that should be fighting crime.

Keith Bristow: Your outline of the history is correct. The information was received by CEOP, which was not part of the NCA in July 2012. We went live on 7 October, and in November Phil Gormley became aware of this file of information—as you describe it—which had not been disseminated, and immediately took steps to ensure that was the case. In the following days and weeks, and I think it took all together three weeks for all of the dissemination, they were shared with the local police forces.

Q3 Chair: Help us with this dissemination issue. The file arrived with CEOP. The Committee has always been concerned with the way in which information has been passed over from the old organisation. You took on CEOP as a whole, you swallowed it up. There were no major changes to CEOP. It is still where we saw it when the Committee visited; physically it is in the same place.

Keith Bristow: It is physically the same place, but it is not right to say there have not been some significant changes, because there have.

Q4 Chair: Changes in management, but physically it is in the same place?

Keith Bristow: It is physically in the same place but there is more than changes in management, Chairman.

Q5 Chair: When the file arrived on 24 July did it arrive in a disk, on an e-mail? What worries the Committee and me is that there may be other files lurking about in the computers of the NCA that perhaps people have not found. How did it arrive?

Keith Bristow: It was a substantial dissemination of data and sometimes the headline numbers do not quite depict the amount of data that comes across. We are confident that, on the back of what has happened, we have gone back rigorously through the system—

Q6 Chair: No, I understand. Sorry, can I go through the process in case we have forgotten any other files anywhere else? Did it come as a disk? Did it come as an e-mail? How does this come from Toronto? I have written to the Toronto police to ask them how they sent it, but they have not replied in time. How would it have arrived in CEOP?

Keith Bristow: I do not know how this particular set of data arrived precisely—I can confirm that back to you—because data comes to us in a number of formats.

Q7 Chair: Sure. How did Mr Gormley come across it? Was he looking at files? Did someone bring it to his attention?

Keith Bristow: There are a number of things that happened at that time. The first one was that a colleague in Interpol raised it with a colleague in CEOP to allude to what was going to be

announced on Project Spade, at the same time as some of the media became aware of what Toronto police were going to say and asked the NCA what it was that we had done with the Spade disseminations. That is how we became aware.

Q8 Chair: Right. The way you described it in your letter, Mr Gormley was sitting there looking very assiduously at a number of files and suddenly found a file with 2,400 names of suspected child abusers. Then he immediately rushed around, disseminated this information, and decided to tell you. But in fact someone from Toronto police had tipped you all off and said that the Toronto police were about to make an announcement about this, and then Mr Gormley started to look for it. Is that right?

Keith Bristow: That is a fair description.

Q9 Chair: That sounds pretty inefficient and ineffective for an organisation that was branded by the Home Secretary as “the new FBI”. I remember the very first time you came before us you were very proud of the fact that you had all received NCA jackets and you had raided various premises. You had called in the press and you were very proud of what this great organisation was going to do. It does not give this Committee much confidence that much has changed.

Keith Bristow: I think it was reasonable in the circumstances; when we became aware that this information had not been disseminated, within days and weeks action had been taken to ensure that that had been done. A review was commissioned immediately to ensure that there were no other sets of data that were stuck in systems or had not been disseminated to assure ourselves that that was not a problem.

Q10 Chair: I feel that this has damaged your reputation considerably, from your very important start and your commitments made to this Committee that this was going to be a different organisation to SOCA and all those other organisations. You have information that 2,400-odd names are sat somewhere in your organisation and you do not know it is there until a different police force rings you up and said, “Well, you have had it for a year and a half.” We think that is unsatisfactory. We hope that you will look at all the other files that might be lying around in CEOP and other parts of the organisation. It fills us with dread what you might be sitting on from some of these other places. Have you initiated a review of all the files that are currently being held, or computer disks currently being held, not just as far as CEOP is concerned, but everything else—serious and organised crime, and all these other things that are bread and butter of your organisation?

Keith Bristow: The NCA have not been sitting on data for the length of time that you have expressed. We have been sitting on it, and had a responsibility for it, for a number of weeks and disseminated it as soon as we became aware. I wish we had known sooner. I wish it had not been retained as long as it had without being allocated out to police forces, but we took immediate action as soon as we became aware.

Q11 Chair: So you would like to apologise to the victims for having not acted in an appropriate way?

Keith Bristow: Absolutely. The difficulty I have is that the IPCC are now investigating this, but it does seem to me that something sitting—

Chair: That does not stop you apologising.

Keith Bristow: No, I am going to get there, Chairman. Sitting on data for a period of time, between July 2012 and November 2013, which could have led to children being protected or safeguarded, whether it is systemic or it is down to individuals—and there are certainly some systemic issues that we need to work through—is not in the spirit of what we stand for, and I am sorry if that has led to harm to children, or exposed them to risk, because that is not what we stand for.

Q12 Chair: We will come on to Dr Huppert’s particular case in a moment, but in your letter of 8 October—and the Committee is most grateful for the detail that you gave and the speed with which you responded—you said, “At the time, indecent images of children online were categorised into five levels of severity based on the Combating Paedophile Information Networks in Europe scale. Level 1, the lowest level of severity, was defined as images depicting erotic posing with no sexual activity”. That is described as lower risk. I think that is quite a high risk. Where you have information about an individual who has been looking at images depicting erotic posing, I do not think that is a lower risk at all, do you? Do you think that is a lower risk?

Keith Bristow: It is relatively lower risk than images that are more horrible. What I would say, Chairman, is on a daily basis we are sat on top of significant risk because of the sheer volume of images and the different methods of offending by people who have a sexual interest in children. I think we have a problem—not just the NCA, not just the law enforcement, not just Government. As a society, we have a problem with the number of people in the UK who are accessing these horrible images or paying for children to be abused online.

In relative terms, it is still horrible that children are posing in an erotic manner but, when seen against some of the other images that our officers have to assess, it is relatively lower risk. I am not saying it is low risk; it absolutely is not. It is deeply offensive and very worrying.

Q13 Chair: You are giving this Committee an assurance that there are no other files of data held by the NCA now—even though it was held by a predecessor body before—on serious and organised crime, or on all the other organisations that you have taken over and appointed some very senior people to run it with you, and that there is nothing else that you feel needs to be brought to our attention? You are quite satisfied that you have looked up all the other data that you have?

Keith Bristow: No, I am not saying that, Chairman.

Q14 Chair: So how are you going to initiate that, then?

Keith Bristow: What I am saying is we have inherited a huge amount of data, some of which is stored electronically, some of which is paper and physical records, and we are going through a process of working through many years of stored data to ensure that there are no issues that should be disclosed elsewhere, or any work that has not been appropriately actioned, but that is going to take a long time, because we have inherited a lot of information.

Q15 Chair: Mr Bristow, why was this not done by the head of SOCA? You have given jobs to some of these people in the National Crime Agency, very highly paid jobs, and I think your salary is £214,000 a year. That is a very high salary. It is more than the Prime Minister gets, and you have

appointed some very senior police officers and others to assist you. Why did they not do this before this information and data were handed over? Why has this transition been a touch shambolic?

Keith Bristow: I am sorry, I totally reject that it has been shambolic. I think our operational performance has been very strong. The problem that we have inherited around data and information that has been retained is no different from the legacy that exists in police forces, law enforcement, Government departments and elsewhere. We need to work through it rigorously on the basis of understanding risk. I think SOCA did some work around this as well, but it would be wrong for me to give you a reassurance that, as we work through this, we will not come across some other issues that need to be dealt with. If they need to be dealt with, it will be done robustly, quickly and openly.

Q16 Chair: I am very pleased to hear that. I hope you will go back to your top management and tell them that the Committee feels they should all look very carefully at what they have inherited. We know that you are not responsible personally for what SOCA had acquired years ago, or what CEOP had even in 2012, but I think these are questions that need to be asked by you of your senior management and of those who have handed over their files to you. Obviously we do not expect you to look through those, but the Committee does expect to have this information. If you do not ask them, Mr Bristow, then I am afraid we are going to have to write to them.

Keith Bristow: Can I be clear? I do consider myself to be responsible because I have inherited the information. I now have the information. It is my job, within the resources that I have available, to work through that and identify where there is a risk to the public. So I do take responsibility and I expect to be called to account for what I do, Chairman.

Q17 Dr Huppert: Mr Bristow, I welcome the change in tone about this issue because, back in November when this first came out, the statement from Deputy Director General Gormley said essentially, “We did look at all this information. It was assessed. It was not very important. There were a couple of details that we should have looked at”. I am very pleased you have now accepted how serious the failings were with Project Spade, and I very much do welcome that. Are you aware of the case of Dr Myles Bradbury?

Keith Bristow: I am, yes. On Phil Gormley’s response at that time, if that is the way that you and others have interpreted it, that was not the intention. Phil Gormley showed great leadership in getting a grip of this problem and disseminating the information very quickly.

Q18 Dr Huppert: His second updated statement said, “The inquiries have made clear to me that the material sent was assessed at the time by CEOP”.

Keith Bristow: I think he also said that not everything that should have been done had been done.

Dr Huppert: Not all steps that should have been taken, indeed.

Keith Bristow: There was an acknowledgement—and I do not want to cut across the IPCC, but I have been very candid—that not everything that should have been done had been done in a timely way and, as I said, I believe that may have exposed children to risk. That is deeply regrettable and I am sorry that that happened.

Q19 Dr Huppert: That is why I bring up the case of Myles Bradbury, who was a consultant paediatric oncologist at Addenbrooke's Hospital in Cambridge, who was named on this list. He was one of the 2,345 names. As soon as the hospital heard any whiff of suspicion about the abuse—because he has now pleaded guilty to abusing a number of children in his care whom he was supposed to be treating—they investigated, suspended him and stopped it. That means that over a period of 16 months he continued to abuse children, and that could have been stopped. Would you agree with that?

Keith Bristow: Potentially, yes.

Q20 Dr Huppert: You say “potentially yes”?

Keith Bristow: I am not trying to evade the point about Bradbury, which I am quite happy to explore, but there is a general point about the amount of data that we receive about people who are accessing indecent images of children, right the way through to people who are involved in contact abuse, all of which is horrible, all of which is serious. Sadly we have to accept that we are not going to be able to tackle all of that just through what we call a “pursue response” of always bringing people to justice. There has to be a logical approach of trying to assess the risk. That requires officers working through, in a sensible way, an awful lot of very difficult images and making judgments about how to prioritise. On occasions, we are sat on risk, in the form of images that people have been downloading, where we have had to assess it, and when it is disseminated and joined up with other intelligence it turns out to be very, very serious. But the idea that everything is disseminated and immediately acted upon would be wrong. The scale of the challenge does not allow that to happen.

Q21 Dr Huppert: So what you are now saying is that if CEOP had acted on this the way it was supposed to act 16 months ago, even then you think a good professional judgment would not have been to act in the case of Myles Bradbury?

Keith Bristow: No, I am not saying that. What I am trying to say is that I do not want us to imagine there is a straight line between getting these disseminations of data in, putting them immediately out to police forces, and police forces immediately acting. There is a system of prioritisation that needs to be gone through. In the case that you mention, clearly had we known that he was a medical practitioner—and we had no way of knowing that from what we had—that would have magnified the risk very significantly, because that person is in a position of trust. One would have hoped that if we had disseminated earlier, earlier action may have been taken and that may have prevented children from being harmed.

Q22 Dr Huppert: It is certainly the case, I think, that on the day that they first received notification action was taken. Just to be clear, were there any extra powers that were needed? We have heard lots of things about extra powers needed. Were there any in this case that would have made a difference?

Keith Bristow: I do not believe so. I think the challenge that we have—and I am sorry to keep on taking us back to it, but if we could have a conversation about this it would be very helpful—is the sheer scale and nature of the problem that we have around people with a sexual interest in children, whether they are downloading images or involved in contact abuse or both. We have to

face the fact that we cannot pursue all of those people at the same rate and we need to think more broadly about what the strategy might be to keep children safe.

Q23 Dr Huppert: You were keen to point out earlier on—and quite accurately—that these problems happened before the NCA took over CEOP. I totally accept that. I do not know if you have seen Jim Gamble’s comments about what went wrong in this case. I think he said to the BBC that he felt sorry for the hardworking few in CEOP. “We have got to point the finger of blame where it belongs - and that is to this government and this home secretary who diverted CEOP from a path where it would consolidate child protection resources”. He went on to say the Home Secretary “should hold herself to account, as she asked Shaun Wright to do, and reflect on her position, because it would be ridiculous for her not to apply the same standards to herself.” Do you have any reaction to Jim Gamble’s comments? He is an expert in this field, is he not?

Keith Bristow: Jim Gamble is entitled to his view. Factually, some of what he said is not correct. I will give you an example. There are more people in the NCA now who are in dedicated posts to protect children from exploitation than there were in the days of CEOP being a standalone agency. That is before we start to take out some of the posts that have now become operational posts, rather than HR and others, and it is before we add in that the CEOP Command—as we saw in Notarise—has access to the whole of the NCA capability. Of course, Jim is entitled to his view. He has genuine expertise, but those are the facts in terms of resource.

Q24 Dr Huppert: One last question. I know you have made a referral to the Independent Police Complaints Commissioner and we will be interested in the outcome of that. Can you send us a copy of the review that has already been completed within NCA about how CEOP failed on this?

Keith Bristow: I can, if I can ask for two undertakings. The first one is I would need to check with IPCC, because no one is going to thank me if I undermine their investigation. Secondly, could I send it to the Committee on the basis that it is for the Committee’s attention and not for wider dissemination before IPCC have done their work?

Q25 Dr Huppert: But it will be published after they have finished, presumably?

Keith Bristow: I would need to work through that with IPCC. I am not trying to hide anything, but no one is going to thank me for undermining an investigation.

Q26 Chair: We do not want to do that, but we do not like having secret documents as well. It may be helpful if I wrote to the chairman as well to say we have requested this document, and if that is in order with her then we will receive it. I will write to her about it.

Keith Bristow: Thank you, Chairman.

Q27 Michael Ellis: Mr Bristow, communications data is also very important to child abuse cases, would you agree, as well as many other cases?

Keith Bristow: It is absolutely essential, particularly when one recognises the link between indecent images of children and contact abuse.

Q28 Michael Ellis: You have mentioned several times this afternoon the sheer volume of the work that you have to deal with, the sheer prolific nature of this offending. You say and firmly believe that communications data is essential to your work.

Keith Bristow: Operation Notarise with the police, which led to the arrest of 660 people with a sexual interest in children, accessing images, would not have been possible without access to communications data. That is how serious and how important this is.

Q29 Michael Ellis: So that massive case, with 600-plus people, would not have happened otherwise?

Keith Bristow: We may have been able to bring some people to justice, but mostly through allegations of contact abuse, and it seems to me that their inappropriate behaviour has escalated beyond anything that is acceptable at that point.

Q30 Michael Ellis: Lots of cases fail to proceed or are discontinued by the prosecuting authority because of a lack of communications data. The Home Secretary has spoken of this. It has been said—particularly by the Deputy Prime Minister, Nick Clegg—that this is because of an issue over IP addresses alone. Or is it because, as well as that being an issue, there are also overseas CSPs who do not retain the right data at the moment and that is something that could have been addressed by the Communications Data Bill? Do you agree that there are holes in legislation at the moment, particularly around overseas CSPs not holding the right data?

Keith Bristow: I agree with your description. One of the problems that we have in quantifying the size of the problem and the loss of capability is that our officers understand how the capability is slipping away and have stopped requesting it in some cases, so I sometimes find it difficult to describe the size of the problem that we have. Some of the examples are as you say; IP resolution is a very serious problem, but so is having overseas service providers who will retain sufficient data that we need to access to prove that a communication took place or a particular website was accessed. Those are the real problems.

Q31 Michael Ellis: So this is important, because it is not just the one issue. It is at least those two gaps in the legislation. The Deputy Prime Minister mentioned on “The Andrew Marr Show” I think, and elsewhere, that this was just about IP addresses. It is actually about overseas CSPs as well, the service providers, not retaining the data at the moment.

Keith Bristow: Yes.

Q32 Michael Ellis: Thank you. Can I move on and ask you about something completely different? The Home Secretary charged you and your department earlier this year with looking into the Stephen Lawrence case and the issue of corruption. Is it not the case that in 1993 a detective sergeant may have deliberately and corruptly stalled the investigation into the murder of Stephen Lawrence?

Keith Bristow: The Home Secretary asked me for some advice about how the outstanding lines of inquiry could be pursued as a result of the Ellison Report, which is the report to which you refer. The IPCC are central to this, because the investigation falls under the Police Reform Act, because

the allegation relates to a former police officer who allegedly offended at the time of being a serving officer. So the IPCC are at the centre. A small number of officers within the NCA have been working with the IPCC, who now have a referral from the Metropolitan Police Service, and we are working through what an investigation might look like, but that still remains a matter for the IPCC at the moment.

Q33 Michael Ellis: So could I ask you this: what do you have in your budget? Do you have a budget to look into this? How many officers do you have on the case, and do you have any hopes of making any arrests in respect of it? What sort of timeframe are you thinking of? I am interested in how much progress you are making in this inquiry.

Keith Bristow: There is no formal agreement that we will undertake an investigation at the moment. It still sits with the IPCC and we are working with them to scope out what an investigation might look like, but we have not been asked to investigate yet.

Q34 Michael Ellis: So you have not been formally asked to investigate, so you do not have any officers charged on the matter at the moment?

Keith Bristow: I have some officers—including one of our directors—who are working through how an investigation might be undertaken and what terms of reference might look like, but it still remains within the control of the IPCC.

Q35 Paul Flynn: You said that there are advantages in the NCA being the lead on counter-terrorism. What are these advantages and why do you think the Home Secretary has delayed an investigation into counter-terrorism?

Keith Bristow: There is a little bit of not unreasonable paraphrasing in the article I think you are alluding to, which is the interview I did in *The Guardian*.

Paul Flynn: That is right, yes.

Keith Bristow: The point that I have been making consistently is that I think it oversimplifies the debate to say that this is about which agency leads the law enforcement and policing effort against terrorists. I think the more important debate is: how do we get the best out of the capabilities that we have, given that whether you are a terrorist or an organised criminal, some of what you do is the same? How you perpetrate your criminality is the same, and the law enforcement response is the same.

My point about advantages was that there is some advantage in merging or integrating our capabilities, or collaborating, to get more out of our capability against terrorists and organised criminals. That is where the advantage may lie.

Q36 Paul Flynn: Can you describe how you work with other agencies in your policing now on counter-terrorism?

Keith Bristow: The NCA is set up absolutely as an organisation that works in partnership. We could not achieve what we need to achieve without the police, wider law enforcement and the agencies, so we work in partnership all the time. We have a programme of work in place now with the counter-terrorism policing structures to have a look at how we can get more effect out

of our collective capabilities, whether that is at the border, whether it is through cyber, or whether it is how we investigate the financial matters of the criminals that we are interested in. We are working through how we can collaborate better to get better effect out of our resources.

Q37 Paul Flynn: We have this figure of 500 British nationals as an estimate going to Syria or to Iraq. Do you think that is a persuasive figure? Is that a likely figure, and if so what can you do to reduce it?

Keith Bristow: I do not have a responsibility for countering terrorism. That is colleagues in the policing CT Community, so I would suggest if you want to get the provenance of those figures—which I am sure are right and well provenanced—I am afraid you would need to seek their view on that.

Q38 Paul Flynn: Do you have any responsibility for trying to dissuade young Britons from being influenced by those organs using the media that persuade them to go abroad?

Keith Bristow: We do not have a direct responsibility beyond the fact that we are public servants and we are here to keep the public safe, so we will contribute to supporting our colleagues in CT policing wherever we can.

Q39 Chair: Of course this Committee agrees—as you saw in our last report—that counter-terrorism should be placed within the NCA. You are a national organisation and we believe it should be integrated within your structure. We put a time limit of about five years on the transfer. We do not think it should be done quickly like the new landscape organised by the Home Secretary, but do you think recent events are what put the Home Secretary off giving you the counter-terrorism? You are not fully bedded in yet. It is only a year. There is a huge amount of work to do to get you up to speed, as can be shown by these missing files.

Keith Bristow: If by “recent events” we are talking about Project Spade, we are a new organisation. We have made a very good start, but like all new organisations we have challenges that are different from those of established organisations and, in any case, we are setting off on a journey of transforming what we have inherited into what it needs to be for the future.

Q40 Chair: Sure. But do you think that is the reason why she did not do it?

Keith Bristow: No, I do not. The Home Secretary was explicit that the reason why she had chosen not to do it in the life of this Parliament was the risk that the UK faces at the moment.

Q41 Mr Winnick: As you know, there is controversy over the way in which the phone records of some newspapers were looked into by the police, to some extent, particularly in the case of a former Member of Parliament and Minister. Can you justify what occurred?

Keith Bristow: I do not know the operational detail, because it was not one of ours, but I can talk more generally. Whether somebody is a journalist by profession or an NCA officer or a politician, if we are suspected of behaving in a criminal manner one can expect the law to be applied to us. In the case of journalistic material, whether it is journalistic material or legally privileged material, there are safeguards in place to ensure that a higher threshold is applied before that material is accessed.

Q42 Mr Winnick: Yes. No one suggests for one moment that anyone, be it a Member of Parliament or someone in your position or XYZ should be exempt from the law. That is not an issue. That goes without saying. But in reply to Mr Ellis you gave the clear implication that such powers as he was referring to were not extensive enough. Would you accept that what has occurred—for example, the newspaper records being trawled through by the police—does cause considerable concern over existing powers?

Keith Bristow: My concern about communications data is that the world, the way in which we operate and the way in which criminals operate has changed, so some of the traditional techniques we had in law enforcement around witnesses, sources and collecting forensic evidence have changed, because they are now in a digital rather than an analogue or physical environment. That is the concern that I have. I would also say we need to be very thoughtful about how we balance giving the law enforcement and intelligence agencies what we need to keep the public safe against the rights that the public have to expect privacy and for us to act in a proportionate and necessary way. I do not disregard the importance of any of those safeguards, and of course some of those safeguards will apply to the professional group that you are talking about and to journalistic material. I believe in a free press. I think it is an important part of any sort of democratic society, so we need to be thoughtful about how those powers are drawn.

Q43 Mr Winnick: I wonder if I could put this to you, Mr Bristow. When the controversy over the 90 days pre-charge detention was very much to the fore and being debated in Parliament, time and time again during the actual debate or on other occasions, certainly sections of the media, who are now criticising the police, were in favour of what was being proposed. We were told that it was absolutely essential in order to combat terrorism. After all, 7/7 had occurred, with all its atrocities; 52 totally innocent people had been murdered, others were seriously injured, and it was necessary to have 90 days. Am I not right that the police now say that 90 days, or 42 days, are not necessary, and are content with the existing legislation of 14 days with exceptional powers to 28 days for the Home Secretary?

Keith Bristow: I believe the police are satisfied with that position.

Q44 Mr Winnick: But they were not at the time. My point to you, Mr Bristow, is should politicians not be a little apprehensive when the police are saying, like you were saying in reply to one of my colleagues today, that more powers are required for the reasons you have just told me—society is changing, we know it is changing—when in 2005 the police were so adamant that 90 days' pre-charge detention was essential?

Keith Bristow: This is a really difficult balance to strike as a law enforcement officer, and I know you are sensitive to that. I feel I have a responsibility, when I am aware of a risk to the public, to point out that risk openly and honestly to decision-makers to allow decision-makers—which may well be Parliament—to decide what we will or will not do about it, and then we will operate within the law. I think it is a difficult balance to strike to do that in a way that does not appear to be lobbying or being overly assertive on the issue. What I am trying to do with communications data is pick my way through that by being open and transparent about the risks and the implications, but ultimately some of this will be for the public to decide through parliamentarians.

Q45 Mr Winnick: If the balance is difficult, as far as the police are concerned, would you accept that it is even more difficult to reach a balance for politicians in order to protect our people—the public at large—from terrorism, 7/7, and at the same time as far as is possible defend our traditional civil liberties? Would you accept it is more difficult for politicians to try to reach the right balance than it is for the police?

Keith Bristow: I do not know whether it is more or less difficult. I just know that this is a very, very difficult issue to try to balance safety and security with freedom and privacy. It is a difficult balance.

Mr Winnick: No one doubts that.

Keith Bristow: One could of course argue—because sometimes the argument is depicted as giving up freedom for greater security—that this is about the choice to give up security for greater freedom, or it could be about wanting more of both. This is not easy and I think having an open, transparent and challenging debate is exactly where we should be.

Q46 Chair: I will come back to Dr Huppert who wants to raise something that came out of the questions that Mr Ellis asked, but could I ask you how many times in the last year, since you were created on 7 October last year, your organisation has used RIPA?

Keith Bristow: I could not tell you off the top of my head but I will come back to you with an answer.

Q47 Chair: Who would authorise the use of RIPA in your organisation? If you do not, as Director General, is it the next tier down?

Keith Bristow: It depends on which power we are referring to. If we are referring to intrusive surveillance—invading private space—our authorising officers are deputy directors. The sheer volume of surveillance, because of the sort of organisation that we are, that we need to undertake requires more than one person to be able to do that.

Q48 Chair: Sure. But it would be in hundreds or thousands?

Keith Bristow: I am going to come back to you on that, Chairman, if I may.

Q49 Chair: Would you? I will write to you and ask you how many times you have used it and in what circumstances, because the Committee is concerned in particular about the use against journalists, but also generally we are not absolutely convinced that this legislation is fit for purpose. We will be hearing from the Interception Commissioner very shortly and, indeed, also from Sir Bernard Hogan-Howe, because the Minister who introduced it into the House, Lord Faulkner, has said that the legislation is perhaps not being used as was originally agreed. In other words, the police are using it an awful lot. But you do not have a figure. You would not be kept informed as to how many times the NCA used it?

Keith Bristow: I would not want to give you anything other than what is perfectly accurate.

Q50 Chair: Absolutely. No, we want you to be accurate, but will you write to us? We will write to you with specific questions.

Keith Bristow: Absolutely. What I would say to you, Chairman, is that, as you know, we are inspected by the Commissioners on our interception of communications and our use of surveillance powers. Those reports have been very complimentary about the way in which we use those particular powers and how we focus on necessity and proportionality and the skills and experience of our people.

Chair: We all like—we are politicians—complimentary reports being written about us, and I am sure you do, but we just want the facts and to let the public make up their mind. One of the points we put to you at the start of your job a year ago was: at the end of the day, are you going to be better than SOCA? Are you going to be able to seize assets more than the cost of your organisation? What is your annual budget now? What is the cost of the NCA?

Keith Bristow: The total figure on resource is £463 million for this year, and on top of that we have £46 million in capital.

Q51 Chair: So it is about £500 million?

Keith Bristow: Yes.

Q52 Chair: In terms of the good work that you have done when you have gone and arrested people and got them charged, how many people have been convicted as a result of an NCA operation? Obviously you have partners, you ring up the local police force, but when you all don your flak jackets with “NCA” written on it and you call the BBC along, how many people in the end have been convicted?

Keith Bristow: In our first year of operation the total number of arrests—either by the NCA or as a result of NCA co-ordinated activity—was 3,229 and the number of UK convictions in-year is 400.

Q53 Chair: What was the total in terms of the serious and organised crime area, which is of course what we are particularly interested in? We feel that you should be doing a better job than SOCA. What is the total amount of assets seized for those who have been convicted, the 400?

Keith Bristow: The total assets recovered this year are £22.5 million.

Q54 Chair: This is what worried us over SOCA, and it is worrying us again over these figures. £22.5 million does not sound like a huge amount of money for an organisation that costs the public £500 million, and we would assume that you would be doing better now, as far as asset recovery is concerned.

Keith Bristow: As you say, asset recovery is hugely important for a number of reasons.

Q55 Chair: It is the basis of organised crime. They are not doing it for fun, are they? They are doing it because they want to acquire assets.

Keith Bristow: You are absolutely right. Mostly, of course, the amount of the asset that we take off criminals is important, the size of the asset. I would argue—and we have had this discussion before—that what is even more important than that is the disruptive effect that it has on the organised crime group. The right money taken off the right group can have much more of an effect than just an amount of money that is being chased because of the size of the amount. We are focusing on this area through our Asset Confiscation Enforcement Team, working with the CPS, the courts, and the SFO. We are absolutely focused together on turning these orders into properly confiscated assets.

Q56 Chair: Of course; we would not have assumed you were not doing something like that, being focused on it, because that is presumably part of everyone’s job description. We would not be giving you £500 million for you not to be focused. But in terms of results, do you have that £22.5 million in the bank, or are those just orders that you have?

Keith Bristow: It is a combination of both. Since the spring of this year, when we set up the asset confiscation team I have just talked about, we have physically taken £30 million off organised criminals with our partners.

Chair: Right, so you have taken £30 million off them?

Keith Bristow: Yes.

Chair: It is in the Treasury, because you do not keep it?

Keith Bristow: Correct.

Q57 Chair: What more are you seeking, then? Where is the £22.5 million that you told us about?

Keith Bristow: That is the amount that as a single organisation the NCA has pursued.

Q58 Chair: That is your share, in the sense that it is what you take primary credit for? £30 million has been seized with all your partners and everyone else, but you say, “£22.5 million is what we have got”?

Keith Bristow: That is the asset that the NCA has recovered in its first year of operation. To give you a sense of the momentum that is building around this, with the CPS, SFO, the courts and others, we are focusing on the orders that need to be enforced where active criminals are subject to those orders and where there is an asset that we can take off them. We are focusing on the disruptive effect and so far, collectively, we have taken £30 million off those people, and that has had a real effect.

Q59 Chair: Is that money, or is that cigarettes or alcohol or some other goods or properties? Is it money in the bank?

Keith Bristow: It is a combination of both.

Q60 Chair: Would you know how much of the £30 million is cash, as opposed to somebody’s villa in Lake Windermere, if they have villas in Lake Windermere?

Keith Bristow: Not off the top of my head.

Chair: No. Would you let us have that breakdown?

Keith Bristow: But taking a villa off them would hurt them as well.

Q61 Chair: Are you doing better than SOCA?

Keith Bristow: I think we are making very good progress.

Q62 Chair: What did they get in the last year that they were in existence?

Keith Bristow: £14.9 million.

Chair: So you are up?

Keith Bristow: I am, but, Chairman, I am not going to claim that as a victory because I think it oversimplifies the debate. Although the size of the asset is important, it is really about the disruptive effect. I am not going to say we are doing better, because I do not know quite what disruptive effect was delivered by that £14.9 million. The numbers are better; we have delivered nearly 1,000 disruptions in our first year of organised crime groups. That is very significant. We are targeting the most difficult groups, the high priority ones, the ones that present the biggest risk to the public, and taking assets off them is an important part of that.

Q63 Chair: Indeed. We will write to you and get more information, but what you have said is very helpful.

On the European Arrest Warrant, we have the DPP next to talk about this, but you are absolutely certain that the European Arrest Warrant is essential? I know you said this before. You just have to assent; we do not need a support statement. You need this to do your work?

Keith Bristow: We need to be able to get criminals back to the UK to face justice, and criminals out of the UK to face justice elsewhere. The European Arrest Warrant is by far the best way of doing that beyond any alternative that I am aware of.

Q64 Chair: When you issue this warrant, is it correct—in the words of the CPS—that it is prosecution-ready? You are not just issuing these warrants; you are doing it because you want to get people and you have the evidence to get them charged?

Keith Bristow: Yes.

Q65 Chair: You are not fishing?

Keith Bristow: The agency, whether it is us or a police force or others that are requesting it, need to be in a position to charge the person that is subject to the warrant.

Q66 Chair: How many have you asked to be issued in the last year?

Keith Bristow: Again, I will need to come back to you on the precise figure. What I can say to you is the recent change in the legislation has given us a responsibility to check on the proportionality of those warrants that come from elsewhere. We are now starting to reject some of those warrants, because I know that has been a concern of the Committee in the past.

Chair: Of course. Dr Huppert wants to come back on one issue.

Q67 Dr Huppert: Just to come back to this issue about IP address packaging, the Home Secretary said yesterday that in at least 18 of the 20 cases that she talked about, that was the problem. Rather than have this row about whether it is 18 out of 20 or 20 out of 20—I am sure we can have that on another occasion—I want to find out where we are on that. That was a part of the Communications Data Bill, and that was a part that I think everybody agreed should happen. It was written into the Queen’s Speech in May 2013, certainly with Liberal Democrat support. As far as I am aware, nothing has happened on that. Have you had any discussions with the Home Secretary about how we can resolve that IP problem?

Keith Bristow: We are working closely with the Home Secretary’s officials to try to resolve this because, as you said, out of those 20 cases 18 of them related to IP resolution. It is not for us to fix the problem but it is for us to engage with the Home Secretary’s officials to work to do that.

Q68 Dr Huppert: What I do not understand is this is something that certainly had support from Liberal Democrats and Conservatives, I presume across the House. It was agreed in May 2013 in the Queen’s Speech. Why has nothing happened, if it is so urgent?

Keith Bristow: I am sorry, I cannot answer that question. I think it is a question that you need to put to the Home Secretary or one of her officials.

Q69 Dr Huppert: I will do. Can I ask you one very quick point on the new code of practice for undercover officers? I do not know if you have had a chance to look through it. Will you be implementing all the recommendations?

Keith Bristow: I have not looked in detail, because I have not had the report very long. Having looked at the recommendations, I think they make sense. Overall, it looks like professionalising some of the practices that we have to support and deploy officers, and we will implement all of that to ensure that is exactly what we do.

Dr Huppert: When you have had a chance to have a look, if there is anything else that you want to add, could you write to us? That would be helpful.

Q70 Chair: Mr Bristow, are you still involved in overseeing the Government’s inquiry into the North Wales child abuse cases?

Keith Bristow: I am, Chairman.

Q71 Chair: You are? We have asked Lady Woolf to come in; I think she is coming in next week. How does that fit in with what Lady Woolf is doing?

Keith Bristow: I would imagine it is one of the inquiries that Lady Woolf would want to consider to draw learning from for the future, and when considering what policy might be put into practice.

Q72 Chair: Have you completed your work?

Keith Bristow: No.

Q73 Chair: So you are still working on that as well as being Director General?

Keith Bristow: Yes.

Q74 Chair: Is that not a lot of work to do? Should you not be giving that to her to do now?

Keith Bristow: It is a criminal investigation that we are undertaking, so I think that is a matter for law enforcement. We now have just over 280 people who have come forward to make allegations. I think we have now charged 13. The first trial started last week. We are making good progress on the investigation, but there is some way to go.

Q75 Chair: Finally, Mr Bristow, your year is up, in a sense. You can look back. Your organisation is in existence. How would you say you have done? I was expecting an organisation of an A* rating, given the hype that was around the creation of the NCA. How do you think you have done? How would you mark yourself?

Keith Bristow: I think we have brought together a number of disparate organisations and it is going to take time to integrate those into a single agency. I think there is work that we need to do to develop capabilities that we need that we do not currently have, or we do not currently have enough of, and some of that is about how we operate in a digital world. We have changed our case work, so we do proportionately less now on class A drugs and more on child exploitation. The impact that we have had on protecting and safeguarding children and bringing to justice people with a sexual interest in them is much higher, but it is also true on economic crime and on cyber. I think we have changed the nature of our case work. It is the high-risk work that you would expect and its broader set of risks to the public that we are targeting.

Q76 Chair: So your best achievement, if you were asked what you had done really well this year?

Keith Bristow: I am very, very proud of the work that we have done with the police. It is really important to emphasise that on Notarise. It is a very successful operation. I think we have dealt a significant blow to people who have a sexual interest in children. I think it was a strong example of partnership work, showing how the NCA and the police can work together effectively, but I could go on and list lots of other examples around cyber crime, corruption, bribery, organised crime. I would not ascribe a rating. I would be interested to know what your rating is now, Chair, but I think we have had a good first year. There is more to do, and the public are safer as a result of the NCA being brought into being.

Q77 Chair: I tell you what; you have probably got a B from me. That is my personal opinion—not the view of the whole Committee, because I have not asked them—simply because I would have expected more than asset seizures of £30 million. When we looked at SOCA, we made a feature of the very low return, and the need for benchmarks for organisations that cost the public £500 million. Why should the public pay £500 million and get back, in effect, only £30 million? I know it is a crude analysis because you talked about the disruptions that could be much more, but I think that is what we are looking for. What has tarnished your image in recent days has been Project Spade. I would have expected when you took over this organisation that somebody would trawl through all the files and not wait for a foreign police force to ring you up and say basically, “We are about to talk to the press. By the way, we sent you this through CEOP a year and a half ago”.

I welcome the fact that, even though you were not in charge, you have taken responsibility. I think that shows very important characteristics for a public servant. But we are not happy as yet that the other parts of the organisation have been transferred in full, so we would like you to go back and make sure that your top management team is aware that this Committee is concerned that lurking in some computer are some other files that really need to be looked at.

Mr Winnick: Shall we make it B minus?

Keith Bristow: May I pick up on the two points that you have raised? On asset recovery, if our sole mission in life was recovering assets, then I think the equation that you challenged SOCA on and you have challenged us on is entirely reasonable. Do I want us to recover more assets? Yes, I do, because as you say the people involved in organised crime do it for the money. It is about their lifestyle, their status. I absolutely agree. So we will do better, but we are an agency that is here to cut serious and organised crime, and recovering assets is one of the ways in which we disrupt those criminals, because we are focused on the criminals.

On the other issue about our image being tarnished, without saying what has already been said, of course I regret and am sorry for what has happened. It is deeply offensive to our officers. The officers in CEOP do very difficult work that is hugely personally challenging to them. They absolutely do not come to work to do anything other than the best for the public, but something has gone wrong here. We need to learn from that. It is deeply regrettable, and the changes that we are making are about trying to ensure that that does not happen again and the same mistakes are not repeated.

I would contend that, as a new organisation, however, when the information came to light, we acted very quickly to deal with hundreds of disseminations, and to work alongside the police to deal with these people who have a sexual interest in children. I think we did that quickly and effectively. That is not to take away from the regret that we have for what has happened, but I think that is an organisation that is quick on its feet and focused on the public, and that is what we stand for.

Chair: Yes, thank you for that, but I think the Committee would expect you to do that anyway—to be focused on these things—but your re-emphasis is gratefully received. I am not sure whether we will see you again. This Committee will not see you again for your second year, but it would be helpful if you could respond to us with the points that I have raised. To be helpful to you, I will write to you with outstanding questions. As I said earlier, I am very grateful to you for the speed with which you respond to this Committee. It is a model for other people in your position. Thank you very much for coming in.