

1
2 (2.00 pm)
3 LORD JUSTICE LEVESON: Yes, Mr Barr.
4 MR BARR: Thank you, sir. Mr Murray, can we resume by
5 looking at the lunch that you had with Mr Fedorcio,
6 which you tell us about at paragraph 8 of your witness
7 statement.
8 **A. Sorry, can I just clarify something I said earlier, just**
9 **in case there's any confusion?**
10 Q. Please do.
11 **A. In relation to the story I was doing about the school**
12 **which was -- investigation into extremism at that school**
13 **and it was subsequently raided, if there was any police**
14 **surveillance on that school, I had no knowledge of it**
15 **and had I had knowledge of it, then I wouldn't have done**
16 **the story, because that would have jeopardised any**
17 **surveillance and the police operation.**
18 LORD JUSTICE LEVESON: I understand. I took your evidence
19 merely to be identifying the fact that you were doing an
20 education story which subsequently became a crime story.
21 **A. Yes, that's correct.**
22 LORD JUSTICE LEVESON: Right.
23 **A. Sorry.**
24 MR BARR: Where did you have lunch with Mr Fedorcio?
25 **A. It was at a restaurant very near Scotland Yard, with**

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1 **Andrea Perry. I can't recall the name of the**
2 **restaurant. I think, from memory -- and this is going**
3 **back seven years -- it followed on from the meeting that**
4 **we'd had with Sir Ian Blair and -- it was a useful**
5 **meeting and I think it was a follow-up to try and**
6 **improve relations and to get to know each other and**
7 **Andrea was doing very well at getting to know the Yard**
8 **officers and working hard there, and it was really**
9 **a sort of face-to-face meeting.**
10 **But at that time, maybe there was other things going**
11 **on in the background. Maybe there was an increased**
12 **threat level, because a short time afterwards there were**
13 **the dreadful 7/7 bombings, and it was obviously very**
14 **useful to have, at that time, an extremely close**
15 **relationship with the Yard.**
16 Q. So if it was useful to you from that general point of
17 view of improving relations, was it useful to you or did
18 it pay any dividends in any specific way?
19 **A. It's difficult to put a sort of rational perspective on**
20 **it like that in terms of a dividend. I think it was**
21 **a positive, constructive meeting. I was impressed with**
22 **Mr Fedorcio. He seemed a very straightforward sort of**
23 **person, the person that I like dealing with, and Andrea**
24 **clearly got on well with him and it was a valuable**
25 **meeting. There was a sort of open agenda: if you have**

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1 **any problems, air them. If they've got any problems**
2 **with us, air them, and hopefully we can reach a sensible**
3 **compromise and work well together.**
4 Q. Who paid for the lunch?
5 **A. Got a feeling it might have been Andrea. I might have**
6 **paid. It may have been Andrea.**
7 Q. But the newspaper paid, one way or another?
8 **A. Yes, I think so. I can't be sure.**
9 Q. Did it involve alcohol?
10 **A. I think there was some, yeah, maybe just a glass or two,**
11 **but it was a lunch as opposed to an evening meal, and**
12 **obviously, you know --**
13 Q. The need for some restraint?
14 **A. Nobody has more than a few glasses of wine.**
15 Q. I understand. Moving now away from the lunch to
16 paragraph 11 of your witness statement, where you tell
17 us a little bit about what you think the police were
18 trying to get from you. You say that one of the things
19 that they wanted to use the media for was to get the
20 public to assist with their inquiries. That's something
21 which this Inquiry readily understands, so we can take
22 that as read. What I'd like to ask you is: did you ever
23 get a sense that the Metropolitan Police were trying to
24 manipulate their image and promote their image through
25 the media?

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1 **A. In terms of basic PR, I think all PRs are there to**
2 **promote the image of whoever they represent, whether**
3 **it's a pop star, private company or the police force.**
4 **Obviously the police forces are public organisations and**
5 **there's no commercial interest in it, but the press**
6 **officers will be looking to you to write about them in**
7 **a positive way and a straightforward way. Is that being**
8 **manipulative? Probably. But it's not in a sort of**
9 **serious way, I would suggest. I think it's in their**
10 **interests to be as positive as they can be, and I think**
11 **the reality check on all that is that when things go**
12 **wrong, like the shooting of Charles de Menezes and other**
13 **incidents which are unfortunately bound to happen, then**
14 **they should be as honest and straightforward about their**
15 **responses and their dealings in those unfortunate**
16 **incidents as they are when they're trying to promote**
17 **themselves.**
18 Q. If we take that as an example, were you satisfied with
19 the way in which information emerged about that
20 particular tragic incident?
21 **A. Well, there was enormous confusion around that time.**
22 **There were suggestions, as I recall, that Mr -- the**
23 **gentleman who got shot, Mr De Menezes, had jumped over**
24 **the barrier and then ran down the stairs, and that came**
25 **out of the Yard. From memory as well -- that was false,**

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1 by the way.
 2 Q. Yes.
 3 **A. I think that was later accepted to be false. There was**
 4 **something else that Mr Blair himself said. The exact**
 5 **phrase that he used, after seven years, I can't**
 6 **remember, but I know he himself made a comment which**
 7 **later proved to be slightly misleading. So that came**
 8 **actually a fairly short time after we'd met him, and if**
 9 **you like, his honeymoon was over very quickly and**
 10 **suddenly he was dealing with the other side of the**
 11 **press, where we were demanding answers. I think there**
 12 **was a -- there was a press conference, the Yard wasn't**
 13 **big enough and it was moved to the Queen Elizabeth**
 14 **Centre, and there were an awful lot of questions piling**
 15 **up, and as things unravelled, it was clear that the Yard**
 16 **had not been, on that occasion, fully correct in a lot**
 17 **of -- in some of the things they had said.**
 18 Q. If that is one example where things were perhaps not as
 19 they might have been when bad news was concerned, can
 20 you think of any other examples during your experience
 21 of dealing with the Met?
 22 **A. The other thing which I mentioned in that paragraph 11**
 23 **was the Rachel Nickell case, and -- I was involved in**
 24 **that, in doing some press briefings, and at the time**
 25 **when Colin Stagg was arrested, I think -- there was not**

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1 a sense of triumphalism and there was nobody saying,
 2 "We've got the right man", but they seemed quite
 3 confident that they had the right man, but there was
 4 a lot of concern among the press, some members of the
 5 press, that the evidence didn't stack up against
 6 Mr Stagg.
 7 I covered some of the remand hearings in relation to
 8 that and listened to the evidence and, quite frankly, it
 9 just wasn't there. There was no forensic evidence,
 10 there was no identification evidence. There was
 11 entrapment, to my mind, and I took an unusual position
 12 in sort of openly saying to some of the officers: "Are
 13 you sure you have the right guy here? You know, it
 14 doesn't quite add up, really, does it? Where is your
 15 evidence?" And I made a point of establishing contact
 16 with the Stagg family and got on very well with Colin's
 17 mother and his stepfather, and they produced some
 18 letters that he'd done in prison to me and some other
 19 things -- I mean, he's not a likeable gentleman, let's
 20 be honest. However, I took the view then that something
 21 had gone awry in that investigation and that if it did
 22 go to court, that it probably wouldn't get anywhere.
 23 I covered the pre-trial hearing where the evidence was
 24 examined by a judge and was subsequently thrown out,
 25 Mr Stagg was released --

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1 Q. I think the facts of that case are well known. If we
 2 focus on the way in which the Metropolitan Police
 3 managed the public relations side of things as it became
 4 clear that Mr Stagg was innocent and that someone else
 5 had committed this atrocious murder. Do you think they
 6 handled that well or not?
 7 **A. Well, that was not until many years later --**
 8 Q. Indeed.
 9 **A. -- that the evidence clearly showed that someone else**
 10 **was responsible, and they did get the right man and to**
 11 **their great credit they stuck with that and they**
 12 **continued to look at the case and examine the evidence,**
 13 **and when there was an overwhelming case, they charged**
 14 **the right person. So they should be congratulated for**
 15 **that.**
 16 Q. Indeed.
 17 **A. There had been a long passage of time between that.**
 18 **I think officers had retired. They'd done a good job.**
 19 **They'd done the best that they could do under the**
 20 **circumstances, I think. They did an apology, I think,**
 21 **to Mr Stagg, and there was a payment made to him.**
 22 **Whether he -- his life was effectively ruined by it.**
 23 **Whether that's enough -- whether they did enough,**
 24 **I think, is open to debate.**
 25 LORD JUSTICE LEVESON: I don't think we're revisiting

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1 miscarriages of justice here.
 2 **A. No.**
 3 LORD JUSTICE LEVESON: We're doing something slightly
 4 different.
 5 **A. But I think it's interesting in relation to the police.**
 6 **There was some concern about the arrest of Mr Stagg by**
 7 **reporters who had been right at the beginning of that**
 8 **case and followed events as they unfolded and that they**
 9 **were raised at police levels.**
 10 MR BARR: I think what I'm getting at is whether you think,
 11 when it comes to bad news, the police manage that
 12 properly or whether there's room for improvement.
 13 **A. I think there's definitely room for improvement. What**
 14 **happens is when the police call a press conference, it's**
 15 **usually because they're getting nowhere in a case and**
 16 **they need publicity, they need to issue photographs and**
 17 **they need to encourage public to come and engage with**
 18 **the case. When things go wrong, they sort of have to be**
 19 **forced into holding a press conference. You know, you**
 20 **have to pile on questions to get answers.**
 21 **So that is an aspect that should be examined,**
 22 **I think, where they should -- you know, feel obliged to**
 23 **hold a press conference and explain themselves, not just**
 24 **release a short statement through the Press Bureau or**
 25 **something else; be prepared to take questions, be**

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<p>1 prepared to admit where the mistakes were made and how 2 they were made. 3 LORD JUSTICE LEVESON: It's quite difficult that, isn't it, 4 Mr Murray, because it's not impossible that some of the 5 people who are acquitted because the jury weren't 6 satisfied beyond a reasonable doubt, although entitled 7 to the benefit of their presumption of innocence, 8 may not have been entirely without fault. 9 A. Yes, it may be that they might be without fault, but you 10 have to respect the jury system, and if they find -- 11 LORD JUSTICE LEVESON: Yes, of course you do, but that's not 12 my point. My point is slightly different. It is that 13 the police may not have anything to apologise for. 14 A. No, it may just be turn of events and they acted in good 15 faith on the information which they had, and the 16 reliability of their witnesses, the reliability of their 17 forensic -- there are a whole host of reasons, but they 18 should be forthcoming about the chain of events which 19 led to errors being made, mistakes being made and, in 20 some cases, wrongful convictions. 21 LORD JUSTICE LEVESON: Well, certainly in relation to 22 wrongful convictions, I agree, but my point is that one 23 has to be rather careful, because if you say you ought 24 to have a press conference when somebody's been 25 acquitted because obvious something's gone wrong, that</p> <p style="text-align: center;">Page 9</p>	<p>1 to understand what is appropriate and what isn't 2 appropriate. 3 A. Yes, I agree. 4 LORD JUSTICE LEVESON: The police can certainly properly 5 say, "Well, there was a case to answer, the judge found 6 there was a case to answer, the burden on the Crown is 7 always heavy, it's always to prove beyond reasonable 8 doubt, and the jury weren't satisfied. That's the 9 system operating." 10 That's fine, but it's not terribly newsworthy and 11 it's obviously not appropriate in every case that the 12 verdict not guilty is returned. It's a question of 13 being open and transparent when it is appreciated that 14 things have gone wrong for reasons which the public 15 ought to know about. 16 A. Yes. In those circumstances where there's an acquittal, 17 often a senior officer will stand outside the Old Bailey 18 and give a short statement, possibly take a question or 19 two and disappear, and in the wording of that statement 20 often there is a message, you know: "We are not looking 21 for anyone else", or however it's phrased, and the 22 public can pick up on that message. 23 MR BARR: When you are investigating a crime story, do you 24 ever try and find out who the guilty party is? 25 A. No. I don't see that journalists should play the role</p> <p style="text-align: center;">Page 11</p>
<p>1 doesn't actually follow, because something may not have 2 gone wrong in the process and the risk that you run is 3 if you have a conference and the police want to say, 4 "Actually, we did everything right here", then somebody 5 is going to say, "So what you're doing is you're 6 challenging the verdict of the jury, you're saying the 7 jury got it wrong", and you get into a secondary debate 8 about guilt, which is inappropriate in the light of the 9 fact there's been a criminal trial. Do you see the 10 problem that I'm trying -- 11 A. Yes, it is a problem. It's a difficult area. There's 12 also obviously the legal implications of people being 13 sued in civil matters and a whole host of things that 14 raise their head, but where possible, they should make 15 themselves available to answer the questions. Whether 16 they choose to answer them fully or not, at least 17 there's been an attempt -- because there's 18 a relationship between the press and the public. The 19 press, if you like, represent the public, so -- the 20 public takes an interest in major crimes and helps, in 21 some cases, to bring people to justice, and the public 22 has a right to know when things go wrong and they do 23 seek explanations. 24 LORD JUSTICE LEVESON: Yes, I have no problem about that, 25 and it's perfectly legitimate, provided one is careful</p> <p style="text-align: center;">Page 10</p>	<p>1 of detective. It -- playing an amateur detective can 2 get you into all sorts of trouble, and that's not what 3 we're about. Sometimes events transpire that you do 4 actually bump into the real criminal, just through 5 accident. In relation to the Jo Yeates trial, we were 6 doing some investigations around that area and myself 7 and a colleague came across a gentleman who we thought 8 was actually a little bit suspiciously near the scene of 9 Jo Yeates' property. That gentleman was arrested three 10 days later and is now serving life for murder, and the 11 police were very interested in how we bumped into him. 12 It was pure accident that we came across him. We 13 thought he was a bit unusual and we asked him a few 14 questions and engaged with him. There was no sort of 15 attempt to solve the crime or play detective. It was 16 a sequence of events. But when the police said they 17 wanted to speak to us, we were more than happy to speak 18 to them and we co-operated fully with them. 19 Q. You, I think, were here this morning when Mr Harrison 20 gave evidence -- 21 A. Yes. 22 Q. -- about other newspapers trying to run a parallel 23 investigation. Have you ever had any awareness of other 24 newspapers playing detective? 25 A. I think there has been stories in the past about the</p> <p style="text-align: center;">Page 12</p>

<p>1 News of the World having the resources to employ former 2 detectives, having the resources to employ former 3 special services and having sort of camper vans or 4 something with blacked-out windows and doing sort of -- 5 looking at properties, sometimes for showbusiness 6 stories, to see if two stars are having an affair, or 7 sometimes involved in surveillance work. So I think 8 there's a general appreciation that the News of the 9 World, pretty much a lone wolf, was carrying out that 10 sort of activity.</p> <p>11 But in terms of mainstream newspapers, if you like, 12 I can't think of anything where there was such a sort of 13 well-organised enterprise.</p> <p>14 Q. Moving on to a different aspect altogether, in your 15 dealings with the Metropolitan Police, did you ever come 16 across one senior officer briefing, either directly or 17 through an intermediary, against another senior officer?</p> <p>18 A. There were a couple of occasions. In some occasions, 19 when there's a long-running investigation into 20 a high-profile crime with someone who's been in the news 21 a lot, there is a -- gets into a situation where there's 22 low morale in the detectives, and sometimes you can get 23 situations where you hear about camps being formed. You 24 know, some detectives believe X did it, some detectives 25 believe Y did it, and -- but I -- they're professional</p> <p style="text-align: center;">Page 13</p>	<p>1 volume of calls so they have a larger volume of people 2 dealing with a multitude of inquiries. You can have 3 a local paper in Finchley ringing up about a car crash. 4 You can have John Twomey on the phone ringing up about 5 a robbery -- a serious robbery in London, and they have 6 to sort of be able to have a system where they can look 7 into all that, so they obviously have their own computer 8 system, whereas a smaller force -- some of the forces 9 are very small and they have less crime, so you have 10 a smaller team and, if you like, they will split up what 11 they're dealing with. So if there's a big crime 12 running, one press officer may handle it and the other 13 two, three press officers are left dealing with the 14 traffic situation for the local radio and other 15 enquiries about other crimes.</p> <p>16 So I think the Met is a difficult job for the press 17 officers because of the vast volume of calls that come 18 in.</p> <p>19 Q. In terms of hospitality, have you ever been offered 20 anything like the hospitality that you were offered by 21 Sir Ian Blair by any regional force?</p> <p>22 A. No. I went on a raid with Kent Police last month. They 23 were doing an operation against drug dealers and -- bit 24 unusual this, actually, because we went to one place 25 where they busted open a guy's house with an acetylene</p> <p style="text-align: center;">Page 15</p>
<p>1 people and they have debates amongst themselves, but you 2 do pick up on the rumour that that's going on. I think 3 in the case of the Rachel Nickell case, there was 4 rumours flying around that, you know, there were slight 5 disagreements within the detectives that who was 6 actually responsible. Was it Colin Stagg? You know. 7 But I haven't had an officer sort of say, off the 8 record: "So-and-so's got it all wrong, he's barking up 9 the wrong tree there", no. They're very careful in 10 general about how they speak about their colleagues and 11 they normally speak very highly. There's an awful lot 12 of respect within each force for the senior detectives 13 because people understand it's an extremely difficult 14 and stressful job.</p> <p>15 Q. Moving now to the part of your statement where you deal 16 with your relationship with other police forces -- I'm 17 looking at page 6, paragraph 17 onwards -- you express 18 a view that all police forces operate in similar ways, 19 and you describe having worked closely with Kent and 20 Surrey Police forces. Are you meaning there to say that 21 regional forces operate in similar ways or are you 22 trying to say that all police forces, including the 23 Metropolitan Police Service, operate in similar ways?</p> <p>24 A. I think the Met are slightly different, probably Greater 25 Manchester as well, because they have a far greater</p> <p style="text-align: center;">Page 14</p>	<p>1 torch, found a sword and a couple of dogs, and then we 2 went to the police station. Normally they would buy you 3 a cup of tea. You've been up since 4 o'clock in the 4 morning -- but on that occasion we bought ourselves 5 a cup of tea. So they wouldn't extend to a cup of tea.</p> <p>6 Now, in the old days, if you were invited along to 7 an operation, then they usually had a glass of water, 8 cup of tea, a few biscuits. I'm not saying they're 9 being rude or anything. I think it's just the way that 10 events have been unfolding. Perhaps because of this, 11 everyone is slightly conscious of -- you know.</p> <p>12 LORD JUSTICE LEVESON: People are being careful. They don't 13 understand quite what is going to happen and they don't 14 want to be on the wrong side of it and that's entirely 15 understandable.</p> <p>16 A. Exactly, but I had a chat with the Assistant 17 Chief Constable, Gary Beauridge, there. I think he 18 said, "Any time you like, come along and have a look at 19 the serious crime directorate", which was nice because 20 that's the way it used to be. You meet the chaps, you 21 have a comfortable conversation over a cup of tea and 22 the guy says, "Do you want to come along and just have 23 a look?" There's no pressure to write anything, and 24 it's a nice offer to have, and I'm -- I must admit I did 25 think: "Oh, should I accept it or not?" or: "How would</p> <p style="text-align: center;">Page 16</p>

1 **it be seen? How would it be perceived? Or would he**
 2 **have to fill out a form? Would I have to fill out**
 3 **a form?"**
 4 **So those sort of thoughts do enter into your mind**
 5 **and I still haven't decided whether to go or not.**
 6 **I probably will go, but it's just putting you -- having**
 7 **to think a little bit more carefully about your**
 8 **interaction, which is, in my view, negative.**
 9 LORD JUSTICE LEVESON: Well, it's not negative to have to
 10 think a bit more carefully. What's negative would be if
 11 there was a close-down of an important relationship
 12 which meant that the way in which the press learnt about
 13 the work of the police was unduly hampered or
 14 restricted, which would not serve the interests of
 15 justice and the confidence of the public in criminal
 16 justice well at all. I think that's right, isn't it?
 17 **A. Yes, I think you have to look at the big picture. The**
 18 **objectives of having a strong relationship and the**
 19 **objectives of basically the public interest being served**
 20 **override the sort of petty considerations.**
 21 **For a journalist like myself and other journalists**
 22 **who have normal relations with police, we feel a little**
 23 **bit aggrieved that we even have to think about this**
 24 **because we've done nothing wrong, yet there is a sort of**
 25 **unspoken slur. I mean, some of the guys when we're**
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1 **going out on the bust were saying, "Oh, you're up before**
 2 **Leveson. What have you done? What have you been up**
 3 **to?" So you get all this joshing. It's just a bit**
 4 **unfortunate. I think over the passage of time that will**
 5 **diminish and I'll go back to normal.**
 6 MR BARR: I'll be coming later on to what might be done in
 7 the future to get the balance rights, but before we do
 8 that, could I ask you: have you taken any detectives
 9 from regional forces for the sort of lunch which you
 10 described to me earlier, having taken
 11 Metropolitan Police Service detective force?
 12 **A. In the past, a few years ago, yes. Not recently,**
 13 **actually.**
 14 **Some ex-police officers -- because another thing**
 15 **that's happening now is because there's some frustration**
 16 **and lack of information coming from forces, journalists**
 17 **attempting to cover stories are contacting former**
 18 **officers, not really to see if they know what's going on**
 19 **in any investigation, but to write these sort of pieces:**
 20 **what do you think's going on in the investigation? How**
 21 **do you think the officers are looking at so-and-so?**
 22 **We had a case in point at the weekend where the**
 23 **offices of Ed Miliband were raided on Friday night.**
 24 **Very little was coming out from the Yard and I was**
 25 **actually off sick with a sore throat, but I was asked to**
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1 **ring an MI6 contact and see what would MI6 think about**
 2 **it. Not that he would know what MI6 thought about it**
 3 **but just: "As an ex-MI6 guy, what would you look at?"**
 4 **Do you see what I mean?**
 5 Q. Yes, your next best source when you want to get direct
 6 access?
 7 **A. Yes, whereas obviously what you really want to know is**
 8 **as much information about the incident which occurred.**
 9 Q. You mentioned a moment ago having accompanied the police
 10 force on a raid and you talk about that as well in your
 11 statement at paragraph 26, where you tell us about
 12 having accompanied Scotland Yard on a dawn raid. Can
 13 I ask you --
 14 **A. That was a long time ago, I think.**
 15 Q. -- to what extent were you prepared to deal with the
 16 ethical and professional issues which accompanying the
 17 police on a raid might throw up? Had you gone through
 18 any formal briefing or training or anything like that?
 19 **A. No. You have to sign a disclaimer, I think, a sort of**
 20 **three-page form, and I think there is potential that you**
 21 **could be injured during the operation. On this**
 22 **particular raid with Kent Police, a sort of dog shot out**
 23 **and could have -- it was actually quite a calm dog, but**
 24 **there are potential for things to happen that you don't**
 25 **quite know about, so I think you sign that form, but you**
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1 **just take it as presented.**
 2 Q. Did you consider that there might be ethical issues that
 3 would arise over things like privacy, if you were
 4 involved in a raid on a private home?
 5 **A. Yes, because you have to work on the assumption of**
 6 **innocence all the time. You know, that's the great**
 7 **British tradition, innocent until proved guilty, and on**
 8 **this occasion, this recent raid, we obviously could see**
 9 **the gentleman concerned, we could see the weapon was**
 10 **seized and other things, but we chose to not use the**
 11 **picture and to identify him. So in terms of that, we**
 12 **respected his privacy in that we didn't identify him**
 13 **because -- the other factor, of course, is it could be**
 14 **prejudicial.**
 15 Q. Indeed. On the whole, do you think opportunities like
 16 those you've enjoyed to accompany the police on
 17 operations is a good thing or a bad thing?
 18 **A. On balance, a good thing, because relationships are**
 19 **established and gives an opportunity to see how they**
 20 **operate. You get to see a mixture of ranks. You know,**
 21 **you have a nice little chat with the PC or the WPC, who**
 22 **are just ordinary people trying to go about their jobs,**
 23 **and then you get an idea of the views of the senior**
 24 **officers. Not from the raids; they have other people**
 25 **there, people from the police authority or an MP or**
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<p>1 somebody else who is interested in the actions of the</p> <p>2 police. So it covers quite a wide variety of aspects of</p> <p>3 what the police do.</p> <p>4 Q. As far as you're aware, are such opportunities allocated</p> <p>5 fairly between newspapers or have you suspicions that</p> <p>6 there might be certain favoured newspapers?</p> <p>7 A. I think it's actually towards television, perhaps, that</p> <p>8 the forces lean towards, maybe, because the pictures are</p> <p>9 moving and they're dramatic. You know, you're smashing</p> <p>10 down doors, flames sometimes. A lot of hectic scenes.</p> <p>11 You know, it's quite a dramatic image. So often I would</p> <p>12 say -- there's certainly always a TV facility and then</p> <p>13 it's like: "Who else should we bring along?"</p> <p>14 So I would say the balance was not is much amongst</p> <p>15 newspapers, more perhaps a prejudice towards television.</p> <p>16 Q. I'm moving to paragraph 32, page 9, of your statement,</p> <p>17 where you say:</p> <p>18 "We do not make any payments to police officers or</p> <p>19 forces for information or otherwise."</p> <p>20 That's crystal clear. What I'd like to ask -- and</p> <p>21 before I ask it, I'm going to say please don't name</p> <p>22 anybody when answering this question -- is: has that</p> <p>23 always been the case or historically has there been</p> <p>24 a different position?</p> <p>25 A. In respect to my career or in respect to the Sunday</p> <p style="text-align: center;">Page 21</p>	<p>1 be desire to be have more officers in a press office?</p> <p>2 A. Well, certainly in the early days of my career, there</p> <p>3 were usually half and half press officers and police</p> <p>4 officers. I have no problem with civilian press</p> <p>5 officers at all, but I would say that sometimes an</p> <p>6 officer with a higher rank, say at inspector level,</p> <p>7 working in a press office just has a natural sort of</p> <p>8 authority, male or female, on the release of</p> <p>9 information, and perhaps less cautious about giving</p> <p>10 information because he knows how the force operates.</p> <p>11 Also, police are very much like journalists. They</p> <p>12 like facts. They like to know the date: when did it</p> <p>13 happen? What time of night did it happen? Who's</p> <p>14 involved? What happened after that? These are the</p> <p>15 things that they're sort of trained to put in their</p> <p>16 notebooks and these are the sort of questions that they</p> <p>17 would automatically ask in a briefing, because they</p> <p>18 would expect, I guess, to debrief a senior officer, so</p> <p>19 they would -- when you ring up, you know that if you got</p> <p>20 a policeman who is familiar with it, I just felt that</p> <p>21 they have more information at their disposal.</p> <p>22 Q. Are you --</p> <p>23 A. The other problem is that a lot of the civilians aren't</p> <p>24 fully briefed, so there's a time delay in that they then</p> <p>25 have to go back and ask the officer, get more details,</p> <p style="text-align: center;">Page 23</p>
<p>1 Express or ...?</p> <p>2 Q. We'll do both. We'll start with your career.</p> <p>3 A. I can't think of any occasion in any newspaper -- and</p> <p>4 I've worked for quite a few -- where I've been asked to</p> <p>5 directly pay a police officer, so no.</p> <p>6 Q. What about indirectly?</p> <p>7 A. Or indirectly. I'm trying to think -- no, I honestly</p> <p>8 can't think of anything, and in terms of the</p> <p>9 Sunday Express, no. I mean, there are occasions when we</p> <p>10 seek the opinion of former police officers. You know,</p> <p>11 John Connor from the Flying Squad makes himself</p> <p>12 available, John Stalker from Greater Manchester, Dai</p> <p>13 Davies, former Royal Protection Squad commander, and if</p> <p>14 we want to seek their profession opinion on the story,</p> <p>15 then we would pay them a fee, but not very much, and</p> <p>16 possibly as well some expenses if travelling's involved</p> <p>17 and whatever.</p> <p>18 Q. But these are retired --</p> <p>19 A. These are retired officers, yes.</p> <p>20 Q. Page 10 of your witness statement, paragraph 39. These</p> <p>21 are questions about the type of people who are working</p> <p>22 in police press offices, and you express the opinion</p> <p>23 there that you would prefer it if more officers worked</p> <p>24 in press offices. That's officers as opposed to people</p> <p>25 who have worked in the media. Why do you think it would</p> <p style="text-align: center;">Page 22</p>	<p>1 come back, and then they haven't asked perhaps</p> <p>2 a supplementary question.</p> <p>3 Q. Are you saying that the operational experience that an</p> <p>4 officer has gives them more confidence in communicating</p> <p>5 pertinent facts?</p> <p>6 A. Yes, I think it does -- on some occasions it does, yeah.</p> <p>7 And also you can build up a bit of a rapport with these</p> <p>8 guys quite easily.</p> <p>9 Q. Moving now to paragraph 41 of your statement, where you</p> <p>10 say that the Metropolitan Police did have a lot of</p> <p>11 ex-News of the World journalists and you couldn't</p> <p>12 understand why it was exceptional. Can you help us with</p> <p>13 the point in time that you're talking about?</p> <p>14 A. I wonder if it's always been the case. I don't know,</p> <p>15 it's just something that I was aware of. I mean,</p> <p>16 I don't have the figures and I don't know if it's</p> <p>17 meaningful at all, but I just felt that -- you know,</p> <p>18 I know that for some reason over the time there's been</p> <p>19 quite a lot of ex-News of the World guys working for the</p> <p>20 Metropolitan Police press office.</p> <p>21 Q. Moving now to the section of your statement which deals</p> <p>22 with the HMIC's report, at paragraph 43, you say:</p> <p>23 "Now nobody is sure that Milly Dowler's phone was</p> <p>24 hacked."</p> <p>25 I've been asked to suggest to you that that's not,</p> <p style="text-align: center;">Page 24</p>

1 in fact, correct.
 2 **A. No, that --**
 3 Q. The real issue is not whether, but when.
 4 **A. I think that is factually incorrect. Nobody is sure**
 5 **that the phone -- emails were deleted during the hacking**
 6 **process, would be more accurate.**
 7 Q. Okay. The --
 8 **A. I think that came out -- when I wrote this, that came**
 9 **out when the report from Surrey Police to the culture**
 10 **committee suggested that there was not sort of evidence**
 11 **to suggest that the News of the World had deleted the**
 12 **messages from the phone and it was said in the July**
 13 **report by Guardian that Mulcaire was responsible for**
 14 **hacking the phone. Mulcaire has denied that, so I think**
 15 **we have to be very careful here because --**
 16 Q. The Inquiry is --
 17 **A. -- we're going into sub judice, so --**
 18 Q. -- aware of the differences. I just wanted to confirm
 19 that you were content with the way you had expressed it,
 20 because it isn't quite right.
 21 **A. Yes, I think that is poor expression on my part.**
 22 Q. We can move on now to paragraph 44, where you say that
 23 your view is that police officers and journalists are
 24 "sensible people who have intelligent interaction on
 25 both sides and have high ethical standards".

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1 I wanted to ask you whether, in the light of the
 2 evidence that that's been given to this Inquiry over the
 3 last three weeks, when we've heard, for example, of
 4 quite a high degree of hospitality at a very senior
 5 level, you still adhere to that view completely?
 6 **A. Well, of course this was written prior to a lot of --**
 7 Q. Indeed. That's why I'm asking.
 8 **A. I think we have to err on the side of caution and see**
 9 **what the prima facie evidence is and assess it at the**
 10 **time and see whether or not there is real evidence to**
 11 **support major wrongdoing. I mean, without being privy**
 12 **to all the information, I mean --**
 13 LORD JUSTICE LEVESON: But are we going to be so
 14 constrained, Mr Murray, and should we be so constrained?
 15 Is it really a question of looking to see whether there
 16 is, to quote your language, "major wrongdoing", or are
 17 we really constrained to look at whether the
 18 relationship needs to be recalibrated or reordered in
 19 such a way that maximises openness and transparency on
 20 the part of the police and minimises the risk or the
 21 perception of risk arising from the nature of the
 22 relationship between individual papers and the police?
 23 **A. Well, that's really a matter for you to consider.**
 24 LORD JUSTICE LEVESON: Yes, you're quite right. But --
 25 **A. My view on it is that there is a major need for**

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1 **a recalibration, and if you like -- I am not saying that**
 2 **everyone's blameless and everyone's faultless across the**
 3 **entire written press, but it all seems to relate to one**
 4 **newspaper, or one newspaper group, and so you have to be**
 5 **careful not to draw in, if you like, the innocent**
 6 **parties into the equation when you're doing your**
 7 **recalibration.**
 8 LORD JUSTICE LEVESON: Well, I'm looking at the culture,
 9 practices and ethics of the press, and I'm sure that you
 10 would be the first to agree that the issues that have
 11 arisen in connection with the press are not restricted
 12 to one newspaper group, are they?
 13 **A. No. That's correct.**
 14 LORD JUSTICE LEVESON: So obviously one has to create
 15 a system that works for everybody --
 16 **A. Mm.**
 17 LORD JUSTICE LEVESON: -- but caters for the problems and
 18 recognises that we have to achieve, at the end of this,
 19 something that is (a) workable, (b) appropriate, and (c)
 20 gets into the public domain as much as that which ought
 21 to be in the public domain but keeps out of the public
 22 domain that which has no business to be there at all.
 23 **A. Yes. I would agree with that statement. Or was it**
 24 **a question?**
 25 LORD JUSTICE LEVESON: Well, it was a statement of claim,

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1 which then had a question: whether you would agree with
 2 it?
 3 **A. I agree with it. Yes, I do. I think it's a very**
 4 **important point and I think that is part of the**
 5 **difficulty of your recalibration, that you have to try**
 6 **and draw these different ends together. My concern, and**
 7 **the concern of the CRA, is that things ain't so bad as**
 8 **people say, so don't try and break it all up and -- it**
 9 **has to be finely tuned rather than sort of: "The engine**
 10 **has to be thrown out and we have to get a new engine."**
 11 LORD JUSTICE LEVESON: It depends on what you're talking
 12 about, doesn't it? In some regards -- for example, in
 13 relation to the Press Complaints Commission -- they're
 14 creating a new engine. I'm not going down there with
 15 you, but the point has to be made that one has to cope
 16 with the risk that not everybody will necessarily behave
 17 as professionally or appropriately as the best.
 18 **A. That's true and that's true of human nature, and I think**
 19 **whatever you do and whatever you decide, unfortunately**
 20 **there will be some rotten apples in the journalistic**
 21 **barrel and they will let us down. Unfortunately, that**
 22 **will happen. However, we -- I think the view I'd like**
 23 **to express is that we're as disappointed in them as the**
 24 **general public, and we're trying to work with you to**
 25 **create a framework that will identify these people**

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1 quickly and adequately so that they can be dealt with,
 2 because they are damaging to us. They're damaging to us
 3 in relation to our relationship with the police.
 4 They're damaging to us because they've damaged the
 5 reputation of journalists.
 6 LORD JUSTICE LEVESON: Yes, and in relation to the police,
 7 I entirely agree. A journalist is entitled to obtain
 8 whatever information he wants, perhaps not entirely in
 9 whatever way he wants to do it -- because he has to
 10 comply with the law and his own ethical code, assuming
 11 he subscribes to one -- but that's not quite the same as
 12 saying that a police officer is in the same position,
 13 because it may be perfectly legitimate for the
 14 journalist to ask, but not entirely appropriate for the
 15 police to answer.
 16 **A. Well, they always have the option not to answer.**
 17 LORD JUSTICE LEVESON: I know.
 18 **A. But I think they should be encouraged to answer rather**
 19 **than discouraged from answering.**
 20 LORD JUSTICE LEVESON: It depends what the question is,
 21 Mr Murray.
 22 **A. Indeed.**
 23 MR BARR: If we can start perhaps looking into the future
 24 a little bit. Would you accept that it's going to be
 25 essential that the police officers you speak to in the

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1 future have very clear guidelines about what it is they
 2 can and cannot say to you and your fellow journalists?
 3 **A. I think if you're going down the road of written**
 4 **guidelines that come in a little booklet that they have**
 5 **to have on the table while you're ordering a bottle of**
 6 **red wine, I think it's, frankly, ridiculous. It may be**
 7 **helpful to have some general guidelines or some general**
 8 **advice that should be in their minds, and -- I think we**
 9 **shouldn't diminish the respect that journalists have for**
 10 **the police and the fact that they're highly intelligent**
 11 **people. They know what we're doing, we know what**
 12 **they're doing, we're trying to work together, and you**
 13 **have to -- you can't treat us like children or them like**
 14 **children.**
 15 Q. Excepting that there is thought to be given to the
 16 degree of detail and the way it's done, isn't the
 17 problem that if you don't give police officers guidance
 18 as to what they can and can't say, then the current
 19 position, where they are worried about saying anything
 20 and will say nothing, will continue?
 21 **A. Yes. That is a genuine danger. I think it would be**
 22 **very useful to have broad guidelines for senior officers**
 23 **to consider and perhaps they can be drawn up with the**
 24 **journalists, with the NUJ, with the CRA, so that it's**
 25 **a sort of mutual consideration as well, because no**

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1 journalist likes to be accused of being a poodle of the
 2 police and no police officer likes to be accused of
 3 being corrupt towards journalists.
 4 So there's probably, you know, possibly an idea to
 5 put a joint framework together so that everyone knows
 6 exactly what's going on, but also knowing that so many
 7 different situations arise and so many different
 8 considerations that it's very difficult to plan for each
 9 eventuality.
 10 Q. Would it also be a good idea, in order to increase
 11 transparency and therefore confidence in what is passing
 12 between the police and the media, to have some recording
 13 of meetings, both formal and informal, between
 14 journalists and police officers and police staff?
 15 **A. Well, I think -- if that was introduced, you can forget**
 16 **there being any lunches or meals in the evening.**
 17 **I mean, why would you? Why would they bother? They're**
 18 **very busy guys. They have a tremendously difficult job**
 19 **to do and they want to get on with it. Do they want to**
 20 **spend ten minutes filling out a form saying, "I'm going**
 21 **to have an Italian meal with Jim Murray from the Sunday**
 22 **Express, I'm not going to talk about XXX"? Surely not.**
 23 **Likewise, do you want a journalist to spend ten**
 24 **minutes filling out a form saying, "I'm seeing**
 25 **Joe Bloggs"? It's a difficult position. I don't think**

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1 you need that unnecessary bureaucracy. I think
 2 a broad-based framework of the relationship which both
 3 people understand as a base, you know, before they even
 4 have the relationship, if you like, then that would be
 5 useful.
 6 Q. Is the difficulty that if there's no form of recording
 7 then nobody can properly oversee what's going on?
 8 **A. There is a risk of that, but that's the risk of**
 9 **anything. I mean, you know, do senior figures in the**
 10 **legal establishment have to fill out a form if they go**
 11 **to lunch with somebody? Should there be oversight of**
 12 **that? Where does it end?**
 13 Q. I'm understanding that you're against that idea --
 14 **A. I'm against the idea, yes.**
 15 Q. I'm looking at paragraph 45 of your statement, where you
 16 say:
 17 "I see no problem with sensible socialising between
 18 officers and the media as it helps journalists get the
 19 facts straight and encourages officers to be more
 20 trusting of journalists."
 21 That begs the question, doesn't it: how do you
 22 ensure that the socialising is sensible?
 23 **A. Ah, yes. Again, because I think you have to have**
 24 **certain faith in people. You have to have a certain**
 25 **trust in people as well, that they will -- I think**

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1 **there's been a massive sort of -- and necessary**
 2 **recalibration already in people's minds about the**
 3 **relationship between journalists and the police and that**
 4 **they're having serious thoughts, we're having serious**
 5 **thoughts, and that process is under way.**
 6 **I mean, if you were saying it was any other**
 7 **profession than the police, I would say so, but in**
 8 **general, they're very, very sensible people.**
 9 LORD JUSTICE LEVESON: I'm sorry, just before you go on, did
 10 you say that there had been an unnecessary recalibration
 11 already in people's minds or a necessary recalibration?
 12 **A. I think there's been a certain recalibration --**
 13 LORD JUSTICE LEVESON: No, the reason I ask the question is
 14 because it's transcribed as "unnecessary recalibration",
 15 and I thought you said "necessary recalibration" --
 16 **A. I thought I had --**
 17 LORD JUSTICE LEVESON: I only want to know what you wanted
 18 to be recorded as.
 19 **A. I think I said "had a necessary" not "an unnecessary".**
 20 LORD JUSTICE LEVESON: Yes, fine.
 21 MR BARR: Moving to the question of alcohol, one can see
 22 that from the point of view of the journalist, if
 23 a little bit of alcohol lubricates the conversation,
 24 then perhaps elicits an indiscretion, from
 25 a journalist's point of view, that's a good thing, but

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1 from the police officer's point of view, if he or she
 2 misjudges the amount of alcohol consumed and ends up
 3 saying something that he shouldn't have done and regrets
 4 it, that's a difficulty, isn't it?
 5 **A. I think you're leading me down a particular road.**
 6 **Actually, I found -- sometimes find that alcohol makes**
 7 **matters worse. It clouds matters, and rather than**
 8 **talking about work, you know, the alcohol encourages**
 9 **them to talk about how Chelsea played, what's going on,**
 10 **politics, you know. It becomes more of a social event.**
 11 **In fact, some of the best information I've got is over**
 12 **a cup of tea when everyone's very sober and everyone's**
 13 **thinking correctly and therefore you're able to get**
 14 **information. So alcohol can work in both ways.**
 15 **Sometimes it can work against you.**
 16 Q. From what you're saying, it sounds as if we might all be
 17 better off without it in conversations between police
 18 officers and journalists. Would you agree with that?
 19 **A. I think you have to go with whatever the officer wants.**
 20 **Quite a lot of people these days -- quite a lot of**
 21 **officers are actually teetotal, or they drink soft**
 22 **drinks.**
 23 LORD JUSTICE LEVESON: I don't think we need to get into the
 24 details of what people drink. I've got the message.
 25 Right.

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1 MR BARR: You wrote an article about the Jefferies story,
 2 which you've kindly provided to the Inquiry. It's dated
 3 2 January 2011. In fact, the line you took in that
 4 article was to give voice to the feelings of
 5 Mr Jefferies' ex-headmaster, who was very doubtful that
 6 Mr Jefferies would ever have done what it was being
 7 suggested he might have done. In other words, you
 8 published an article supportive of Mr Jefferies.
 9 Can I ask you: in your dealings on the Jefferies
 10 case, how much contact did you have with the police?
 11 **A. Quite a lot of contact, because we had journalists**
 12 **working on the ground, I was in London, we had people**
 13 **making calls from London as well, we had the local**
 14 **agency, who probably had four or five people on the**
 15 **story.**
 16 **Mr Jefferies was arrested earlier in the week, on**
 17 **the Thursday, I think -- or it may have been the**
 18 **Friday -- therefore the period of his detention was**
 19 **moving into the weekend. We publish on Sunday, so it**
 20 **was getting to -- the situation was: would he be charged**
 21 **or released on the Saturday, you know, or would it go**
 22 **into the night or whatever? So we were dealing with**
 23 **that issue.**
 24 **So we spoke to quite a few people who knew him and**
 25 **there had been some coverage already in the daily**

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1 **papers, sort of saying he was a Mr Strange Guy, he had**
 2 **an unusual haircut. A lot of people have unusual**
 3 **haircuts and don't get banged up for it, so we didn't**
 4 **take the view that he was in any way guilty or anything**
 5 **like that. Quite the reverse, actually. I located**
 6 **his former headmaster and spoke to him and he was able**
 7 **to give me his views on what had transpired.**
 8 Q. Can I ask you: in your dealings with the police, either
 9 personally or through your staff, did they give you any
 10 information about the case off the record?
 11 **A. I think the calls to the press office were off the**
 12 **record. The questions that we were asking were: what's**
 13 **likely to happen with Mr Jefferies in our timeframe, and**
 14 **explaining that -- what our deadlines were on**
 15 **publication, and they didn't want to go on record about**
 16 **what was going on. They were telling us pretty much**
 17 **very little. They weren't prepared to say on the**
 18 **record: "We're continuing to question him for XXX", or**
 19 **whatever.**
 20 **So it was useful to speak to them. There was some**
 21 **guidance. I think they did say that: "We're continuing**
 22 **to speak to him", but they wouldn't say charges are**
 23 **imminent or charges are expected. These are the sort of**
 24 **phrases that press officers use when dealing with the**
 25 **press because we have to be extremely careful as well,**

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<p>1 because we're in that unusual stage of sub judice where 2 we're actively working on information and we're building 3 up stories and pulling stuff together, but obviously at 4 the point where that person is charged, then we have to 5 reevaluate what's already been written and take out 6 anything which could be prejudicial and reduce it. 7 So that was the conversation. There wasn't a sort 8 of slurring of his reputation or anything like that. 9 There wasn't a note of triumphalism or anything like 10 that, no. 11 Q. Apart from telling you that they were continuing to 12 question Mr Yeates(sic), did they tell you anything else 13 off the record? 14 A. In regard to ...? 15 Q. Mr Yeates. Sorry, Mr Jefferies, forgive me. 16 A. I honestly can't think of anything. 17 Q. Moving on to a completely different subject, I 18 understand that you've had some experience of dealing 19 with the Press Council of Ireland -- 20 LORD JUSTICE LEVESON: Before you go to the Press Council of 21 Ireland, let me just talk about the Jefferies case 22 a moment. First of all, proceedings are active from the 23 moment of arrest, aren't they? It's not from the moment 24 of charge. 25 A. Yes. But obviously from the point of charge, things</p> <p style="text-align: center;">Page 37</p>	<p>1 been a lot of stories in the papers regarding 2 Mr Jefferies. It was also on television. It was 3 a major invest -- 4 LORD JUSTICE LEVESON: But should there have been? 5 A. Well, quite clearly the view of, you know, the papers -- 6 some papers were punished, and the view in those cases, 7 not our paper, was that they shouldn't have been. 8 LORD JUSTICE LEVESON: That's the point. I appreciate 9 you'll observe the law and you'll respect the decision 10 of the Lord Chief Justice, particularly as the Supreme 11 Court refused to interfere with it, but do you see the 12 point I'm asking? 13 A. Yes, I do see the point. You're saying: should there be 14 a debate? My view is there probably shouldn't be the 15 debate, that, you know -- but whether you or I think 16 there should or shouldn't be a debate, the debate goes 17 on. 18 LORD JUSTICE LEVESON: Yes, well, the trouble is that we can 19 all agree that there should be these principles applied 20 and this is how we should go on, and that works 21 wonderfully until there's another big story, and then 22 everybody throws all the rules out of the window and so 23 the frenzy generates. Pro or anti. 24 A. Potentially, but the point here is Mr Jefferies was 25 never charged with everything.</p> <p style="text-align: center;">Page 39</p>
<p>1 change dramatically. 2 LORD JUSTICE LEVESON: I understand. That was my first 3 question. My second question was this: I quite see the 4 purpose of this article, which I've read, that reports 5 that his ex-headmaster effectively was saying in terms 6 he'd be astonished if Mr Jefferies was actually 7 involved, and you report all that. Given the way in 8 which other reports had been put end the public domain, 9 this provided some balance. 10 A. Yes. That's why I offered it as potential evidence to 11 you, because the impression given, I think, is that 12 there was a one-sided sort of campaign by the press 13 against Mr Jefferies, which -- 14 LORD JUSTICE LEVESON: Let me, I'm afraid, use it against 15 you for a moment, Mr Murray, in this way: what was the 16 business of the press getting involved in this debate at 17 all? Searching out people who were saying he was very 18 odd, he was doing this, that or the other, and then 19 generating reports saying, "Well, actually, I'd be 20 amazed if he was involved"? Aren't you therefore 21 muddying the whole water? I'm not saying this 22 particularly, because you're balancing other material, 23 but why is it the business of the press to be doing this 24 at all? 25 A. The -- you -- the press responds to events. There had</p> <p style="text-align: center;">Page 38</p>	<p>1 LORD JUSTICE LEVESON: Yes, I know, but actually that isn't 2 the point. The point is all that had happened was he'd 3 been arrested, and a whole series of articles had been 4 generated about how odd he was and a lot of prejudicial 5 material which might put off people who would be 6 prepared to stand up to help him. You decide to put 7 something into the public domain the other way to 8 provide some balance, and suddenly there's a big debate 9 going on about somebody who has not been charged or 10 anything. 11 A. It is a matter -- and you're correct that these 12 situations arise when there's huge public interest on 13 major stories. Whether it falls in your remit to look 14 at the current situation regarding sub judice, I don't 15 know. 16 LORD JUSTICE LEVESON: It's not necessarily sub judice; it 17 comes very much into the first area of my investigation, 18 the press and the public, and you will know that I have 19 twice heard evidence from Mr Jefferies, who, perhaps not 20 surprisingly, feels extremely strongly about what 21 happened to him. 22 A. Yes, but I note that some comments from Mr Jefferies 23 have also said that he was pleased, you know, that some 24 people stood by him and some people supported him and 25 were prepared to make their views known.</p> <p style="text-align: center;">Page 40</p>

1 LORD JUSTICE LEVESON: Yes, but it might be that he'd have
2 simply preferred that nobody said anything at all.
3 **A. I fully expect that is his view, but I don't know his**
4 **view on that.**
5 LORD JUSTICE LEVESON: Well, anyway. All right. You want
6 to ask about Ireland.
7 MR BARR: Yes, it's the final question, Mr Murray. You have
8 some experience, I understand, of the Press Council of
9 Ireland. Is there anything from your experience of
10 working with the Press Council of Ireland that you would
11 commend to this Inquiry considering the future
12 regulation of the press?
13 **A. As far as I'm aware, the Sunday Express has never been**
14 **involved with a situation where -- you know, in terms of**
15 **complaint by Press Council of Ireland, but obviously**
16 **news editors and journalists have to be aware of what**
17 **goes on in Ireland because papers are distributed there.**
18 **They have slightly different codes of conduct and**
19 **slightly different phraseology, which I think are**
20 **interesting for you to have a look at.**
21 **One aspect is -- we've obviously got clause 4 in our**
22 **code of practice, saying that journalists have**
23 **a moral -- moral obligation to protect their sources,**
24 **whereas it's, in my view, perhaps a little bit clearer**
25 **in the Irish version of the code, which states that**

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1 **journalists shall protect confidential sources of**
2 **information. And they obviously have a situation where**
3 **they have the press ombudsman who conciliates and tries**
4 **to deal quickly with complaints, and if he can't deal**
5 **with them himself then he refers them to the Press**
6 **Council, which is a group of people, to analyse the**
7 **complaints, and so obviously we have to be aware of how**
8 **that situation operates as well as the PCC, previously**
9 **the Press Council, you know, which covers us.**
10 LORD JUSTICE LEVESON: Are you bound by the Irish system?
11 **A. Well, we -- it's an interesting point this, and it's**
12 **never been tested because we've had no complaint against**
13 **us, but obviously when our journalists are working in**
14 **Ireland and carrying out enquiries, they will be bound**
15 **by that code because it relates to the Irish Republic.**
16 LORD JUSTICE LEVESON: That's not quite my question. In
17 Ireland, there is a statutory framework which allows an
18 independent regulator to exist. The framework
19 identifies what the regulator must do, doesn't it?
20 **A. Yes. I mean, you have a better understanding than I do,**
21 **but my understanding is that that's correct.**
22 LORD JUSTICE LEVESON: I just wanted to know whether your
23 journalists in Ireland were bound by the Irish system in
24 a way that your journalists in this country are not
25 bound by the PCC?

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1 **A. My understanding of it -- it may need clarification --**
2 **is that when you have a journalist working in Ireland,**
3 **then -- and you distribute in Ireland, and you're doing**
4 **an Irish story, then that would become a matter**
5 **potentially, although it's untested, for the Press**
6 **Council of Ireland.**
7 LORD JUSTICE LEVESON: Tell me this: if you do feel yourself
8 bound by the Press Council of Ireland, have you found
9 that that in any way restricted what you could do or
10 what you could investigate in a way that wouldn't
11 restrict you where you wouldn't be restricted in this
12 country because you're not part of the PCC?
13 **A. No, I don't think there's any sort of difference in**
14 **that. I think you're still free to make enquiries, free**
15 **to contact people and do that. The only major**
16 **difference is the clause 14 as opposed to the clause 3,**
17 **I think it is.**
18 LORD JUSTICE LEVESON: I'm not terribly troubled about that.
19 I'm more concerned about whether you've seen some
20 terrible problem in Ireland, given that you publish
21 there and that you're involved in Ireland --
22 **A. No, we distribute there.**
23 LORD JUSTICE LEVESON: -- which is a consequence of the fact
24 that there is a statutory framework in Ireland, which
25 stands behind the regulatory regime.

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1 **A. No. All I would say is all newspapers must be aware of**
2 **what goes on in Ireland in terms of their set up, and we**
3 **are obviously aware of that too. Nothing's been tested**
4 **so it's a bit of a grey area.**
5 LORD JUSTICE LEVESON: But you don't feel your freedom of
6 speech, your freedom of expression, in relation to what
7 you want to put in your newspaper, is imperilled by the
8 Irish system?
9 **A. No. I have had some discussions with some Irish**
10 **journalists, who have said that they find it a much**
11 **freer system over there.**
12 LORD JUSTICE LEVESON: Over there?
13 **A. Yeah.**
14 LORD JUSTICE LEVESON: Interesting.
15 **A. Yeah, and Donal MacIntyre, we work closely with him.**
16 **He's obviously the investigator for the BBC and he**
17 **assists us in some investigations, and he's often said**
18 **to me that he finds it easier to operate in Ireland, in**
19 **the Republic, than over here. He tends to publish his**
20 **books from Dublin-based publishers than over here. As**
21 **I say, it's not been tested so I don't know.**
22 LORD JUSTICE LEVESON: All right.
23 MR BARR: Thank you very much, Mr Murray.
24 LORD JUSTICE LEVESON: Thank you very much. Right, shall we
25 take a break now before the final witness? Right.

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<p>1 (3.16 pm) 2 (A short break) 3 (3.23 pm) 4 MS BOON: Sir, the next witness is Jeremy Lawton. 5 MR JEREMY LAWTON (sworn) 6 Questions by MS BOON 7 MS BOON: Please give your full name. 8 A. Jeremy Lawton. 9 LORD JUSTICE LEVESON: I understand you're concerned about 10 being called "Jeremy" as opposed to -- 11 A. Have you read my tweet? 12 LORD JUSTICE LEVESON: As he posed to "Jerry". 13 A. Well, you've caused a family problem. 14 LORD JUSTICE LEVESON: But your statement does start: "I, 15 Jeremy Lawton ..." 16 A. It's my full name. 17 LORD JUSTICE LEVESON: So I don't think you can criticise 18 the Inquiry. Right. 19 MS BOON: Mr Lawton, you've provided the Inquiry with 20 a witness statement dated 6 February of this year. 21 A. Yes. 22 Q. And you've signed a statement of truth in the standard 23 form? 24 A. Yes. 25 Q. Is this your formal evidence to the Inquiry?</p> <p style="text-align: center;">Page 45</p>	<p>1 police forces, so we'd be more interested in serious 2 crimes that are likely to affect them across the board, 3 everything from benefit cheats to serial murderers. 4 Q. So it's crimes, as such, as opposed to, for instance, 5 the personalities of senior figures within police 6 forces? 7 A. Yeah, I mean we would probably look at that, but that's 8 maybe something that would be handled by the political 9 brief rather than me, if that was an issue, because 10 arguably it is more political. So I can't recall ever 11 writing a story on -- certainly not in my crime role -- 12 on the politics of Scotland Yard or anything like that. 13 Q. I see. Another question that other witnesses have been 14 asked today: do you see as part of your role 15 investigating the crime yourself and trying to find the 16 culprit, if at all possible? 17 A. Absolutely not, no. I think that's very dangerous. 18 I think our role is really to report what happens. It's 19 as simple as that. It's to report on the ongoing 20 investigation to the best of the ability that we can and 21 to look into the figures around that and the people it 22 affects, but as far as investigating the case, we 23 wouldn't have the ability to. I mean, that's why the 24 police are there. We report how they investigate. 25 Q. Yes.</p> <p style="text-align: center;">Page 47</p>
<p>1 A. It is indeed. 2 Q. You've been a journalist for 24 years? 3 A. Yes. 4 Q. You worked at the Grimsby Evening Telegraph? 5 A. That's right. 6 Q. And the now defunct news agency Humberside Newslines? 7 A. That's right. 8 Q. You've worked at the Daily Star for the past 17 years? 9 A. Indeed. 10 Q. After starting out at a general news reporter in London, 11 you were appointed northern correspondent based in 12 Leeds? 13 A. Yes. 14 Q. Before being promoted to your current position as chief 15 crime correspondent? 16 A. That's right. 17 Q. You are now not based in London but you have what you 18 describe as a worldwide roving brief from your home in 19 the north? 20 A. That's right. 21 Q. To begin, what sort of crime stories does the Daily Star 22 aim to write? 23 A. Very similar, really, to the stories that John Twomey 24 mentioned for the Express. Our readers are particularly 25 interested in crime rather than the politics behind</p> <p style="text-align: center;">Page 46</p>	<p>1 A. Yeah. 2 Q. Moving forwards to your contact with the 3 Metropolitan Police Service, you make the point at 4 paragraph 3 on our page 60637 that you spent most of 5 your career outside London -- 6 A. That's right. 7 Q. -- so your experience of working with the Metropolitan 8 Police Service is much more limited than other or most 9 crime reporters? 10 A. That's right. 11 Q. When reading your statement, one gets the impression 12 that your contact with the MPS is confined to telephone 13 calls to press officers. Is that right? 14 A. Yeah, that would probably be about right. On major 15 crime stories that have affected the -- have brought me 16 to London -- I've found most of the stories I've ended 17 up working on have been outside London, but when 18 obviously stories do arise, like the 7/7 bombings, 19 there's a crossover. In Madeleine McCann there has 20 because some of the briefings have been held in London. 21 So in those areas I would get involved but I don't have 22 the level of contacts that, say, somebody like John or 23 Sandra Laville would have on a daily basis. 24 When I worked as a crime reporter -- as a normal 25 reporter in London, I probably had more contact because</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

1 **I then would ring them five times a week, the Press**
 2 **Bureau.**
 3 Q. In your current role, do you have any contact with
 4 individual Metropolitan Police officers?
 5 **A. Absolutely none.**
 6 Q. Do you feel that that in any way hampers your ability to
 7 do your job?
 8 **A. You'd probably have to ask my boss, but I would probably**
 9 **say no, because I'm not actually in the Crime Reporters**
 10 **Association, simply because it's London-centric, really,**
 11 **and I don't have that sort of involvement. But if I was**
 12 **working in that -- if my job changed around and I was**
 13 **suddenly asked to work in that sort of brief, it may be**
 14 **that I'd have to join it, or I certainly have good**
 15 **colleagues and friends who are in it, and I would expect**
 16 **them to make sure I had access to all briefings.**
 17 **I wouldn't be a person who would want to be excluded**
 18 **from those briefings.**
 19 Q. So you would ask to be allowed in, even though you're
 20 not a --
 21 **A. Absolutely, yes. I'd fight for the right to be in**
 22 **there, to be fair.**
 23 LORD JUSTICE LEVESON: Do you think then the CRA should be
 24 prepared to accept other specialist crime reporters from
 25 wherever they are?

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1 **A. Yes, actually, yeah. I think it's something they should**
 2 **consider. I mean, some big regional newspapers have**
 3 **specialist crime reporters. It may be a way of**
 4 **taking -- I know John's going to report back to you with**
 5 **his views on how they go forward and that may be**
 6 **something that should be looked into. There's also TV**
 7 **news and very good TV news reporters who work --**
 8 **specialise in crime. Martin Brunt at Sky.**
 9 **Yeah, if it involves access to briefings, I would be**
 10 **expecting to get into those briefings. I would be**
 11 **expected to by my employers.**
 12 MS BOON: Yes. How effective do you consider the MPS's
 13 press office is at providing you with the information
 14 that you need?
 15 **A. Well, within the limited scope that I've just explained?**
 16 Q. Yes.
 17 **A. I've found them very effective. I've found them -- I've**
 18 **not asked to go on specific operations, but with me it's**
 19 **simply a case of ringing up, putting forward requests,**
 20 **and they respond quickly. With the daily papers, speed**
 21 **is of the essence, so a response that's quick, accurate**
 22 **and directed at exactly what you want -- I've found**
 23 **they're good.**
 24 Q. Do you consider that the facts are sufficiently balanced
 25 in terms of not only putting the Met in a good light but

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1 also letting you know where perhaps things have gone
 2 wrong?
 3 **A. Yeah, I've not found anything that's left me troubled**
 4 **that they are deliberately trying to push themselves**
 5 **forward.**
 6 Q. Do you consider that -- you may have answered this
 7 question. Do you consider they apply any spin to the
 8 information they give you?
 9 **A. Not that I've experienced, no.**
 10 Q. You've said later on in your statement that part of the
 11 press office's role is to ensure that the police force
 12 concerned is portrayed in the best possible light in the
 13 media, but you're saying that you haven't found that
 14 that has had any particular impact on the accuracy or
 15 helpfulness of the information that you've been
 16 provided.
 17 **A. I can honestly -- I don't tend to do the political**
 18 **stories about the police, so I am looking for: when did**
 19 **it happen, who was arrested, or -- who was arrested,**
 20 **preferably, but what has happened, the actual facts.**
 21 Q. I see.
 22 **A. So in light of that, that's what I tend to go for.**
 23 **I don't really feel that the information that's been**
 24 **presented to me has been slanted in any way.**
 25 LORD JUSTICE LEVESON: So you don't look at, for example,

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1 knife crime in Liverpool, or the rise of anti-social
 2 behaviour in Hull?
 3 **A. Absolutely, I do look into those things. What I would**
 4 **do in those cases, though, is I would ask the press**
 5 **office probably to talk directly to the officers**
 6 **involved in handling that. If there was a knife crime**
 7 **initiative in Liverpool, for instance, I would make**
 8 **a request to the press office to say: is it possible for**
 9 **me to speak to the officers involved? And it would**
 10 **probably be arranged in advance, so I would get the**
 11 **specialist knowledge and then directly from the**
 12 **officers. That would be preferable.**
 13 LORD JUSTICE LEVESON: Do you have difficulty getting that
 14 sort of access?
 15 **A. No, I haven't. I really haven't. We've done a number**
 16 **of investigations in certain areas and I've found most**
 17 **press officers will listen to you. It sometimes may be**
 18 **that the senior officer is reluctant to, but I've found**
 19 **it very, very rare. In fact, as I'm sitting here,**
 20 **I can't think of an occasion when it's been denied.**
 21 MS BOON: I do want to explore further your relations with
 22 other police forces in contrast with your relationship
 23 with the Metropolitan Police. Before I do, I'd like to
 24 touch just briefly on hospitality.
 25 **A. Yeah?**

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<p>1 Q. The hospitality that you've received from the MPS has 2 not extended beyond what might probably be termed 3 refreshments? 4 A. No. 5 Q. So a cup of tea and a biscuit? 6 A. Yes. No champagne. 7 Q. No champagne. That's been provided at organised press 8 briefings, you say? 9 A. Yeah, routine refreshments. 10 Q. You have never provided hospitality to the MPS? 11 A. Never. No. 12 Q. Have you ever considered arranging a lunchtime meeting, 13 travelling down to London, meeting up with a senior 14 officer or an individual officer? 15 A. I can say I haven't, but if the situation arose -- 16 Lord Justice Leveson's just mentioned -- where I needed 17 to contact an officer specifically, then I would 18 suggest: "How you would you like to meet? What sort of 19 environment would you like to meet in?" But that 20 situation hasn't arisen with the Metropolitan Police. 21 Q. I see. So moving forwards to your relations with forces 22 other than the MPS, you state that during the course of 23 your career you've had some contact with most police 24 forces? 25 A. Yeah.</p> <p style="text-align: center;">Page 53</p>	<p>1 you get to speak to the Chief Constable, he will ask you 2 maybe a question about the press office, whether there's 3 anything that could be provided for us or does it meet 4 our requirements, something general like that, but I've 5 never noticed anything political. That's never come 6 across -- never come across that scenario anywhere. 7 Q. So do no police forces other than the MPS offer the 8 facility for crime reporters like yourself to meet one 9 to one with the senior officers, whether it's over lunch 10 or over a coffee? 11 A. I'll be honest with you: I wouldn't be particularly 12 interested -- it sounds awful -- in meeting an officer 13 of the rank of chief constable unless I was doing 14 a specific story, like a knife crime initiative. 15 I would be more interested in meeting detectives and 16 people who have the hands-on involvement in individual 17 crimes that I'm looking at at that moment. 18 Q. So are you unable to assist with my questions to the 19 extent to which police forces offer that facility. 20 You've not been interested in it so it might be that 21 it's been offered but it's not come to your attention? 22 A. I would imagine every police force offers that facility. 23 I would expect to quite openly ask for it and -- as to 24 whether they would grant it to me, I don't know, but I'm 25 aware other reporters have taken advantage of that.</p> <p style="text-align: center;">Page 55</p>
<p>1 Q. And you continue to deal with many police forces? 2 A. Yes. 3 Q. Logically, the forces you have contact with will depend 4 on what crimes are happening where? 5 A. Where, geographical, yeah. 6 Q. At paragraph 16, our page 60640, you say: 7 "Personal contact with chief constables, ACCs and 8 DCCs is usually restricted to organised police press 9 conferences on major news stories or arranged Christmas 10 'meet the chief' media events at which they usually ask 11 for feedback on the current state of police/press 12 relations." 13 A. Yes. 14 Q. You use the word "usually", which suggests that's not 15 always the case. Are there exceptions in the regional 16 force to this set-up? 17 A. Only that I've been to one where I didn't actually meet 18 the chief. 19 Q. Right. 20 A. I ended up having an orange juice with a colleague of 21 mine and never got to speak to him, so it was a complete 22 non-event. 23 Q. Are there examples of where personal contact is more 24 extensive, or allowed to be? 25 A. Not really. It really is a "meet the chief" event. If</p> <p style="text-align: center;">Page 54</p>	<p>1 Q. I see. Can you help us with the nature and the 2 frequency of the contact that you have with individual 3 police officers, detectives in forces other than the 4 MPS? 5 A. It depends on the crime. I move geographical wherever 6 the event is and when I get there, I will obviously try 7 to seek contact with the officers involved. I have one 8 or two long-serving contacts with people that have 9 worked on several investigation that I've ended up 10 reporting on, some of whom have retired, and -- but 11 really, I cover a large patch, if you like, to put it 12 geographically, so I have to focus specifically on the 13 job in question. 14 Q. I see. 15 A. So it will relate to that job and it will be over 16 a relatively short period of time, but I'll obviously 17 try and contact the officer in charge of the 18 investigation. 19 Q. So your contact is more reactive to events? 20 A. Absolutely. 21 Q. As opposed to maintaining ongoing relations with certain 22 informal contacts in the hope that they will let you 23 know, perhaps tip you off about matters -- not so much 24 tipping off, there's pejorative connotations to that, 25 but in the hope that if you build up a relationship of</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

1 trust, they may confide in you when there's an
 2 operation --
 3 **A. Or a problem or whatever, yes. That's really what I'm**
 4 **talking about with mutual trust. But as I say, in terms**
 5 **of continued contact, no, it wouldn't be a series of**
 6 **lunches and drinks and things, no. It would be specific**
 7 **to the inquiry that I was working on at the time. It**
 8 **happens in major forces that those officers come around**
 9 **because they deal with more crime.**
 10 Q. When you meet with individual officers to speak about
 11 the crime that's interesting to you at that time, does
 12 conversation stray beyond that crime?
 13 **A. If you --**
 14 Q. Does it stray into gossip or --
 15 **A. Nothing to do with police work, in my experience.**
 16 **Football, life. Yeah, I mean because the Daily Star is**
 17 **the newspaper it is, it's targeted towards -- I think**
 18 **they're pretty much aware that we are interested in**
 19 **crime. It's high on our initiative, but it's the crime**
 20 **itself and the investigations surrounding it, so again,**
 21 **if they started to talk about politics, I'll be honest**
 22 **with you, I probably wouldn't be interested. It's not**
 23 **the sort of thing that's my brief.**
 24 Q. Have you ever received information that might be termed
 25 a leak, information that the officer was not authorised

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1 to share with you?
 2 **A. Very difficult to describe what a leak is. I've**
 3 **received information from officers for guidance in terms**
 4 **of arrests and the nature of the arrest.**
 5 Q. When I say "leak", what I'm intending to describe is
 6 information that that officer, either by force policy or
 7 force orders, is prohibited from sharing with you.
 8 **A. I would be surprised, though it's possible.**
 9 Q. It's possible that you have been, but to your knowledge
 10 you haven't?
 11 **A. It's possible, but to my knowledge I haven't. I can't**
 12 **think of a specific case.**
 13 Q. If you did receive such information, would you take
 14 particular steps to corroborate it?
 15 **A. Oh yes, and it would depend on the circumstances it was**
 16 **given. The only circumstance I could imagine a leak**
 17 **would be given really would be for some kind of**
 18 **background information or guidance. That is the only**
 19 **certain area.**
 20 I mean, the area I'm being specific about is if you
 21 have a high-profile case where maybe you have a series
 22 of arrests but certain elements of those arrests are not
 23 directly related to the major crime. Then I have
 24 received guidance that the arrests are not related to
 25 the actual major crime and are side issues.

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1 Q. That doesn't sound so much like a leak as more akin to
 2 an off-the-record briefing that the Inquiry has heard
 3 about, to give you guidance to ensure accurate
 4 reporting?
 5 **A. Absolutely. There you are. If you're talking about**
 6 **"have I been tipped off about celebrity arrests", no.**
 7 Q. In your presence, has a police officer ever put pressure
 8 on a crime reporter to bury or ignore information?
 9 **A. Not that I'm aware of, no.**
 10 Q. And you're not aware of anyone else having that
 11 experience?
 12 **A. No.**
 13 Q. At paragraph 49, page 60648, you state that after many
 14 years as a crime reporter, you count among your friends
 15 a number of policemen, solicitors, barristers and other
 16 senior members of the legal profession?
 17 **A. Yes.**
 18 Q. Have these grown from the informal contact that you have
 19 referred to at all or have these friendships flourished
 20 in other ways?
 21 **A. A couple have. I play golf sometimes with a police**
 22 **officer. I've never done a job with him. I do --**
 23 **a former police officer is a very good friend of mine,**
 24 **now retired. A couple have, but it does complicate**
 25 **a friendship, the nature of the job. I find it**

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1 **surprisingly a hindrance rather than an advantage.**
 2 LORD JUSTICE LEVESON: Well, the terrifying prospect, of
 3 course, for your friends is that what they say to you
 4 may end up in the newspaper, and you persuading them
 5 that actually you're not there waiting to write down
 6 anyway they say is presumably the issue that you have to
 7 face.
 8 **A. Not really, not with my friends, because they know**
 9 **I wouldn't do that. That's why they're my friends.**
 10 LORD JUSTICE LEVESON: But that's the point.
 11 **A. It is the point. I find it also is a hindrance, or**
 12 **could be a hindrance, because if anything, you become**
 13 **more protective towards your friends rather than less**
 14 **protective. So if I was to overhear stray gossip,**
 15 **I would rather probably not have heard it, and if there**
 16 **was a leak and somebody was involved in something,**
 17 **I would hate to be even considered as the possible**
 18 **source of it, whether it was me or not. So I actually**
 19 **think it's a shame, because police officers and**
 20 **journalists traditionally have common -- work in**
 21 **a common field, and so sometimes it does create**
 22 **a hindrance to long-term friendship.**
 23 LORD JUSTICE LEVESON: So what you have to organise is your
 24 lives in such a way that information is available
 25 openly, transparently and doesn't require off-the-record

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1 or private briefings, so there's no question of anything
 2 inappropriate ending up in your newspaper?
 3 **A. I agree, except for, as I described in my statement, the**
 4 **off-the-record briefings that are away from TV cameras,**
 5 **which I don't know if we're going to talk about. I do**
 6 **genuinely, genuinely believe that that needs to be**
 7 **looked at. The advent of 24-hour TV, live TV briefings,**
 8 **it has robbed reporters of the facility -- totally**
 9 **appropriately and openly -- to have an open**
 10 **communication with officers. When we get a vast amount**
 11 **of information coming to us on a major crime that will**
 12 **the public are interested in, it's vital we have an open**
 13 **line of communication we can go to to talk to somebody,**
 14 **to say, "Look, we've been told this. If we run it, is**
 15 **it true? Is it going to cause you a problem in terms of**
 16 **your inquiries and your investigation?" And at the**
 17 **moment, one of the fears I have, having heard my**
 18 **colleagues as well today, is that these lines of**
 19 **communication are being shut down all over the place.**
 20 **That is a real concern.**
 21 **If the aim of this Inquiry, as I understand it is,**
 22 **is to improve accuracy and standards, I fear at the**
 23 **moment it's having completely the opposite effect.**
 24 LORD JUSTICE LEVESON: I'm not so sure about that. I can
 25 understand that at the moment there is concern on the
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1 part of police officers that they should not be seen to
 2 be providing off the record or unofficial briefings, and
 3 it will have to be -- I think I've used the word
 4 "recalibration" of where that relationship is. But the
 5 responsibility of ensuring they publish accurate
 6 information remains with the journalist, doesn't it?
 7 **A. Of course it does, of course it does, but we -- the**
 8 **whole point about it is we do need to be able to check**
 9 **that information, and we are -- that information is out**
 10 **there. You're not just dealing with newspapers; you're**
 11 **dealing with the Internet, as I'm sure you are aware,**
 12 **and that information will go out there and it can be**
 13 **very damaging. It can be inaccurate. I've done stories**
 14 **where we have actually righted wrongs on the Internet.**
 15 LORD JUSTICE LEVESON: Yes.
 16 **A. That have got out of control.**
 17 LORD JUSTICE LEVESON: That's fair enough, but it will get
 18 out there if people talk, and if the philosophy should
 19 be rather more openness and rather more transparency,
 20 subject always to the interests of justice, and the
 21 absolutely priority not to prejudice an ongoing
 22 investigation, then there is less room for inaccurate
 23 material to enter the public domain, whether it be
 24 digitally or in print.
 25 **A. Absolutely right, but at the moment you're describing**
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1 **something that isn't there, because that information**
 2 **source that you're talking about, which I completely**
 3 **agree with you, that isn't happening. So if you can**
 4 **achieve that, an open and -- more information, then yes,**
 5 **absolutely. But at the moment we don't have that.**
 6 **We're just finding doors being closed.**
 7 MS BOON: If I may return briefly to your friendships with
 8 police officers.
 9 **A. Mm.**
 10 Q. I would like to ask you about your reaction to the
 11 following, and that's the sense that, human nature as it
 12 is, when a friendship is formed, it can affect the
 13 independence of the parties to that friendship. So the
 14 journalist may be less inclined to scrutinise or report
 15 unfavourably on that police officer or perhaps the
 16 division in which that police officer works, and in turn
 17 the police officer may feel less inclined to secure the
 18 investigation of apparently unlawful conduct on the part
 19 of the journalist. What do you say to that, being
 20 a journalist who has friends who are police officers?
 21 **A. I think it's a risk. I think it's a difficulty and**
 22 **I think you need to be aware of it, and hence why**
 23 **I think I mentioned that point earlier. I think it is**
 24 **a risk.**
 25 Q. What do you do yourself to --
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1 **A. I basically take work out the equation. It's as simple**
 2 **as that.**
 3 Q. So that person ceases to be your contact?
 4 **A. Absolutely, yes, yes. I draw the distinction, yeah,**
 5 **absolutely. I think it's important for all of you,**
 6 **otherwise it's not a friendship; it's a work**
 7 **relationship, and possibly an inappropriate one.**
 8 Q. So there's a line, is there, that one reaches?
 9 **A. I'm talking purely for me, but yes, there is a line,**
 10 **yeah. I think everybody should have that line.**
 11 Q. Hospitality again, just to touch on that, with forces
 12 other than the MPS. In terms of hospitality you've
 13 provided, you've bought the odd pint or cup of coffee,
 14 depending on the location of the meeting?
 15 **A. Yeah.**
 16 Q. In terms of hospitality that you've received, that's
 17 been minimal also, has it, in terms of --
 18 **A. Yes.**
 19 Q. It would simply be refreshments?
 20 **A. Yeah. I mean, if I met a police officer and we were**
 21 **going to have a sandwich at lunch, all the officers I've**
 22 **ever known have paid their own way and been quite**
 23 **deliberate in doing so. So I don't know if that's**
 24 **a culture that varies between forces, but that it is my**
 25 **direct experience.**
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1 Q. Across the board?
 2 **A. Yeah.**
 3 Q. Outside the Metropolitan area?
 4 **A. Yeah, pretty much. Greater Manchester, west Yorkshire,**
 5 **Northumbria, Merseyside, yeah.**
 6 Q. Your experience has been more: "You bought the last one;
 7 I'll buy this one"?
 8 **A. Sometimes not even that. If you came to a sandwich,**
 9 **then they would just not expect you -- the officers I've**
 10 **dealt with, even the thought of making some**
 11 **improprieties offered to them, it just -- you'd be**
 12 **blowing a contact and risking an arrest, and I can say**
 13 **that completely firmly.**
 14 Q. Are any financial limits imposed on you? I know you're
 15 saying that you don't tend to buy meals, but --
 16 **A. Well, obviously there are other people that we entertain**
 17 **other than police officers. I do other stories too.**
 18 **The Daily Star has a small staff, as I think you heard**
 19 **from our editor, and so I have to do stories outside the**
 20 **remit of crime, so I deal with a lot of people from all**
 21 **kinds of walks of life. But yes, we do. We have the**
 22 **same entertainment restrictions that I think Mr Murray**
 23 **described to you, which I think is a £40 allowance or**
 24 **whatever, and they're scrutinised intensely.**
 25 Q. You say they're scrutinised intensely. Does that mean

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1 that part of the scrutiny process would be to ask you
 2 who the --
 3 **A. Always. I have to name all the people I entertain.**
 4 Q. Even if they might be a source much information who you
 5 would protect generally?
 6 **A. On our form, I could put, "Source: known to news desk",**
 7 **or something like that, meaning that if it was required,**
 8 **I would be willing to give that information, but the**
 9 **risk would be -- for me, as an individual, is I may not**
 10 **have that money reimbursed if I was just -- and**
 11 **everything must be receipted.**
 12 Q. I've been asked to ask you to expand on what editorial
 13 oversight or control there is over communications
 14 between you and the police.
 15 **A. Right.**
 16 Q. Can you help with that?
 17 **A. Well, as a crime reporter -- basically I work the same**
 18 **way that I worked when I worked for my local paper 20**
 19 **years ago. As a crime reporter, you are expected to**
 20 **have relationships with the police. I've never been**
 21 **told how to have relationships with the police, but**
 22 **any -- the simple rule for me would be that any**
 23 **significant information, from any police officer or**
 24 **police press officer that I dealt with that affected**
 25 **a story currently, presently or in the past, I would**

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1 **immediately pass on to my news editor or the news editor**
 2 **of the day, however that may be.**
 3 **In terms of entertaining, as I say, it doesn't**
 4 **really apply to police officers. In terms of a lunch,**
 5 **there would be no direct control of who bought the**
 6 **lunch, I would not be asked that, but as I say, it would**
 7 **show up when I submitted my expenses, precisely --**
 8 **a running guide as to what your movements are. It's**
 9 **a time-dated guide to how you operate, basically, and if**
 10 **there are any queries, that is checked by numerous**
 11 **people, from the News editor higher up the editorial --**
 12 **it's rigorously checked.**
 13 Q. Are there queries? Have you ever been asked to account
 14 for your meetings or the lunches that you've had?
 15 **A. I can't think of one. It's possible, but it's a long**
 16 **time ago and I can't remember.**
 17 Q. I don't need to ask you about the details of it.
 18 **A. I honestly can't remember one. It is possible, but**
 19 **I can't recall it.**
 20 Q. If I can move on then to your question of training,
 21 which you cover at paragraph 33 of your statement,
 22 page 60644, you describe an injunction course?
 23 **A. Yes.**
 24 Q. That you say you were put through.
 25 **A. Yes.**

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1 Q. I have been asked to ask you to expand on this. What
 2 did that entail in practice, insofar as you can
 3 remember? It was in --
 4 **A. It was a long time ago. I still have the form, believe**
 5 **it or not, which is why I could mention it. I was given**
 6 **a company booklet and I was given a form, which is**
 7 **basically a ticked guide, and it involved all aspects of**
 8 **the job, from the routine things such as: "Do you know**
 9 **where the canteen is? Has expense claiming been gone**
 10 **through with you?" So things like: "Have you been**
 11 **issued with the ..." I think it might have been the**
 12 **Press Council then. I honestly can't remember, but that**
 13 **was included, and you would have a briefing with your**
 14 **news editor, who would take you through these processes**
 15 **and afterwards he would sign it, you would tick it, he**
 16 **would tick it and that would then remain with -- I would**
 17 **keep a copy and I think personnel keep a copy, human**
 18 **resources.**
 19 Q. Is this kind of induction course a continuing thing?
 20 **A. I believe not. I don't know, but I've spoken to**
 21 **a couple of colleagues who haven't had that, so**
 22 **I honestly don't know. I mean, we've obviously gone**
 23 **through a series of changes of ownership. I'm not**
 24 **certain whether it's still in existence, but I believe**
 25 **not.**

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1 LORD JUSTICE LEVESON: Have you had any updated assistance
 2 or training or discussion since 1994?
 3 **A. Yes. Continually. Every day. Absolutely every day.**
 4 **Every story.**
 5 LORD JUSTICE LEVESON: Oh yes, there you're picking it up on
 6 every story, but what I'm asking is whether there is any
 7 formal continuing training from your employers, as, for
 8 example, to bring you up to date in relation to the
 9 Bribery Act or what's happening in privacy litigation.
 10 **A. Absolutely.**
 11 LORD JUSTICE LEVESON: All that sort of thing.
 12 **A. Yeah, we get every ruling -- every update of law comes**
 13 **to us directly on our emails, which I access from**
 14 **a BlackBerry, also my laptop, also my PC.**
 15 **Also, although we're not in the PCC, we still abide**
 16 **by all the guidelines of the Editors' Code of Conduct,**
 17 **and we get PCC updates -- obviously probably not now,**
 18 **but we were getting PCC updates and immediately that**
 19 **there's any ruling that may affect anybody or any story,**
 20 **that is logged in our own personal email accounts and**
 21 **that's whether you've worked on the story or not. So it**
 22 **might be something to do with Haringey council and you**
 23 **wouldn't be -- you would get a copy of it and then each**
 24 **copy says that the full adjudication is available in the**
 25 **legal department.**

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1 **So I would have two or three a day from the legal**
 2 **department. Also applies to injunctions and things like**
 3 **that, and notification of injunctions. It's actually**
 4 **been made easier by modern technology, because obviously**
 5 **now it's very simple just to pop that into your email**
 6 **account.**
 7 MS BOON: Can I take you forwards to deal with police/media
 8 operations.
 9 **A. Yeah.**
 10 Q. At paragraph 17 of your statement, page 60640, you
 11 identify West Yorkshire and Greater Manchester as forces
 12 which are excellent at media relations and should be the
 13 model for all forces.
 14 **A. In my opinion, yeah.**
 15 Q. Your view is that they strike the perfect balance
 16 between on the record briefings and off the record
 17 guidance. How do they do this?
 18 **A. Well, Greater Manchester police -- I mean, I can give an**
 19 **example of this without -- I'll take the details out of**
 20 **it because I'm not sure of the state of the**
 21 **investigation, but last week I received -- there was**
 22 **a major crime in Greater Manchester and I received an**
 23 **email from Greater Manchester police press office that**
 24 **gave the details of the crime. It gave an agreed**
 25 **statement from the victim's family, two members of it.**

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1 **It had an attachment of a photograph that the family**
 2 **were happy to be issued and it also had an attachment of**
 3 **CCTV footage of the incident that the officer in the**
 4 **case had agreed to release.**
 5 **Now, in the old days we would have to go around to**
 6 **the family, knock on the door, ask if they wanted to**
 7 **speak, maybe individually, maybe, unfortunately,**
 8 **en masse, depending on the number of news organisations**
 9 **involved and the size of the story, and then we'd have**
 10 **to put in a request for a media briefing. Then we'd**
 11 **have to see if we could get the CCTV footage. That**
 12 **would have to go through a formal process to the**
 13 **investigating officer, who'd have to agree with various**
 14 **people.**
 15 **That, for me, is first rate police/press relations.**
 16 **I think that must help everybody all round, including**
 17 **the victims' families, because it has a massive impact,**
 18 **I think. We have information that we know is accurate,**
 19 **trustworthy, is not going to cause an offence to anybody**
 20 **or a problem to people who are already in a difficult**
 21 **situation, and that's really why I would highlight them.**
 22 **They're not alone. Other forces are doing this now,**
 23 **largely through the advent of email, which is making**
 24 **things better, but they're very proactive in terms of**
 25 **investigations. I put Greater Manchester police as**

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1 **exceptional.**
 2 **The other thing is if you have any further queries,**
 3 **you can go to the press office. They understand.**
 4 **They'll go to the senior officer. They'll maybe set up**
 5 **a meeting if you require it. They'll hold formal press**
 6 **conferences, and I just think that -- very impressive**
 7 **and very helpful to me and it must be helpful to the**
 8 **victims, which I know is of extreme importance here.**
 9 Q. Are there any other aspects of those media operations
 10 which other forces should emulate or have you
 11 outlined --
 12 **A. I think the embracing of technology, really, and just**
 13 **the fact that they can -- you've been asked to build up**
 14 **trust, that they can release these things and -- I mean,**
 15 **Northumbria police, in the inquest into the crimes of**
 16 **Derrick Bird --**
 17 Q. In Cumbria?
 18 **A. Yes. Sorry, Cumbria. That was a very high-tech**
 19 **inquest, fabulous -- a bit like here, really, where all**
 20 **the facilities were laid out, everything was high-tech.**
 21 Q. So it was the organisation of the inquest as opposed to
 22 the way in which they related to the media?
 23 **A. Well, what they did was each day of the inquest -- a lot**
 24 **of the problems we have are: can you release certain**
 25 **aspects of an inquiry? Can you release these pictures?**

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1 **Can you release that CCTV footage? All those arguments**
 2 **and discussions had been had prior to the inquest, so**
 3 **each day as the inquest unfolded, a new package, if you**
 4 **like, would be released. It would already have been**
 5 **pre-agreed, already released. All the victims' families**
 6 **had been informed. That would all be released at the**
 7 **end of the day and you knew exactly where you stood, you**
 8 **knew exactly what you were doing, and it doesn't half**
 9 **make the job a lot easier.**
 10 Q. So it sped everything up?
 11 **A. Absolutely, yeah, and Northumbria police were**
 12 **exceptional, in my opinion, in handling the Raoul Moat,**
 13 **which was a very, very difficult incident.**
 14 Q. I wanted to ask you about that. What was it in
 15 particular that was impressive?
 16 **A. The real thing that impressed me was they were always**
 17 **available with information and it was an ongoing -- it**
 18 **began to become an extremely dangerous situation, real**
 19 **life situation, and they always had time to talk to you,**
 20 **they always had time to guide you, which was critical.**
 21 **There's one example that I have given here, where**
 22 **there was a specific threat made by the gunman. They**
 23 **retrieved some tapes that he left at a previous hideout**
 24 **and it was a threat to execute members of the public**
 25 **whenever he read or heard something about his family**

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1 **that he didn't like. The police had obviously agonised**
 2 **over what to do about this and we had a media briefing**
 3 **that day in front of the cameras that appeared live on**
 4 **TV. Then we were asked to sign a disclaimer and go into**
 5 **another room, and there was a police lawyer there and**
 6 **members of the team, and basically everybody was asked**
 7 **to impose a media blackout.**
 8 **I may be wrong, but I don't think they had any legal**
 9 **grounds to actually do that, but they took a chance on**
 10 **trust because the situation was so serious that they**
 11 **could trust the media. They told us what the threat**
 12 **was, they told us the details of it, they told us the**
 13 **serious nature of it. I walked out that briefing and**
 14 **rang my news desk and we pulled a double-page spread**
 15 **instantly. Other newspapers were the same. Coverage**
 16 **changed. As a result, no one -- not one organisation,**
 17 **radio, TV, news, regional -- breached that embargo.**
 18 **There was thankfully no more bloodshed, and at the end,**
 19 **of course, after he'd been surrounded and ended his own**
 20 **life, we were able to report the true nature of the**
 21 **threats he'd made, but it wasn't reported until**
 22 **afterwards, by anybody. And I just thought that shows**
 23 **the level of mutual trust that can exist and the mutual**
 24 **co-operation between all aspects of the media and the**
 25 **police.**

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1 Q. There are media operations in respect of which you're
 2 less complimentary. Paragraph 18 of your statement:
 3 "The only occasions upon which I have found forces
 4 unwilling to engage on what I consider a satisfactory
 5 level were Leicestershire police while handling the UK
 6 end of the Madeleine McCann case and Avon and Somerset
 7 during the Jo Yeates murder inquiry. Unusually, both
 8 forces refused to give any guidance on any of the
 9 multiple lines of enquiry that came into most newspapers
 10 during those ongoing investigations."
 11 If I take the Jo Yeates murder investigation first.
 12 You want to make clear, I understand, that at the time
 13 of Mr Jefferies' arrest you were on leave?
 14 **A. Yes, I think unfortunately that's a -- you've found**
 15 **out -- I think it was at new year and I was on annual**
 16 **leave at the time, so I didn't actually write the**
 17 **Chris Jefferies coverage at the start. I got involved**
 18 **in the investigation from the point of his release to**
 19 **the point around the time Vincent Tabak was arrested, so**
 20 **my evidence is based on that caveat, basically.**
 21 Q. Your comment at paragraph 18, are you referring to that
 22 period of the investigation?
 23 **A. Yes. I'm referring to -- I have to say it's hearsay**
 24 **evidence because it's come from colleagues, but it's**
 25 **not -- it's slightly better than that, in the sense that**

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1 **I was obviously then involved in the ongoing**
 2 **investigations relating to Mr Tabak and I found the**
 3 **circumstances identical to the ones described by my**
 4 **colleagues that were in place when Mr Jefferies was**
 5 **arrested.**
 6 Q. Because what I want to ask you -- you say that the
 7 forces were not giving guidance on multiple lines of
 8 enquiry. That suggests that the police force concerned
 9 wasn't confirming information that you were putting to
 10 them?
 11 **A. That's right.**
 12 Q. Can you comment on whether Avon and Somerset were giving
 13 any off-the-record guidance at all?
 14 **A. Well, I have been told that they weren't giving any**
 15 **off-the-record guidance.**
 16 Q. Who have you been told by?
 17 **A. Most journalists on other newspapers at that time, most**
 18 **national newspapers at the time. I am aware of the**
 19 **evidence given by Mr Wallis to the Inquiry. It is**
 20 **possible the Mirror did have information, but I'm not**
 21 **aware of any other newspaper being given that**
 22 **information. As I say, I must stress I wasn't there for**
 23 **that period, so I make that comment within that caveat.**
 24 LORD JUSTICE LEVESON: I think it's better if you just talk
 25 about what your personal experience was.

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1 **A. My personal experience from the moment I arrived was**
 2 **that no, there was absolutely zero guidance from the**
 3 **police about any of the enquiries that came to us.**
 4 MS BOON: Can you help -- I am, of course, not asking you to
 5 name any sources -- with how your newspaper knew that
 6 Mr Jefferies specifically had been arrested if no
 7 off-the-record briefings were being --
 8 **A. I understand the information was relayed to us via**
 9 **a news agency and I understand that the source of it --**
 10 **well, it certainly wasn't the police.**
 11 Q. It wasn't the police?
 12 **A. It was absolutely not the police.**
 13 Q. Paragraph 55 of your statement. You have a further
 14 comment about the Jo Yeates investigation. You say:
 15 "Had Avon and Somerset police chosen to give
 16 discrete off-the-record guidance regarding Mr Jefferies'
 17 background and the nature of his arrest, it is possible
 18 he may have been spared the other deal he described to
 19 the Inquiry."
 20 Can you explain what you mean by this, because if
 21 Avon and Somerset aren't giving any guidance, then the
 22 source of the information is for the journalists to
 23 decide what to print and what not to print, isn't it?
 24 **A. Yes, that's right. I mean, basically with the benefit**
 25 **of hindsight, which is a wonderful thing, it now seems**
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1 **that Mr Jefferies' arrest was based, at best, on minor**
 2 **inconsistencies and something he may or may not have**
 3 **said. In other cases that I've worked with where people**
 4 **have been arrested and I've had a relationship with**
 5 **officers or with press officers, I would have expected**
 6 **to have been given some guidance as to the forthcoming**
 7 **charges. I think Mr Murray touched on this evidence.**
 8 **There's usually set phrases that are given and I would**
 9 **have expected that to have happened here. It didn't**
 10 **happen because of Avon and Somerset's --**
 11 LORD JUSTICE LEVESON: But isn't the answer that you just
 12 shouldn't be going there? Proceedings are active. To
 13 start doing these background pieces, whether it's to
 14 write against him or to write in his favour -- I mean,
 15 you're trying to bounce the investigation along in a way
 16 that may be utterly prejudicial.
 17 **A. I agree. I think the realistic position that I -- that**
 18 **seems to exist at the moment -- I mean, I heard what you**
 19 **said to Mr Murray, and obviously you're right,**
 20 **absolutely. The moment somebody is arrested, the case**
 21 **is active.**
 22 LORD JUSTICE LEVESON: I'm pleased you agree with my
 23 interpretation of the Contempt of Court Act.
 24 **A. Exceptional. What I would say is that what seems to**
 25 **have happened in reality is that there is a perception**
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1 **that until -- the ground has shifted, and that until**
 2 **somebody is now actually charged, there is a perception**
 3 **that you can still run stuff, although it would not have**
 4 **any direct evidence and it wouldn't have anything that**
 5 **would possibly be detrimental to the individual.**
 6 **Now, I know in the Chris Jefferies case that didn't**
 7 **happen.**
 8 LORD JUSTICE LEVESON: What you're saying is that it may be
 9 that the decision of the Divisional Court in that case
 10 in relation to two newspapers has identified that the
 11 high watermark has been reached and it's gone too far
 12 and therefore needs rowing back?
 13 **A. I may be wrong, I may be wrong, but I think you've heard**
 14 **a subeditor say to this Inquiry it was a sea change in**
 15 **the industry.**
 16 LORD JUSTICE LEVESON: You're absolutely right. Somebody
 17 said just that. I can't remember who it was.
 18 **A. I remember hearing that and thinking: absolutely.**
 19 **I think absolutely. It was a new Attorney General --**
 20 **he's not now, but at that point relatively new, and he**
 21 **took the decision to prosecute the two newspapers, the**
 22 **Sun and the Mirror, on a case that wasn't even going to**
 23 **court. So it was a contempt of a non-court. But**
 24 **I think it did -- it had a real, real impact.**
 25 LORD JUSTICE LEVESON: Let me tell you what concerns me
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1 about that, if you don't mind, Mr Lawton, and that's
 2 this: you can go in the past and have heard people say,
 3 "Well, that's had a real impact on how we should do
 4 things", whether it's to do with the death of
 5 Princess Diana or to do with the McCanns or any one of
 6 these really explosive stories, and everybody said, "Oh,
 7 that will make a big difference, that's really changed
 8 things", until the next big story.
 9 **A. Yes, and I'm sure in the past that's happened.**
 10 **I just -- that's not the impression I have here. I was**
 11 **very impressed -- when the -- I forget -- I'm sorry to**
 12 **not be able to name the person who has said this to you,**
 13 **but I remember watching it and actually reacting and**
 14 **thinking: yeah, that is exactly what has happened. It's**
 15 **had a -- we've had people arrested since, and I think**
 16 **you'll find -- you've probably been monitoring, I would**
 17 **imagine, that the behaviour has been slightly different.**
 18 LORD JUSTICE LEVESON: Yes, of course.
 19 **A. I don't think it's just because the Inquiry is under**
 20 **way.**
 21 LORD JUSTICE LEVESON: And the fact that I am watching
 22 what's going on is being used as evidence of chilling
 23 what journalists should be doing. You've just heard
 24 that expressed today.
 25 **A. Absolutely, yeah. I might not agree with all of it, but**
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1 **what I am saying is that, yeah, I think -- I actually**
 2 **think -- I mean, I heard you say to Mr Jay on Thursday:**
 3 **"Don't get me started", and don't get me started, but**
 4 **actually, I am one of these people who think there are**
 5 **many rules and restrictions in place governing how we**
 6 **write stories across the board right now and there's**
 7 **a law in place for phone hacking. If the laws were**
 8 **employed, people would listen and those standards would**
 9 **come into line, and I think the Attorney General has**
 10 **acted and I think people have listened, and I think if**
 11 **people do act, many of the restrictions that are**
 12 **currently in place within the statute book -- I think**
 13 **you would find a sea change.**
 14 LORD JUSTICE LEVESON: But it's not good enough to say,
 15 well, the criminal law can be enforced, because it's
 16 a legitimate argument, which has been deployed here and
 17 in the press as well, that there are many more important
 18 crimes to investigate than these, and therefore scarce
 19 resources shouldn't be used to look at historic
 20 criminal -- even criminal behaviour, if it's not of
 21 a real gravity.
 22 The risk you run there, therefore, is that everybody
 23 defaults to a position that standards slip and conduct
 24 which is, in fact, criminal, which may or may not have
 25 been thought of really as criminal, becomes recognised

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1 and acceptable and because it's not at the highest level
 2 of criminality, never gets addressed.
 3 **A. Absolutely, but scarce resources are not just restricted**
 4 **to the public purse. Scarce resources are prevalent in**
 5 **the media world as well and when -- the threats of fines**
 6 **and High Court actions, et cetera, they have a real**
 7 **impact on the way newspapers operate.**
 8 LORD JUSTICE LEVESON: I'm going to ask you a grossly unfair
 9 question.
 10 **A. Ah, excellent.**
 11 LORD JUSTICE LEVESON: But it's actually generated because
 12 of your last answer.
 13 **A. Right.**
 14 LORD JUSTICE LEVESON: Of course, you're not involved in the
 15 PCC because Northern & Shell aren't, but do you think
 16 that being required to publish an adverse ruling of the
 17 PCC had that effect?
 18 **A. It was taken more seriously at our newspaper -- I can**
 19 **only speak about our newspaper -- than I think is the**
 20 **general opinion within the confines of this Inquiry.**
 21 LORD JUSTICE LEVESON: Every news editor who has given
 22 evidence in this Inquiry has said, "Oh, it was
 23 a terrible badge of shame to get an adverse
 24 adjudication."
 25 **A. But I haven't finished my answer.**

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1 LORD JUSTICE LEVESON: Please finish your answer.
 2 **A. I would suggest that it was a thing that we do not like.**
 3 **It wasn't anything that anybody wanted. Newspapers**
 4 **aren't there to upset people. They're actually there to**
 5 **listen to the readers and act for the readers. I mean,**
 6 **Jim described this earlier on, and that is absolutely**
 7 **right. So we don't want disciplinary actions against**
 8 **us, and so the people have stood up here and said that,**
 9 **I would actually agree with them.**
 10 **But as you say, I would suggest it's for you to**
 11 **judge, really, passing the buck, as to whether that did**
 12 **have the desired effect or not. I'm just saying that,**
 13 **you know, we do not want any kind of disciplinary action**
 14 **about anything. Nobody does. And we do take incredible**
 15 **steps to try and avoid it, in all cases, on a daily**
 16 **basis.**
 17 **I feel like I've not really helped you a great deal,**
 18 **but that's all I can say. It's probably for you to**
 19 **judge. I take it you obviously don't feel that.**
 20 LORD JUSTICE LEVESON: Well, I'm not expressing
 21 a conclusion.
 22 **A. Well, neither am I, then.**
 23 LORD JUSTICE LEVESON: No, no, actually we're actually in
 24 different positions. You're giving evidence and I'm
 25 entitled to ask you the questions.

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1 **A. Absolutely.**
 2 LORD JUSTICE LEVESON: I don't have to express an opinion
 3 now, and I won't express a concluded opinion until
 4 I come to the end some time later on in the year.
 5 **A. Yes.**
 6 LORD JUSTICE LEVESON: So we're not quite in the same
 7 position.
 8 **A. And I get my moment now.**
 9 LORD JUSTICE LEVESON: Yes.
 10 **A. The answer, I would suggest, is, you know, probably not,**
 11 **in the sense of if it continues to happen, if something**
 12 **continues to happen, then the punishment is probably not**
 13 **achieving the deterrent effect. Is that --**
 14 LORD JUSTICE LEVESON: All right. Thank you.
 15 MS BOON: I would just like to return to your comments at
 16 paragraph 18 about the police-media operations. We've
 17 dealt with the Jo Yeates murder inquiry. Why you are
 18 critical of Leicestershire police?
 19 **A. Saying I'm critical of Leicestershire police -- I just**
 20 **believe that accuracy is only achieved -- or there's**
 21 **a greater chance of achieving accuracy by dialogue.**
 22 **I can't understand how somebody refusing to have any**
 23 **dialogue with you can possibly improve accuracy, and you**
 24 **need to have trust for that, I appreciate that, but for**
 25 **me you do need an open line of communication.**

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1 Leicestershire police in that case -- admittedly, it
2 was a Portuguese police inquiry, it was a very unusual
3 situation, but I just felt, particularly in one specific
4 case, Leicestershire police could have given more
5 guidance that may have changed the way the case was
6 being reported at the contentious time, as we've heard
7 earlier in the Inquiry.
8 Did you want me to elaborate or are you happy?
9 LORD JUSTICE LEVESON: Please do.
10 A. Yeah. It was about -- I'm flying blind because I don't
11 know fully what Leicestershire did or did not know, but
12 they were the UK arm of the Portuguese investigation,
13 and it relates to the forensic test results, which
14 became the key aspect. Portuguese police leaked in
15 briefings in Portugal to their journalists that the
16 forensic test results positively showed that Madeleine
17 had been in or linked her to the hire car that her
18 parents didn't hire until three or four weeks after
19 she'd disappeared, and that story became a -- created
20 a sea change, without overusing that word, in the way
21 the story has been looked at.
22 Those forensic test results became a bone of
23 contention between the UK and the Portuguese police.
24 I was present when a Portuguese team of forensic experts
25 and detectives arrived in Leicester to discuss these

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1 results. Of course, they'd already leaked a version of
2 the results. Leicestershire police presumably knew --
3 although it turns out obviously that those test results
4 did not prove that and that the Portuguese police had
5 somehow misinterpreted these results. I just felt that
6 had this been -- that Leicestershire police could have
7 briefed, off the record, even unreportable, that the
8 Portuguese police had misinterpreted those DNA results.
9 MS BOON: Are the Leicestershire police not in
10 a particularly difficult position there? Is it for them
11 to divulge the results of forensic tests carried out by
12 police from other jurisdiction, whether on or off the
13 record? Is it right for them to do that?
14 A. No, it isn't. It absolutely is not. The only issue is,
15 taking it to another crime, in my experience, if a fact
16 has emerged during the course of an ongoing
17 investigation and that fact is actually incorrect but
18 it's sneaked into the media and become more widely
19 reported and then steamrolled as if to become fact, the
20 police have clamped down on that immediately, largely
21 for their own reasons, operational reasons. It's a huge
22 hazard to a police inquiry to have an erroneous fact
23 about an investigation out in the public domain.
24 Because all of a sudden, when you're relying on public
25 appeals, people are being swayed by something that is

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1 completely wrong.
2 So looking at that many example -- and that's
3 happened on several occasions. I don't understand why
4 Leicestershire police, on this occasion, didn't -- even
5 if it was unreportable -- give the guidance that this is
6 not right, this is not how we've interpreted those test
7 results, the leak is wrong. The leak was very specific.
8 I've been told by my colleagues in the Portuguese media
9 that the leaks weren't a case of spurious gossip.
10 Portuguese reporters were shown extracts of police
11 files, hence the detail in some the leaks, which of
12 course subsequently it's turned out to be in the police
13 files.
14 So it isn't a case of spurious gossip. That went
15 out there. It was wrong, or it was misinterpreted,
16 entirely innocently, presumably by the Portuguese
17 police, trying their best to solve a difficult case.
18 Leicestershire are in a difficult position, as you've
19 described, because they're a force in a different
20 country handling -- it isn't their jurisdiction, but
21 when you realise, and you can see the steamrolling
22 effect that that fact is having, particularly on the
23 McCanns, Gerry and Kate, I just wondered why
24 Leicestershire police chose not to correct. Even if it
25 was completely unreportable -- it didn't even have to be

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1 reported. It could have just been a discreet guidance:
2 "This is not as it is", and I think you would have
3 noticed a distinct change in the coverage of the case.
4 Q. You would have corrected that in your paper, would you?
5 A. We would have agreed -- we could have agreed a mechanism
6 with the police whereby we would put the situation
7 right, yes. We only wanted to know what happened with
8 Madeleine, and so that would be something that -- we
9 would want to be carrying accurate information. That's
10 the whole point. So if we are carrying something that
11 is misinterpreted, that's maybe leading people in the
12 wrong way -- I just felt the police could have done
13 something. I don't want to be overly critical, but I'm
14 just looking at ways forward in future cases and how
15 things could happen, and if you have that open dialogue,
16 if you have that trust, that is the kind of way you can
17 work to bring -- to remove erroneous material.
18 Q. Do you have any idea why Leicestershire -- if it is
19 a question of trust -- might not have felt they could
20 trust the media?
21 A. I've no idea. I don't know why. Every time you rang
22 Leicestershire police on that inquiry -- and it was
23 a lot, from every media organisation -- you were told:
24 "It's a Portuguese police inquiry. You'll have to
25 contact the Portuguese police." And of course, they

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1 were fully aware that the Portuguese police had judicial
 2 secrecy laws and they wouldn't talk about the case.
 3 You've addressed all this elsewhere in the Inquiry. But
 4 I don't know.
 5 Q. Thank you. The last area I want to ask you about is the
 6 future, where we go from here.
 7 A. Yeah.
 8 Q. You say in your statement that in the light of the
 9 HMIC's finding that there's no endemic corruption, and
 10 in the light of new strict bribery laws, you do not
 11 consider that there's any need for additional rules;
 12 they can only harm police/press relations. Do you
 13 maintain that view?
 14 A. Well, I'm interested -- what I've heard today, that if
 15 we could have a -- if there was a sort of situation
 16 where police generally were allowed to be more open,
 17 then the whole rule book could be torn up and start all
 18 over again. I'm just looking at the climate that we're
 19 in and the fact that the doors are shutting everywhere,
 20 and it's already difficult getting accurate information.
 21 I mean, when we're running a major crime
 22 investigation, we're getting -- I get emails and calls
 23 from readers, from witnesses, from absolutely everybody
 24 you can imagine. Crime experts -- and I have to
 25 disseminate that information and try and work out where

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1 the inquiry is going, plus dealing obviously with the
 2 police. It's vital that I have a route to those police
 3 to be able to say, not for publication even: "Look, can
 4 I have some guidance on this? Is this right? Is this
 5 going to hamper your inquiries? Am I going to trample
 6 over them?"
 7 That does happen now and I've outlined the good
 8 forces who, in my opinion -- and it is only my
 9 opinion -- who do seem to have a feel for that. I'm
 10 just concerned that if you bring in even more rules, if
 11 it's not endemic -- there is the old sledgehammer and
 12 nut scenario, and that concerns me.
 13 Q. If the context is that police officers are positively
 14 encouraged to speak more openly with the media within
 15 the bounds of the law and guidelines, do you see
 16 a difficulty with police officers making a note of their
 17 contact with journalists? Not necessarily setting out
 18 what information has been divulged, but at least keeping
 19 a record of who they've met and when?
 20 A. I can see it -- selfishly, I can see it as just another
 21 excuse for somebody not to talk to us. I can also see
 22 a danger that hasn't been mentioned, if it's just
 23 a recording of the number of meetings, in that --
 24 I mean, it only takes one meeting to leak, whistle-blow,
 25 provide information. If that information is then leaked

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1 and there's an inquiry, the guy who's met with police
 2 once and released all the information is unlikely to
 3 have the finger pointed at him, when there may be a guy
 4 who has met with the press 30 times that month, entirely
 5 appropriately, but he looks exposed because of the sheer
 6 volume of information, he's having so many regular
 7 contact meetings with the press, entirely innocently.
 8 LORD JUSTICE LEVESON: I think that's a rather
 9 unsophisticated view. I think people will probably be
 10 able to work out that numbers don't necessarily add up.
 11 A. It depends on the system.
 12 LORD JUSTICE LEVESON: But the issue is rather more subtle,
 13 isn't it? It is: by all means open and transparent
 14 meetings, but each time you meet, you ought to be able,
 15 in your own mind, to say, "This is entirely sensible and
 16 entirely worthwhile", so that you can justify what
 17 you're doing and you know that somebody could see -- I'm
 18 not saying they would -- that this seems to be sensible;
 19 this, on the other hand, doesn't seem to be sensible.
 20 I appreciate that it only takes one leak, and
 21 of course, that might be the one meeting that nobody
 22 notes. Of course, if then an officer was caught not
 23 having noted, then that might itself create a concern,
 24 and legitimately, because why not? If you're
 25 encouraging openness and transparency, why not say,

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1 "Well, I've met Mr Lawton on this date, a meeting to
 2 discuss knife crime or this particular instance", full
 3 stop. That's all I'm talking about. What's the problem
 4 with that? I'm not necessarily saying I'm committed to
 5 it; I'm asking what the problem is with it.
 6 A. Well, I could just see -- the way you describe it:
 7 absolutely nothing. I just see practically that bearing
 8 in mind -- I've only become aware of the true -- some of
 9 the true politics that are at work in various forces
 10 through this Inquiry, and it concerns me that that could
 11 be exploited in some way.
 12 I'm also -- I just -- we're getting to a stage with
 13 almost too many rules. I mean, if we're talking about
 14 senior police officers and I go to meet a senior police
 15 officer now, and I say to him anything of consequence,
 16 really, or he says something to me of consequence,
 17 I would expect that senior police officer to note it
 18 now. Whether that happens or not, I don't know, but
 19 I would fully expect him, if he's released something to
 20 me in an informal briefing, to make a note of that,
 21 should it become relevant in any subsequent incident.
 22 Should I foolishly go and report something relating to
 23 it when it's not been --
 24 LORD JUSTICE LEVESON: If you would expect him to note it
 25 now, then what I'm just discussing with you is no

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1 different.

2 **A. I suppose not, no. I suppose -- my concern is that**

3 **certain officers -- I mean, if this was across the**

4 **board -- it's just working within different forces.**

5 **There's clearly different politics at work in different**

6 **forces, and I would just be concerned that some people**

7 **would use it as an excuse not to meet, when there's**

8 **already loads of excuses been used not to meet and doors**

9 **shut everywhere we go, and I just find -- maybe it's**

10 **just my nervousness at the moment to think of more rules**

11 **that are going to stop more people meeting us when my**

12 **aim really is getting at accurate information. That's**

13 **my sole reason to be, and the thing you're describing**

14 **I don't -- at the moment in my head -- I may go away and**

15 **think about it and think differently, but I can't see**

16 **how that is going to help. I just see it as another**

17 **potential obstacle.**

18 **As far as I'm concerned, of course, I mean, if**

19 **I meet a police officer, I talk immediately to my news**

20 **desk, so effectively I am reporting, from my point of**

21 **view.**

22 LORD JUSTICE LEVESON: Yes. The problem from the reporter's

23 point of view is not a problem. You're entitled to go

24 to whoever so ever you want for information.

25 **A. Yes.**

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1 LORD JUSTICE LEVESON: The problem is to make sure that it

2 isn't just a free-for-all in relation to what the police

3 are communicating to reporters. You're entitled, from

4 the reporters to the police, to want a free-for-all.

5 **A. Yes.**

6 LORD JUSTICE LEVESON: I'm merely suggesting that there

7 ought to be openness, there ought to be transparency,

8 there ought to be a willingness to engage in a dialogue

9 in order the better to promote criminal justice issues

10 and a willingness on the part of the public to engage in

11 the criminal justice system, but that carries with it

12 a responsibility, and therefore officers doing that, as

13 they should, ought to be conscious of that

14 responsibility and be prepared to account to their

15 senior officers as to how they discharged that

16 responsibility. That's the long and the short of it.

17 **A. Can I ask you a question on that?**

18 LORD JUSTICE LEVESON: You can ask. I won't necessary

19 answer.

20 **A. Is that from a public perception point of view that**

21 **you're addressing this or is it from a real point of**

22 **view, if you know what I mean, ie to stop bad practice**

23 **or bad cops?**

24 LORD JUSTICE LEVESON: It's actually a bit of both. It's to

25 stop inappropriate communication. It's to stop the need

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1 for utterly unauthorised and potentially damaging leaks,

2 and it's also to avoid the perception of a relationship

3 which is potentially damaging to the public interest.

4 **A. Well, all I would comment on that would be that if you**

5 **have a bad cop, is making a note going to stop him?**

6 LORD JUSTICE LEVESON: Well, that's as may be. Maybe yes,

7 maybe no. If you have a bad cop, then I would want him

8 or her to be caught.

9 **A. Absolutely.**

10 LORD JUSTICE LEVESON: And therefore if the bad cop doesn't

11 make a note, that's prima facie evidence, isn't it?

12 **A. If you find out what went on.**

13 LORD JUSTICE LEVESON: But if you don't find out -- if you

14 don't require anything, then you'll never find anything

15 out, because you'll never reveal your source, and

16 I understand the reasons for that.

17 **A. Mm. Yeah. Yeah.**

18 LORD JUSTICE LEVESON: Right.

19 MS BOON: Mr Lawton, is there anything you wish to add to

20 any of the evidence you've given?

21 **A. No, not really. I think that's fine.**

22 MS BOON: Thank you. Those are my questions.

23 LORD JUSTICE LEVESON: Thank you very much indeed,

24 Mr Lawton.

25 **A. Thank you.**

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1 LORD JUSTICE LEVESON: Thank you. Tomorrow morning,

2 10 o'clock. Thank you very much.

3 (4.37 pm)

4 (The hearing adjourned until 10 o'clock the following day)

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