

Thank you for your letter of March 28th. My response is as follows:

Who you are and a brief summary of your career.

Rt Hon Alan Johnson MP for Hull West & Hessle since 1997. Cabinet Minister from 2004-2010 including a period as Home Secretary June 2009 to May 2010

Questions about your responsibilities in relation to the police

2. Please assist the Inquiry by setting out the policy and operational responsibilities and areas of influence you had as Home Secretary in relation to the police, insofar as they may have had a bearing on the relationship between the police and the media. The Inquiry is particularly interested in the following areas, but there may be others:

- a) standards or guidance on the giving and receiving of hospitality;
- b) the conduct of police media relations (including formal and informal briefing, the inclusion of representatives of the media in police operations, and police training and standards in this area);
- c) practice in the acquisition, safeguarding, use and disclosure of personal information;
- d) police operations in relation to allegations of criminal wrongdoing by or within the media;
- e) the appointment, leadership, performance and profile of the Commissioner of Police for the Metropolis.

Your answer should include in particular a description of any powers or functions you exercised in the relevant areas by virtue of statute, any financial or governance decisions it fell to you to take, any role you had in the promulgation of guidance or other expectations, and the extent to which, although you did not have direct or operational responsibilities, you would expect to give or receive advice or briefings, including on a confidential basis.

My answer to parts of this question reflects briefing from Home Office officials which I understand has also been provided to the present Home Secretary and other previous Home Secretaries.

During the period from the 5th June 2009 to 11th May 2010, responsibility for policing in England and Wales rested on tripartite arrangements involving the Home Secretary, the chief officers of the 43 English and Welsh forces and police authorities made up of nominated local councillors and independents.

The Home Secretary had a strategic leadership role, setting the overall policy direction for policing in England and Wales on behalf of the Government. The Home Secretary was accountable to Parliament and the public for the allocation of national funding to forces, and for the legislative framework within which they operate and individual police officers and staff exercise their powers. There were some powers of direct intervention in cases where forces or authorities were failing in their duty to provide efficient and effective policing in their area.

Police Authorities were responsible for holding the chief constable and the force to account, on behalf of people in the area, for providing efficient and effective policing against the priorities and plans they had set and the funding which was available. Each authority was responsible for setting

the budget for the force, including raising local funding through the precept. They appointed and, where appropriate, dismissed the chief constable.

Each chief officer is responsible for the day-to-day operational direction and control of the officers and staff in their force. Collectively, chief officers come together and take responsibility for guidance and instructions on best practice and procedures in operational policing.

In the context of the remit of this inquiry, the Home Secretary's role in relation to the Independent Police Complaints Commission (IPCC) and Her Majesty's Inspectorate of Constabulary (HMIC) is also relevant. The IPCC exists as a non-departmental public body (NDPB), under the auspices of the Home Office and therefore of the Home Secretary. Although the IPCC is, by definition, independent of government in the exercise of its investigatory powers and the operation of the commissioners, funding is delegated from the Home Office for its operation and powers to ask the IPCC to do specific pieces of work (outside their role in investigating individual cases) exist in the name of the Home Secretary. HMIC is also independent of the Home Office in the exercise of its powers and the conduct of its inspectors, but it operates from within the Home Office for the purposes of its funding. It has, traditionally, had a role as the Home Secretary's professional adviser on policing.

Guidance, practice and standards tend to be set by chief officers of police, acting collectively through the Association of Chief Police Officers (ACPO), or individually in relation to their own forces. The Home Office can, and does, issue guidance and codes of practice, particularly, in the context of the areas covered by this inquiry, in relation to the police regulations under the Police Act 1996, which govern, amongst many aspects of police activity, terms and conditions, misconduct and the handling of police information.

(a) There were no detailed national standards set on the giving and receiving of hospitality, although the Home Office has recently updated guidance on misconduct, issued under police regulations, which says:

"Police officers never accept any gift or gratuity that could compromise their impartiality. During the course of their duties police officers may be offered hospitality (e.g. refreshments) and this may be acceptable as part of their role. However, police officers always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation"

(Home Office Guidance: Police Office Misconduct, Unsatisfactory Performance and Attendance Management Procedures, version 1.1, effective from December 2008. <http://www.homeoffice.gov.uk/about-us/corporate-publications-strategy/home-office-circulars/circulars-2008/026-2008>)

(b) There was guidance in place on the conduct of police media relations, published following consultation with representative media bodies in 2005. This was published by the Media Advisory Group of ACPO (since succeeded by the Communication Advisory Group who updated the guidance in 2010 and it was this updated guidance which Andrew Trotter referred to in his evidence). The purpose of this guidance was to:

"...provide a clear working framework to maintain the smoothest possible day-to-day relationship between the police and all sections of the media, keeping problems to a minimum and resolving them when they do occur."

(c) In July 2005, the National Centre for Policing Excellence (one of the predecessor bodies to the National Policing Improvement Agency) issued a Code of Practice on the Management of Police Information. The code is issued under police regulations and its purpose is:

“...to ensure that there is broad consistency between forces in the way information is managed within the law, to ensure effective use of available information within and between individual police forces and other agencies, and to provide fair treatment to members of the public... [and] sets out the principles governing the management of information (including personal information) which the police service may need to manage and use...”

(NPIA website: <http://www.npia.police.uk/en/15088.htm>)

The code is underpinned by more detailed guidance which is available from the same website.

(d) The nature of a chief constable’s operational independence means that the Home Secretary has no direct responsibility for operations at all, including in relation to allegations of criminal wrongdoing by, or within, the media. However, the nature of their accountability to the public and Parliament is such that they are sometimes briefed or updated on operations or investigations. This could be because a particular operation is high-profile and therefore likely to draw attention to itself such that the Home Secretary might be called upon to account for it or explain why it was happening. This could be because it related to some sort of threat to public order or public safety, involved injury to a police officer or involved potential misconduct by a police officer, for example. Briefing is occasionally provided to the Home Secretary by their private office or other officials in the Home Office or, on occasion, it might be that Her Majesty’s Chief Inspector of Constabulary (HMCI) or a senior police officer might make them aware of an incident, operation or investigation. Such briefings are for information only and would not invite involvement in anything that was properly the operational responsibility of chief police officers.

(e) The Home Secretary is responsible for the appointment of the Commissioner and the Deputy Commissioner of the Metropolitan Police. Recognising the size of the Metropolitan Police, its budget and its responsibility for key national policing functions, the Home Secretary has meetings with the Commissioner. On those occasions, the Commissioner updates the Home Secretary on aspects of the force’s performance and briefs them on major matters affecting the work of the force. This is also true in relation to other forces and chief officers when the Home Secretary meets them or visits their forces. Together with the Mayor, of London, I appointed Tim Godwin as Deputy Commissioner during my term of office.

3. Please give a full chronological account for the period you held office as Home Secretary, together with all relevant documentation, of the extent of your awareness and briefing, whether formal or informal, in relation to the following:
 - a) allegations of phone hacking and other improper conduct within News International;
 - b) the course of conduct of Operation Caryatid and the 2009 review by the Metropolitan Police Service of that operation;
 - c) the events which ultimately led to the establishment of Operations Weeting, Tuleta and Elveden.

Your account should include the extent to which you were briefed in relation to material not within the public domain (for example by the police, any regulatory body, or sources within the industry); discussions of these issues with, and any representations made by you or on your behalf about them to, anyone within

News International; all public statements you have made in relation to these issues; and any other steps you have taken in relation to them.

Piecing together a chronology of events around this issue I can advise as follows:

9th July 2009: there was an urgent question from Dr Evan Harris MP (Lib Dem), to which David Hanson responded for the Government.

“To ask the Secretary of State for the Home Department if he will make a statement on the steps he is taking to look into the actions of the police, the prosecutors and the Information Commissioner in respect of the use by newspapers of illegal surveillance methods.

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): I am grateful for the opportunity to respond to the hon. Gentleman’s question. I should first of all inform the House that my right hon. Friend the Home Secretary is today in Manchester at the Association of Chief Police Officers conference and is therefore unable to respond to the question himself.

The original allegations date back to 2006, following which, as the House will be aware, there were convictions. However, serious allegations have appeared in the newspapers this morning, which clearly go much wider than the original case. That is why I have spoken this morning to the assistant commissioner, specialist operations, John Yates, and why my right hon. Friend the Home Secretary has spoken to the Metropolitan Police Commissioner within the last hour. The Metropolitan police are urgently considering these allegations and will be making a statement this afternoon.

It would be wrong for me in any way to pre-empt that statement as this is first and foremost an operational matter for the Metropolitan police. However, I give an undertaking to the House that I will report back following the considerations by the Metropolitan police, when I can do so.”

The remainder of the debate can be found at column 1131 of Hansard for the 9th July 2009. Whilst in Manchester I spoke briefly to Sir Paul Stephenson who told me that he’d asked John Yates to look into this.

14th July 2009: David Hanson and I received a submission from Stephen Rimmer (Director-General, Crime and Policing Group) following a request I had made as to whether we should ask HMIC to conduct an enquiry into the MPS handling of this issue. In view of its recommendations I decided that HMIC should not be asked to review the police investigation at this stage and that further advice should be submitted on options following the outcome of the CPS review which was expected in the “next few days” and the IPCC’s decision as to whether it saw issues to investigate.

David Hanson made a written statement which can be found at column 11WS of Hansard for that day:

“The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson):
In response to the urgent question on 9 July 2009, *Official Report*, column 1131 by the hon. Member for Oxford West and Abingdon (Dr.Harris), I undertook to report back to the House at an appropriate time.

Since that urgent question was answered, Assistant Commissioner John Yates has made a public statement on 9 July about the original inquiry by the Metropolitan Police Service into the alleged unlawful tapping of mobile phones by Mr. Clive Goodman and Mr. Glen Mulcaire. I am placing the text of Assistant Commissioner Yate's statement in the Library of the House.

He has concluded that as no additional evidence has come to light in respect of the Goodman/Mulcaire case and as the Metropolitan Police Service has not formally received allegations in relation to the activities of any other journalists there is no need for a further investigation.

The Metropolitan Police has also confirmed that it does not consider that there is anything else substantive in relation to additional evidence or information that would justify it re-opening the original investigation. Neither has The Guardian approached the MPS with any new additional evidence.

As mentioned in his statement on 9 July, Assistant Commissioner John Yates is ensuring that the Metropolitan Police Service has been diligent, reasonable and sensible, and taken all proper steps to ensure that where it has evidence that people have been the subject of any form of phone tapping (by Mr. Clive Goodman or Mr. Glen Mulcaire) or that there is any suspicion that they might have been; that they have been informed. The decision to inform individuals that they have been targeted for illegal interception of their phone communications is an operational matter for the police.

Following his statement, and in view of comments that he had made in both Houses following last week's newspaper articles, the director general of the Crime and Policing Group in the Home Office wrote seeking clarification on some issues to Assistant Commissioner John Yates on 10 July who responded the same day. I am placing copies of that correspondence in the Library of the House. The Director of Public Prosecutions announced on 9 July an urgent examination of the material supplied by the police three years ago to satisfy himself and assure the public that the appropriate actions were taken in relation to that material. That review continues.

The Information Commissioner's Office will consider what action to take if evidence emerges of breaches of the Data Protection Act 1998. The Independent Police Complaints Commission has received a complaint from the hon. Member for Eastleigh (Chris Huhne) about police action in this case and are currently considering whether there are any issues raised which might fall within its remit. Any new evidence should be referred to the police or to the Information Commissioner if it relates to a data protection breach.

The Government will report back to the House when there are any substantive developments."

20th July 2009: David Hanson and I received a submission from Peter Edmundson (the then Head of the Policing Powers and Protection Unit) updating us following the CPS's review and the Metropolitan Police's responses to detailed questions from Keith Vaz, the Chair of the Home Affairs Select Committee. The recommendation was that HMIC should not be asked to review the police investigation and that a Written Ministerial Statement should be made. I agreed the recommendation.

21st July 2009: David Hanson made a written statement which can be found at column 126WS of Hansard for that day:

“The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson):

In my written statement on 14 July 2009 I gave an undertaking that the House would be updated on any substantive development.

On 16 July 2009, the Director of Public Prosecutions made a statement following the conclusion of the review he announced on 9 July 2009. He had concluded that in the light of the findings, set out in the statement, it would not be appropriate to re-open the cases against Goodman and Mulcaire, or to re-visit the decisions taken in the course of investigating and prosecuting them. A copy of the full statement by the Director of Public Prosecutions will be made available in the Library of the House.

The Metropolitan Police Service has also written in response to detailed questions about the police investigation to both the Home Affairs and Culture, Media and Sport Select Committees.

In my statement on 14 July, I also reported that the Independent Police Complaints Commission had received a complaint from the hon. Member for Eastleigh (Chris Huhne) about police action in this case and was considering whether there were any issues raised that might fall within its remit. That complaint has been passed to the Metropolitan Police Service for their consideration with the hon. Member's consent.

The MPS will now make a decision as to whether the complaint is recordable under the Police Reform Act 2002 and whether they should refer any matter to the IPCC. The MPS will update the hon. Member for Eastleigh directly.”

24th February 2010: I received advice on the extract of the Culture, Media and Sport Select Committee's report relating to the phone hacking allegations. There was no recommended action in that submission.

7th April 2010: the government, through the Secretary of State for Culture, Media and Sport, responded to the Select Committee's report:

<http://www.official-documents.gov.uk/document/cm78/7851/7851.pdf>

4. Without prejudice to the generality of question 3 above, the Inquiry understands that in July 2009, following coverage of allegations about the police investigation into phone hacking published in the Guardian, you considered, but rejected, calls to ask HMIC to review the police investigation into phone hacking. The Inquiry has also heard evidence from Sir Dennis O'Connor that you had "no appetite" for an HMIC review of the Metropolitan Police Service's original investigation. Please give a full account, together with relevant documentation, of the extent of your knowledge of the underlying issues, the advice you sought and received, the options you considered and the decisions you took in relation to the police investigation into phone hacking.

Far from having no appetite for an HMIC review, I had sought advice from officials as to whether it would be appropriate for HMIC to conduct an investigation into the handling of this case by the MPS. The response I received from officials was that HMIC were wrestling with a number of significant priorities that left very little spare capacity; the Met would deeply resent such interference in an operational matter and as the CPS was reviewing the issue we should await their report. I therefore decided that HMIC should not be asked to investigate at that stage, The CPS review concluded with the DPP stating that the CPS were properly involved in providing advice and that the Met had provided CPS with all the relevant information and evidence. He concluded that it would not be appropriate to re-open the case against G and M or revisit decisions taken in the course of prosecuting them.

5. The Inquiry also understands that in September 2010, following coverage of allegations about phone hacking published in the New York Times, you returned to the Home Office to review the papers relating to the phone hacking case from your time as Home Secretary. You are reported to have then discussed the matter with Home Secretary Theresa May and subsequently to have received a letter from former Assistant Commissioner John Yates in relation to his role in these matters. Please give a full account, together with the relevant documentation, of the purpose and nature of any approach you made to the Home Office at this time, the matters you reviewed, and the purpose, nature and content of any subsequent exchanges with Home Secretary Theresa May and John Yates.

In line with convention I was entitled to return to my old department and review papers from my time in office there. I had not taken documentation with me when we left office in May 2010 but given the fresh allegations I wanted to refresh my memory of the events referred to here. The papers that I saw reminded me that the MPS was convinced that illegal activities at News International were confined to one or two individuals who had been prosecuted and that the small number of people for whom they had specific evidence had been directly alerted to the possibility that their phones were hacked. I do not recall discussing this with Theresa May.

I enclose copies of the letter from John Yates, on this point and copies of my subsequent interventions on this issue.

6. In July 2011 you observed in Parliament that the police were either “evasive, dishonest or lethargic” in conducting their investigation into phone hacking. Please explain how and why you reached this view, including by specific reference to the evidence that you have seen.

Given the subsequent revelations about phone hacking at the News of the World and events that have occurred since then it is hardly surprising that I would feel that I had been misinformed by the MPS back in 2010. I believe the subsequent resignation of ACC Yates reinforced the point that my assertion was correct.

7. To what extent do you consider expertise in the conduct of relationships with the media to be a core competence of police officers in general, and of Chief Constables in particular? How was that reflected in policies relating to matters such as appointments, promotion and training?

In any democratic society the police must be accountable to the public both directly and indirectly. To that end it is right that police forces conduct open and transparent relationships with the media. In my view the Chief Constable best personifies the force he or she serves and to that extent they would need to be able to handle challenging media situations. Apart from press officers I cannot see a strategic need within forces for ranks below ACC to have “off the record” relationships with the media.

8. Please give a full chronological account, together with all relevant documentation, of: a) your awareness of the extent to which Metropolitan Police Service officers at Commissioner and Assistant Commissioner level had cultivated social relationships with the media and any steps you took as a result; b) your knowledge of the employment of Neil Wallis by the Metropolitan Police Service between October 2009 – September 2010; and c) your knowledge of the employment of Andy Hayman by The Times between September 2008 – May 2011; and any steps you took as a result.

As I have said above I believe it appropriate for senior police officers to be accountable in an open and transparent manner and this would include them having direct contact with journalists. In respect of the MPS this was self evident as senior officers would appear on the media. I was not aware of a cultivation of “social relationships” between the police and the media.

I had no knowledge of the employment of Neil Wallis by the MPS. I was aware that Andy Hayman had a relationship with the Times because his column appeared regularly in that newspaper. I was not aware of the details of that relationship.

9. Please comment on evidence heard by the Inquiry to the effect that senior police officers may have modelled their approach to media relations on what they have observed about the interaction between politicians and the media. Please set out your thinking on the relevant similarities and differences in the positions of politicians and the senior leadership of the police. To what extent do you consider that Government ministers in general, and Home Secretaries in

particular, have a role in setting an example to senior police officers in this respect?

I have no observation to make on the approach of senior police officers in respect of their relationship with the media as I was not exposed to this. I think the police service is mature enough to determine their own style of relationship with the media without having to look to politicians or indeed anyone else for guidance.

10. To the extent that you have not already done so in answer to these questions, please set out your perspective on the issues relating to the relationship between the police and the media which are before the Inquiry, and any thoughts you have about matters the Inquiry should particularly take into account in making recommendations about the future.

Evidence to the inquiry has shown the depth of the collusive relationship between the police and the media, often for the wrong reasons. I believe there is a role for senior police officers in undertaking media relations in an open and transparent way. I also believe that it is legitimate for police forces to have press offices to deal with media inquiries. I cannot see strategic value to the police in private relationships developing between junior ranks and print journalists.

Questions about engagement with the media

11. In your view, what are the specific benefits to the public to be secured from a relationship between senior politicians at a national level and the media? What are the risks to the public interest inherent in such a relationship? In your view, how should the former be maximised, and the latter minimised and managed? Please give examples.

Nationally politicians are accountable to the public and the primary form of accountability between elections is to Parliament. However the media – in all its forms - plays an extremely important role in allowing politicians to communicate to the public. My view has always been this should be managed in an open and transparent way. Typically I would hold regular press conferences in my department or undertake media Q&A following a speech.

12. Would you distinguish between the position of a senior politician in government and a senior politician in opposition for these purposes? If so, please explain how, and why.

I believe there is a significant difference. A government Minister has the resources of his or her department to support them. They are accountable to Parliament and must act within the confines of the Ministerial code. Opposition politicians are not accountable in this way.

13. How, if at all, can a Home Secretary conduct his own relationship with the media so as to assist the police in turn to do so in a way which most benefits the public?

Certainly the Home Secretary has a key role to play in supporting security policy through the media. For example, the HS will advise the public, via the media on changes to the security level. At times of potential or actual terrorist activity the HS has a key role to play in ensuring message dissemination to the public through the media.

14. Please explain the approach you personally took in the course of your political career to engaging with media proprietors, senior editorial and executive staff, and political editors, within the media. In relation to the period of your tenure as Home Secretary, your answer should cover at least the following - indicating as appropriate whether the information relates to that capacity or a private capacity:

- a) the nature and frequency of contacts of this nature, whether formal or informal;
- b) details of any relevant hospitality you gave, received or participated in;
- c) the value of these interactions to you;
- d) the extent to which political support by the media for any individual, party or policy was discussed at such interactions;
- e) the extent to which the existence and nature of such interactions were or were not placed within the public domain and the reasons for that.

a) I rarely spent time engaging personally with media proprietors or journalists. The majority of my media related activity was formal i.e managed in an open and transparent way through my Departmental press office. Typically I would hold a press briefing relating to the publication of statistics, policy documentation or legislation. I have not kept a record of these events but I would estimate they took place every two or three weeks. This was always at the Department.

b-e) I gave no hospitality personally. It was traditional for the Department of which I was a Minister to hold a "Christmas drinks" reception for journalists and others which I would attend. I would occasionally, perhaps once every two or three months or at Labour Party conference, have a lunch or a dinner with journalists, usually from a mix of media outlets (broadcast and print) and throughout my career as a Minister I met several political correspondents on a one-to-one basis. I do not recall discussing political support from the media at any time. Ministerial diaries are not subject to public scrutiny and I do not see the logic in singling out media related activity in this respect.

15. In your experience, what influence have the media had on the formulation and delivery of government policy more generally? Your answer should cover at least the following, with examples as appropriate:

- a) the nature of this influence, in particular whether exerted through editorial content, by direct contact with politicians, or in other ways;
- b) the extent to which this influence is represented as, or is regarded as, representative of public opinion more generally or of the interests of the media themselves;
- c) the extent to which that influence has in your view advanced or inhibited the public interest.

Please include in your answer your particular perspective on the nature of this influence in relation to criminal justice and to immigration policy.

I do not believe the media has a discernible impact on the formulation of government policy or the delivery of it. I think a distinction needs to be made between media coverage of government and associated political events and the actual development of policy itself. The media has the ability to

portray governments and politicians in a favourable or unfavourable light and this inevitably have some influence on the public's attitude towards politicians. Similarly the newsprint media will "campaign" or regularly write about issues it feels its readers feel strongly about e.g. fuel prices, immigration, sentencing, social security. However, I do not believe the last Labour government developed or changed its policies as a consequence of those kind of "populist" media campaigns. The truth is that invariably such issues are far more complex than a newspaper projects them to be. Similarly politicians generally want to resolve societal problems but have limits to what they can achieve.