

<p>1 Monday, 27 February 2012</p> <p>2 (10.00 am)</p> <p>3 LORD JUSTICE LEVESON: This Inquiry was established because</p> <p>4 of very real public concern regarding the activities and</p> <p>5 influence of some sections of our news media. So far,</p> <p>6 it has focused on press dealings with the public. It</p> <p>7 now turns to press dealings with the police, and later,</p> <p>8 with politicians.</p> <p>9 Each involves a number of strands. First, there is</p> <p>10 the culture and ethical approach of newsrooms in</p> <p>11 general, and one in particular. This includes what some</p> <p>12 editors may have perceived to be in the public interest,</p> <p>13 and the extent to which the label of public interest is</p> <p>14 used to mask the pursuit of goals linked to commercial</p> <p>15 self-interest.</p> <p>16 The second tier concerns the collective internal</p> <p>17 regulation of the press and the true impact of the PCC.</p> <p>18 Third, there is the adequacy and the impact of the</p> <p>19 operation of the criminal and civil law.</p> <p>20 In order to obtain insight into the extent of the</p> <p>21 problems in relation to the press and the public, the</p> <p>22 focus has inevitably been on illegal or unethical</p> <p>23 practices, and I recognise the disquiet felt by</p> <p>24 responsible members of the press that the evidence that</p> <p>25 I have heard is not representative of the way in which</p> <p style="text-align: center;">Page 1</p>	<p>1 every one of us, but they are rights which do not exist</p> <p>2 in a vacuum. In a democracy, they do not obliterate or</p> <p>3 trump all other rights, not the least being the</p> <p>4 operation of the rule of law for all. Where different</p> <p>5 aspects of the public interest are in competition,</p> <p>6 a balance has to be found. This Inquiry was set up, at</p> <p>7 least in part, because of public concern that there is</p> <p>8 insufficient acknowledgment of the fact that sections of</p> <p>9 the press were behaving in a way which was actually</p> <p>10 undermining the public interest. That concern does not</p> <p>11 in any way understate the importance of a free press and</p> <p>12 freedom of speech.</p> <p>13 Being more specific, I refer to the evidence that</p> <p>14 I have heard over the last few months. When what is</p> <p>15 published in a newspaper has no remotely arguable public</p> <p>16 interest, I do not consider that freedom of the press or</p> <p>17 freedom of speech extends to permitting the interception</p> <p>18 of mobile telephone messages or invasions of privacy or</p> <p>19 confidence. I believe that only one witness has</p> <p>20 suggested that it does. Neither do I consider that</p> <p>21 efforts to find a system that satisfactorily regulates</p> <p>22 illegal -- or what are agreed by all to be unethical --</p> <p>23 practices, while properly preserving free speech and</p> <p>24 a freedom of the press, threatens either.</p> <p>25 Further, with extremely limited exceptions, nobody</p> <p style="text-align: center;">Page 3</p>
<p>1 the industry as a whole generally operates.</p> <p>2 For that reason, I have repeatedly emphasised the</p> <p>3 vital role that responsible journalism plays in our</p> <p>4 society, and I have recognised that the overwhelming</p> <p>5 majority of journalists work to high standards day after</p> <p>6 day. In that regard, it is particularly appropriate to</p> <p>7 say that there is no better example of the very best in</p> <p>8 journalism than that provided by Marie Colvin, whose</p> <p>9 determination to illuminate events in the most dangerous</p> <p>10 corners of the world, whose life, body of work and the</p> <p>11 ultimate sacrifice that she made in doing so all serve</p> <p>12 to underline the need to preserve and protect free</p> <p>13 speech and a free press. To say that she was a fine</p> <p>14 reporter does not do justice to the attribute that she</p> <p>15 is owed, and which I am very pleased to acknowledge. It</p> <p>16 is particularly apposite to do so during the course of</p> <p>17 this Inquiry.</p> <p>18 As we have also talked about the work of</p> <p>19 photographers, it is right to reflect on the plight of</p> <p>20 Paul Conroy and others, who, behind the camera,</p> <p>21 represent the unseen face of this vital reporting.</p> <p>22 In the light of recent publicly expressed concerns</p> <p>23 to the contrary, I am very happy, yet again, to reassert</p> <p>24 my commitment to a free press and to freedom of</p> <p>25 expression. These freedoms are vital entitlements of</p> <p style="text-align: center;">Page 2</p>	<p>1 has said that the present system of regulation is</p> <p>2 adequate or sufficient.</p> <p>3 Finally, everyone has agreed that the civil system</p> <p>4 of justice is both slow and expensive. It is only</p> <p>5 sensible that better ways forward are considered. Good</p> <p>6 practice, the proper operation of the rule of law are</p> <p>7 the guarantors of a free press, not a threat to it.</p> <p>8 For the avoidance of all doubt, let me make it clear</p> <p>9 that I have no wish to be the arbiter of what a free</p> <p>10 press should be or should look like, and I have no</p> <p>11 interest in doing so. Publicly to express concern</p> <p>12 effectively about the existence of the Inquiry, when it</p> <p>13 is doing no more than following its mandated terms of</p> <p>14 reference, is itself somewhat troubling. For my part,</p> <p>15 given the background, I do not believe that the Inquiry</p> <p>16 was or is premature, and I intend to continue to do</p> <p>17 neither more nor less than was required of me.</p> <p>18 We will now proceed to module two, although there</p> <p>19 are a number of aspects of module one that are left</p> <p>20 unfinished and to which we are return. Although</p> <p>21 I provided a deadline of last Friday for submissions on</p> <p>22 the credibility of witnesses, with perhaps one</p> <p>23 exception, I've not received them. I will extend the</p> <p>24 deadline to Friday of this week. Although I have</p> <p>25 previously been prepared to accept late submissions,</p> <p style="text-align: center;">Page 4</p>

<p>1 I make no such promise any longer, and those who do not 2 make submissions will be assumed to have none to make. 3 At the same time, I intend to give a further 4 direction as to submissions. I have heard evidence from 5 Lord Hunt and Lord Black about the proposals which are 6 being formulated by the Press Complaints Commission. 7 I intend that they shall return to give further evidence 8 as they make progress with their plans. 9 I accepted the offer made by Mr Max Mosley, given 10 during the course of his evidence, to consider 11 a regulatory structure, and he has provided his views. 12 I have also received a submission from a group called 13 Media Regulation Roundtable, brought together by the 14 Reuters Institute for the Study of Journalism and the 15 Media Standards Trust, which has been drafted by Hugh 16 Tomlinson, Queen's Counsel. I am grateful for this 17 assistance, and I will decide whether either should give 18 further evidence about their suggestions. 19 Having said that, I would also ask any other person, 20 organisation or group, whether newspaper group, 21 practitioner or academic, who has any suggestion to make 22 in this area, to do so in writing by the end of May. 23 All help from anyone will be very gratefully received. 24 So that it is clear, I have no intention of reaching 25 what I have referred to as emerging findings until I've</p> <p style="text-align: center;">Page 5</p>	<p>1 conduct for its own sake. 2 The question also arises as to whether in this 3 module you should be thinking about relations between 4 the police and the public, and perhaps even relations 5 between the police and politicians. It might be 6 objective that your terms of reference do not 7 specifically refer to these sides of the various 8 overlapping triangles which appear to be in play. 9 However, you are entitled to consider these interactions 10 to the extent that they throw light on the core 11 relationships spelt out in the terms of reference, and 12 strict demarcation lines would be artificial. 13 Illuminatingly, Lord Blair, former Commissioner of 14 the Metropolitan Police, has told you in his witness 15 statement that he believes that: 16 "Relationships between police and politicians and 17 police and the press must be seen as only two sides of 18 a three-sided triangle, with the third relationship, 19 that between the press and politicians, having an 20 enormous impact on the other two relationships." 21 In many ways, the ground rules for this module of 22 your Inquiry are the same as they were for module one. 23 You have said in relation to module one that you are 24 seeking to draw out a sufficient narrative which will 25 enable you to say enough about past events in order to</p> <p style="text-align: center;">Page 7</p>
<p>1 had the opportunity of considering all the suggestions 2 that I have received by that date. Again, I do not 3 undertake to consider representations received 4 thereafter. 5 I will now invite Mr Jay to open module two. 6 Opening submissions by MR JAY 7 MR JAY: Sir, your Inquiry now moves to its second module, 8 and the police, in particular the Metropolitan Police, 9 occupy centre stage. 10 By your terms of reference, you are inquiring into 11 the culture, practice and ethics of the press, 12 including, I quote, "contacts and the relationship 13 between the press and the police and the conduct of 14 each". 15 Pausing there, the conduct of the police falls under 16 your scrutiny, but only to the extent that it meshes 17 with the police's relationship with the press, not more 18 generally. The terms of reference further enjoin you to 19 consider making recommendations regarding, I quote, "the 20 future conduct of relations between the police and the 21 press". 22 So pausing there and thinking to the future, the 23 primary focus of the evidence-gathering evidence will be 24 directed to the recommendations you might be minded to 25 make in your report, rather than criticising past</p> <p style="text-align: center;">Page 6</p>	<p>1 allay public concerns and to diagnose the essential 2 problems, and to lay the ground for recommendations as 3 to the future. 4 The principle objective here is not to reach 5 findings as to who did what to whom. What you said in 6 relation to module one equally applies to module two, 7 because the constraints on you are, broadly speaking, 8 the same. That is, the necessity for fine detail does 9 not require by part 1 of the Inquiry as opposed to 10 part 2, and in any event, the ongoing police 11 investigation renders any close forensic examination of 12 evidence, which also forms the subject matter of that 13 investigation, undesirable. 14 It follows that we'll be looking as closely at the 15 underlying material as we could and did over the 40 days 16 in module one, but we will not be going further at this 17 stage. That said, module two should not last as long as 18 module one because the scope of your investigation it is 19 not quite as broad. 20 What, then, of the subject matter of module two? 21 Public concern hereabouts may be expressed in just one 22 sentence: the relationship between the police and the 23 media, and News International in particular, was, at 24 best, inappropriately close and if not actually corrupt, 25 very close to it. Furthermore, the nature of this</p> <p style="text-align: center;">Page 8</p>

<p>1 relationship may explain why the police did not properly 2 investigate phone hacking in 2006 and subsequently in 3 2009 and 2010, preferring to finesse the issue on these 4 later occasions by less than frank public statements. 5 Module two will investigate this core issue in 6 appropriate detail, subject to the constraints I have 7 already mentioned. The key police witnesses will be 8 called, as will the former and present 9 Director of Public Prosecutions. A mass of relevant 10 material has been disclosed by the MPS in judicial 11 review proceedings brought by Lord Prescott and others 12 and obtained by this Inquiry. This throws light on the 13 MPS' contemporary thinking and decision-making in 14 relation to the original Goodman/Mulcaire prosecution 15 and its aftermath. 16 But the phone hacking issue is really only of 17 interest to this part of your Inquiry to the extent that 18 it may throw light on the bigger picture. In making 19 that point, it, is of course, necessary to what that 20 bigger picture might look like, as well as its key 21 features. Here, as always, I should not be interpreted 22 as pre-judging the issue or suggesting even tentative 23 conclusions. I am simply throwing ideas out for future 24 consideration. 25 The bigger picture cannot be fairly depicted without Page 9</p>	<p>1 MPS can seek the assistance of the public in that work. 2 Maintaining a regular and professional dialogue with the 3 media greatly assists the MPS in providing information 4 to the public concerning crime appeals. 5 "Fourth, contact with the media, properly handled, 6 serves to increase public confidence in the police and 7 to promote a greater understanding of MPS policies and 8 initial actives. 9 "Fifth, it provides the means by which the public 10 can scrutinise police actions and policies. It also 11 allows police to test the persuasiveness of their 12 strategies, policies and tactics." 13 Other senior police officers, present and retired, 14 have spoken along similar lines. For example, 15 Lord Blair, Commissioner between 2004 and 2008, explains 16 that, I quote: 17 "The MPS is a hugely controversial and yet visible 18 organisation surrounded by mythology and rumour." 19 Thus, in my words and not his, part of the rationale 20 for open and frank interactions with the press, the 21 latter acting as the clear conduit through which police 22 messages are passed unmediated, is to demythologise and 23 debunk. 24 In order to fulfil these objectives, the MPS has 25 a directorate of public affairs, which employs at least Page 11</p>
<p>1 stating the obvious, namely that interactions between 2 the press and the police are not inherently harmful. On 3 the contrary, conducted in the right way, such 4 interactions are advantageous to both parties, and 5 ultimately to the public, in a mature democracy. 6 Putting to one side the manipulations which exist in 7 totalitarian regimes, the Inquiry has already seen the 8 distortions which are capable of ensuing when there is 9 stifling of a free and frank flow of information between 10 police and press in the McCann case. 11 The benefits of what might be described as a healthy 12 relationship between press and police have already been 13 clearly identified in some of the MPS witness statements 14 provided to the Inquiry. For example, at paragraph 18 15 of his statement, the current Commissioner, Mr Bernard 16 Hogan-Howe, says as follows, I quote: 17 "Keeping the media properly informed about policing 18 and criminal matters is critical to the functioning of 19 the MPS. First, through the media, the organisation is 20 able to communicate its key messages regarding 21 prevention and detection of crime. 22 "Second, a healthy relationship with the media can 23 serve to increase the public's understanding of how the 24 MPS go about the work of policing London. 25 "Third, it provides an important means by which the Page 10</p>	<p>1 50 people. The Inquiry will be hearing in due course 2 from the current director and press officer. 3 Yet there are obvious risks when individual members 4 of two powerful institutions or groups of institutions 5 come into contact, human nature being as it is. The 6 model which the current Commissioner outlines assumes 7 that both parties will always tend to act in 8 a disinterested way. However, there's plenty of scope 9 for at least the possibility of self-interest entering 10 into the equation. 11 As so often happens in human affairs, the difference 12 between healthy and dysfunctional behaviours does not 13 have to be vast. By this, I mean at least two things: 14 first, that it does not necessarily take many rotten 15 apples to undermine the whole body politic, and 16 secondly, that very often it does not take many 17 adjustments in behaviours, objectively measured, to turn 18 what is good into what is bad and vice versa. 19 More precisely, the potential for abuse on both 20 sides of this bilateral equation is significant, leading 21 to the risk, if not the reality, of unhealthy, overcosy 22 and overly close relations between the two. The press, 23 for example, will tend to want to obtain information 24 from the police, which could form a new or different 25 angle on events or policy, preferably one which will Page 12</p>

<p>1 provide an exclusive. I'm borrowing here from Lord 2 Blair's witness statement. 3 Secondly, the press will tend to seek to assist the 4 editorial line of their newspaper by putting the most 5 supportive interpretation of that line as possible on 6 events. 7 From the perspective of the police, and putting to 8 one side, at this stage, the risk of frank corruption, 9 the issue has been arguably encapsulated in qualitative 10 terms, although not necessarily quantitatively in 11 paragraph 49 of Lord Blair's witness statement as 12 follows. I quote: 13 "I believe that where the problem may have become 14 significant is that a very small number of relatively 15 senior officers increasingly became too close to 16 journalists, not, I believe, for financial gain, but for 17 the enhancement of their reputation and for the sheer 18 enjoyment of being in a position to share and divulge 19 confidences. It is a siren song. I also believe that 20 they based their behaviour on how they saw politicians 21 behave and that they lost sight of their professional 22 obligations. The MPS did not have adequate defences 23 against this behaviour, and in previous decades would 24 not have needed it." 25 So we are in the realm of spin and the political</p> <p style="text-align: center;">Page 13</p>	<p>1 expecting, future favours. 2 Thirdly, the kindred problem of leaks, putting to 3 one side gender and whistle-blowing. 4 Fourthly, the equally associated problem of the 5 attribution by the press of police sources to stories. 6 This is a term which is redolent of impropriety, or at 7 the very least carries with it the possibility of 8 inappropriate behaviour, either because the police 9 officer has indulged in gossip or leaks, or because the 10 term is, in truth, a cypher or fig-leaf for an invented 11 story because the source does not in fact exist. It 12 should also be recognised, as Sir Paul Stephenson makes 13 explicit in his witness statement, that the so-called 14 police source may not be a police officer but someone 15 associated with the police, but from outside the MPS. 16 Fifthly, the press turning up at incidents or at 17 newsworthy occasions because they have been tipped off 18 by a police officer. Again, this is indicative of an 19 unhealthy relationship existing between individual 20 police officers and individual members of the press. 21 Even if the deal here is only the sheer enjoyment which 22 Lord Blair refers to -- and of course, it might be more 23 than that -- we're talking about an inappropriate 24 transaction. 25 I have listed five possible features or</p> <p style="text-align: center;">Page 15</p>
<p>1 dark arts, this last term being used not quite in the 2 sense in which we saw it deployed in module one. 3 Put slightly less dramatically, we are back to the 4 subterranean influences I mentioned when opening the 5 Inquiry in November: the trade in political and perhaps 6 even personal favour through largely covert exchanges. 7 Ultimately, the vice here is lack of democratic 8 accountability and the perception, if not the reality, 9 of personal gain. The noun "gain" in this context 10 needs, of course, to be broadly interpreted and should 11 certainly be apt to accommodate the enhancement of an 12 individual's professional or personal profile. 13 The Inquiry will need to consider and investigate 14 the different potential manifestations of this arguably 15 overclose relationship, since it is only through 16 examining these manifestations that the true nature of 17 the underlying problem might be ascertained. 18 In no particular order, these manifestations are: 19 first, the acceptance and conferring of inappropriate 20 hospitality. The risks here are self-evident. 21 Secondly, the giving and receiving of off-the-record 22 briefings. Again, the risks here are pretty much 23 self-explanatory, but apart from the obvious lack of 24 transparency, the person doing the briefing will have an 25 agenda, and each party will be hoping for, if not</p> <p style="text-align: center;">Page 14</p>	<p>1 manifestations of what may be an underlying problem, but 2 it would be naive to ignore more sinister possibilities. 3 Corruption can, of course, occur in different ways. 4 There is the relatively straightforward case of 5 a journalist paying a police officer, whether or not 6 using the euphemism of "police source", for information 7 which ought to be kept confidential and would not have 8 been freely provided. Some commentators have observed 9 that paying a police officer is not necessarily 10 unlawful. The consideration might be regarded as the 11 reimbursement of expenses, for example, but the breadth 12 of the terms, I quote, "any inducement or reward" in the 13 Prevention of Corruption Act and similar terminology in 14 the Bribery Act would lead one to advise anyone minded 15 to test the boundaries of the law to think again. Such 16 cases may be simple enough to articulate, but, as 17 DAC Akers told the Inquiry earlier this month, they are 18 not easy to prove since the documentary evidence may not 19 be available and the journalist will always say that the 20 source is entitled to protection. 21 Then there are the less straightforward cases of 22 police officers being employed by press organisations 23 after leaving the force. This may well be entirely 24 above board, but one can at least visualise the 25 possibility that parked favours are being called in.</p> <p style="text-align: center;">Page 16</p>

<p>1 Finally, and perhaps the most sinister and certainly 2 the most difficult to prove, is the suggestion that the 3 police turn a blind eye to known criminality on account 4 of the unhealthy, over-cosy relationship I have already 5 mentioned. 6 Some of these issues have been touched on in the 7 reports of Elizabeth Filkin and Sir Dennis O'Connor and 8 the Inquiry will be hearing from them in the near 9 future. Their recommendations will need to be 10 considered and tested. 11 The difficulty in bottoming out these matters and 12 reaching the subterranean depths I have mentioned should 13 not be ignored. Whistle-blowers are thin on the ground, 14 even anonymous ones, and the Inquiry is not in 15 a position to call any at this stage. That said, the 16 Inquiry has been provided with information which may be 17 used in questioning of witnesses. 18 I've already said that corruption is difficult to 19 hunt and prove, and the problem is compounded by the 20 existence of the concurrent police investigation. The 21 irony of this has not been lost on the Inquiry team. 22 Your terms of reference mandate an Inquiry into police 23 conduct, but that Inquiry is precluded, at least in 24 part, by the police's own, entirely proper, criminal 25 investigation into police misconduct.</p> <p style="text-align: center;">Page 17</p>	<p>1 investigate possible interception of mobile phones 2 within the royal household. The investigation was 3 carried out by unit SO13 within the anti-terrorist 4 branch of the MPS. The head of that branch was Deputy 5 Assistant Commissioner Peter Clarke, and the senior 6 investigating officer was Detective Superintendent 7 Philip Williams. From April 2006, the investigating 8 officer was Detective Chief Inspector Keith Surtees, and 9 the case officer was Detective Sergeant Mark Maberly. 10 In each case, I have given the police ranks back in 11 2006. 12 Operation Caryatid soon established that 13 Clive Goodman was accessing the voicemail of one member 14 of the royal household. On 30 January 2006, 15 Detective Sergeant Williams completed a decision log 16 which makes quite interests reading. I quote: 17 "CG's [obviously Clive Goodman's] home phone is 18 shown as calling JLP's voicemail direct on relevant 19 dates to JLP's suspicions being raised and certainly 20 within the right timeframe. The implications are quite 21 far-reaching, because Vodafone have apparently not 22 appreciated that this was possible, ie someone obtaining 23 the separate unique voicemail box number of Vodafone 24 service users, and literally phoning in to listen to 25 voicemails belonging to other people without their</p> <p style="text-align: center;">Page 19</p>
<p>1 A further related irony has not escaped us too: the 2 press, or, to be fair, sections of the press, complain 3 that the criminal law should always be enforced, that 4 the police have turned a blind eye to corruption 5 involving both press and the police and that the full 6 force of the criminal law should be visited on the 7 police, but now that journalists have been arrested, the 8 cry goes out from some quarters that the police are 9 acting disproportionately. These ironies aside, the 10 difficulties to which I have referred do need to be 11 recognised and understood. 12 I have outlined the general issues with which we 13 will need to engage in this module. I have not delved 14 into the detail of the witness evidence directed to 15 these issues, nor have I attempted to summarise it. 16 I have merely set the scene for the witnesses whose 17 evidence we will receive in due course. 18 However, there is one area which probably does merit 19 further iteration at this early stage of module two, and 20 this concerns the MPS investigation into phone hacking 21 at the News of the World in 2006 and its aftermath. 22 This issue is clearly relevant to your terms of 23 reference, whether under paragraph 1(b) or 1(d) of 24 part 1. 25 Operation Caryatid was started in December 2005 to</p> <p style="text-align: center;">Page 18</p>	<p>1 knowledge and permission. If this is possible, it is 2 likely to be far more widespread than CG, hence serious 3 implications for security confidence in Vodafone 4 voicemail and perhaps the same for other service 5 providers." 6 "JLP" in this citation is Mr Jamie 7 Lowther-Pinkerton, then private secretary to the princes 8 William and Harry. 9 By April 2006, a number of potential victims within 10 the royal household were identified -- on my reckoning, 11 ten -- and in the course of a report to DAC Clark, 12 Detective Sergeant Williams again noted that this 13 practice was highly unlikely to be limited to Goodman 14 alone. However, I quote: 15 "Taking this Inquiry forward would impact on core 16 SO13 operations and the resource implications for 17 a prosecution could be significant." 18 On 13 April 2006, Detective Sergeant Williams 19 decided that only six of the potential victims would be 20 notified of the position, for a number of reasons. 21 These included his assessment that the purpose of the 22 intrusion was journalistic and, I quote, "to print 23 gossip as opposed to anything physically commercially 24 interested". 25 He was also concerned that, I quote:</p> <p style="text-align: center;">Page 20</p>

<p>1 "Extending the circle of knowledge concerning what 2 is still a highly sensitive covert inquiry runs the risk 3 of the nature of the inquiry becoming more publicly 4 known and possibly alerting suspects, thereby preventing 5 the opportunity for offenders to be brought to justice." 6 The resource implications referred to by 7 Detective Sergeant Williams in the context of SO13's 8 core operations need hardly to be made explicit. The 9 terrorist threat in 2006 remained at the highest level 10 and must have been assessed as being at a different 11 order of priority to voicemail hacking. At the same 12 time, concerns about leaks and the need, no doubt, to 13 protect the Royal Family, were militating against 14 transferring this investigation out of SO13. 15 On 20 April 2006, Detective Sergeant Williams sought 16 advice from the Crown Prosecution Service. He 17 recognised that during the course of the investigation, 18 further suspects might be identified, which might lead 19 to additional lines of inquiry, but he also wanted to 20 know whether it was possible to ringfence the 21 investigation and keep it within the bounds of the royal 22 household. 23 On 25 April, the CPS gave that assurance and also 24 pointed out that in their view, the effect of section 2 25 of RIPA was that it was necessary to prove that</p> <p style="text-align: center;">Page 21</p>	<p>1 document which gives the previous year. 2 Detective Sergeant Williams analysed the position to 3 date and set out three options for consideration. 4 Option one was, I quote, "doing nothing", option two 5 was, I quote, "hand over the investigation to another 6 police unit", and option three was to commence a formal 7 investigation to, I paraphrase, prosecute those 8 intercepting the royal household voicemails and, 9 I quote, "in tandem with the above, establish whether or 10 not there are evidential links to the potentially wider 11 unauthorised intrusion/access" which has been suspected. 12 Detective Sergeant Williams recommended the third 13 option over the short term and gave his rationale as 14 follows: 15 "We have discovered a vulnerability that exists 16 within the mobile telephone industry whereby 17 unscrupulous people could intrude upon the privacy of 18 the vast majority of the public through unauthorised 19 access to voicemail. I suspect that the media may well 20 be aware of this vulnerability, and there may be a host 21 of people using this vulnerability for journalistic 22 purposes. The Goodman connection is potentially an 23 example of this, but the more sinister side would be 24 that the knowledge could be equally utilised by 25 criminals, whether that be in the general sense for</p> <p style="text-align: center;">Page 23</p>
<p>1 voicemail messages were intercepted before being 2 accessed by their intended recipient. 3 Whether or not this legal advice was correct may be 4 somewhat of a distraction in part 1 of your Inquiry. 5 Unless it with plausibly be said -- and it really 6 cannot -- that the legal advice was influenced in some 7 mysterious way by overcosy relationships with 8 News International, the fact that it may well have been 9 erroneous advice throws no light on the conduct of the 10 police and the press within your terms of reference. 11 However, turning the issue on its head, 12 consideration does have to be given as to whether the 13 fact that this legal opinion was given, at least in the 14 CPS's preliminary advice note, goes some way to 15 explaining the apparent restraint limiting the scope of 16 the prosecutions. 17 In May 2006, the police ascertained that 18 Glenn Mulcaire was involved in the interception activity 19 and that he was linked to Clive Goodman. At about that 20 time, they also discovered that someone called Paul 21 Williams was involved. They did not appreciate at that 22 stage, although they did soon thereafter, that Paul 23 Williams was an alias for Glenn Mulcaire. 24 In an important document dated 9 May 2006, there is 25 in fact a typographical error on the face of the</p> <p style="text-align: center;">Page 22</p>	<p>1 terrorism or to threaten national security. Therefore, 2 I believe that this matter has a significant public 3 interest aspect to it, particularly in terms of safety 4 and security and risk to life." 5 However, Detective Superintendent Williams -- 6 I've realised that I have been inadvertently demoting 7 him. I have said "detective sergeant" on occasions. He 8 was detective superintendent at this stage and I believe 9 he has since been promoted to detective chief 10 superintendent. I must apologise for that. Detective 11 Superintendent Williams also made clear that within two 12 to three weeks, a more informed decision could be made, 13 which might well bring back into play either of options 14 one and two. 15 In mid-May 2006, the police were informed that two 16 further victims outside the royal circle had been 17 identified. Increasingly, it became clear that these 18 were by no means the limit of the scope of voicemail 19 interceptions. However, the police strategy was to 20 concentrate on arresting and prosecuting Goodman and 21 Mulcaire, and not, in the words of Detective Chief 22 Inspector Surtees, I quote: 23 "... to delay that exercise in favour of identifying 24 a multitude a victims to load a future indictment." 25 Furthermore, extending the investigation at this</p> <p style="text-align: center;">Page 24</p>

<p>1 point to include other victims would also expose all 2 victims, most of whom are not yet known, to continued 3 exposure to this criminality." 4 By mid-July 2006, the police were in a position to 5 prosecute Goodman and Mulcaire. The next advice from 6 the CPS was to the effect that the case, which, at this 7 stage, was limited to the royal household interceptions, 8 was cogent and presentable. The CPS pointed out that 9 the statutory conspiracy defence did not bring with it 10 the same defendants which had been identified under 11 section one of RIPA, in that the Crown did not have to 12 prove that the voicemails were intercepted before being 13 accessed by their are intended recipient. 14 At this stage, the police continued to take the view 15 that there were good reasons for not expanding the scope 16 of the prosecution to other victims, notwithstanding 17 that they were aware that there may be a wider range of 18 them. Resource considerations, the need for secrecy, 19 the undesirability of continuing to expose victims to 20 unlawful intrusion and the belief that arresting Goodman 21 and Mulcaire would effectively bring this criminality to 22 an end were the principle rationales. 23 On 8 August 2006, Goodman and Mulcaire were arrested 24 at their home addresses and the premises of 25 News International at Wapping were searched. The Page 25</p>	<p>1 A decision was made at about this time not to widen 2 the investigation significantly, notwithstanding that 3 one of the rationales for not doing so before had 4 disappeared, namely that victims were not likely to be 5 exposed to a significant harm. 6 Furthermore, there was now a wealth of evidence 7 which tended to substantiate the potential criminal case 8 beyond, as it were, the royal household. But in 9 explaining the decision not to widen the investigation 10 significantly, DAC Clark, in a witness statement 11 submitted in the judicial review proceedings, states: 12 "We had considered undertaking an exhaustive 13 analysis of the material that had been seized in August 14 2006 and I made the decision not to do so. First, given 15 the wider context of counter-terrorist operations that 16 posed an immediate threat to the British public, when 17 set against a criminal course of conduct that involved 18 gross breaches of privacy but no apparent threat of 19 physical harm to the public, I could not justify the 20 huge expenditure of resources this would entail over an 21 inevitably protracted period. Instead, a team of 22 officers were detailed to examine the documents for any 23 further evidence and to identify potential victims where 24 there might be security concerns." 25 Leading counsel and junior counsel were instructed Page 27</p>
<p>1 searches revealed, as is well-known, the Mulcaire 2 notebook, extending to some 11,000 pages. A paper copy 3 of the "for Neville" email was also found at Mulcaire's 4 home address. A cursory review of the material was 5 conducted that day and the potential scale of the 6 unlawful activity must have been appreciated. 7 On 10 August 2006, Detective Chief Inspector Surtees 8 wrote in a decision log: 9 "Having reviewed the materials seized at the address 10 searches, it is clear that there is a wealth of 11 sensitive documents relating to hundreds of individuals, 12 including royal household, Members of Parliament, sports 13 stars, military, police, celebrities and journalists. 14 I have instructed that all copies of documentary 15 exhibits remain locked in the exhibits officer's cage 16 and the copies are not provided to our partners, as is 17 normally the case." 18 On 12 August, the police began to put together what 19 became known as the Blue Book, namely a list of those 20 who were described as "potentially compromised". I have 21 not counted up each and every name, and the copy of the 22 book which has been provided has been heavily redacted, 23 rendering a headcount somewhat difficult, but Mr Paddick 24 has estimated there are 418 names extending over 24 25 pages. Page 26</p>	<p>1 to advise the CPS, and the police in conference, on 2 21 August 2006. A manuscript note of the conference is 3 available, but it is difficult to decipher. The note 4 records that the total number of potential victims was 5 200. Detective Superintendent Williams has confirmed 6 that what looks like 800 on this document is in fact 7 200. 8 It is unlikely that counsel were asked to examine 9 the underlying evidence, although junior counsel saw the 10 Mulcaire notebook as part of the unused material. His 11 review of that material would have been limited to the 12 ascertainment of any possible exculpatory as opposed to 13 additional inculpatory evidence. 14 It is, however, clear that it was decided at the 15 conference that up to eight additional victims would be 16 added to the indictment to reflect the extent of the 17 criminality involved. If the evidence of Detective 18 Superintendent Williams and Detective Chief Inspector 19 Surtees is correct on this issue, the advice given was 20 along the lines that the sentencing would not increase 21 if more than six victims were added. 22 Finally, the note of the conference does make it 23 clear that leading counsel considered the "technical 24 argument on interception", ie the interpretation of 25 section 2 of RIPA, and advised that it was preferable to Page 28</p>

<p>1 proceed under that statute rather than under the 2 Computer Misuse Act of 1990.</p> <p>3 It follows that leading counsel could not have 4 thought that the technical argument was fatal to the 5 Crown's case in relation to the non-conspiracy charges 6 involving the additional victims, those who were in due 7 course to feature on the indictment under counts 16 to 8 20.</p> <p>9 The case proceeded against Goodman and Mulcaire on 10 that basis, and the rest is history. There were guilty 11 pleas on 29 November 2006, and the two men received 12 their prison sentences on 26 January 2007.</p> <p>13 A number of issues arise in relation to the 14 period August 2006 to January 2007, which will be 15 explored with the relevant witnesses. These include, 16 first, that the police developed a strategy for 17 notifying at least some of the potential victims, but it 18 has been accepted by the MPS that this strategy was not 19 properly executed. For that reason, the MPS have 20 conceded the judicial review proceedings in which that 21 issue occupied central stage.</p> <p>22 The MPS's breaches of public law duty in this regard 23 are not central stage in this Inquiry, save to the 24 extent that it might be argued that the police 25 deliberately failed not to notify people in order to</p> <p style="text-align: center;">Page 29</p>	<p>1 "Andy, here's what Rebekah told me about info 2 relayed to her by cops:</p> <p>3 "1. They are confident they have Clive and [that's 4 obviously Glenn Mulcaire] bang to rights on the palace 5 intercepts.</p> <p>6 "2. In relation to Glenn Mulcaire, the raids on his 7 properties produced numerous voice recordings and 8 verbatim notes of his accesses to voicemails. From 9 these they have a list of 100-110 victims.</p> <p>10 "3. The only payment records they found were from 11 News International, that is the News of the World 12 retainer and other invoices. They said that over the 13 period they looked at (going way back) there seemed to 14 be over £1 million of payments.</p> <p>15 "4. The recordings and notes demonstrate a pattern 16 of victims being focused on for a given period and then 17 being replaced by the next one who becomes flavour of 18 the week/month.</p> <p>19 "5. They are visiting the bigger victims, ie where 20 there are lots of intercepts.</p> <p>21 "6. Their purpose is to ensure that when 22 Glenn Mulcaire comes up in court, the full case against 23 him is there for the court to see (rather than just the 24 present palace charges).</p> <p>25 "7. All they are asking victims is: 'Did you give</p> <p style="text-align: center;">Page 31</p>
<p>1 avoid a public furore, which might have called their 2 whole strategy, including their relationship with 3 News International, into question.</p> <p>4 Secondly, the MPS were provided with extremely 5 scanty documentation from those advising 6 News International. The effect of the Police and 7 Criminal Evidence Act 1984 was that it was not open to 8 the MPS to obtain a search warrant against 9 News International because journalistic material was 10 involved, provided that the latter appeared to be 11 co-operating. Whatever the rights and wrongs of the 12 matter, the lack of fulsome documentation could not have 13 the helped.</p> <p>14 Thirdly, there was at least one victim who was 15 contacted by the MPS, who made it clear that she did not 16 wish to participate in any prosecution.</p> <p>17 There is one very interesting email which I should 18 draw attention to at this stage. It appears under 19 tab 147 of the judicial review bundle on the internal 20 numbering, page 739, on our URN numbering, last five 21 numbers, 03655. I imagine it is going to come up on 22 screen.</p> <p>23 LORD JUSTICE LEVESON: Thank you.</p> <p>24 MR JAY: Email from Tom Crone to Andy Coulson, 15 September 25 2006, subject "Strictly private and confidential":</p> <p style="text-align: center;">Page 30</p>	<p>1 anyone permission to access your voicemail, and if not, 2 do you wish to make a formal complaint?"</p> <p>3 "8. They are confident that they will get, say, 4 five to 10 people who will give them the green light and 5 that they can then charge Glenn Mulcaire in relation to 6 those victims. They are keen that the charges should 7 demonstrate the scale of Glenn Mulcaire's activities so 8 they would feature victims from different areas of 9 public life, politics, showbiz, et cetera.</p> <p>10 "In terms of News of the World (a) they suggested 11 that they are not widening the case to include other 12 News of the World people but would do so if they got 13 direct evidence, say News of the World journos directly 14 accessing the voicemails (this is what did for Clive). 15 (b) But they have got hold of News of the World back 16 numbers to 2004 and are trying to marry Clive Goodman 17 accesses to specific stories. (c) In one case, they 18 seemed to have a phrase from a News of the World story 19 which is identical to the tape or note of 20 Glenn Mulcaire's access. (d) They have no recordings of 21 News of the World people speaking to Glenn Mulcaire or 22 accessing voicemails. (e) They do have Glenn Mulcaire's 23 phone records, which show sequences of contacts with 24 News of the World before and after accesses. Obviously 25 they don't have the content of the calls so this is, at</p> <p style="text-align: center;">Page 32</p>

<p>1 best, circumstantial." 2 And point ten: 3 "They are going taking contact RW [we think that 4 must be Rebekah Wade] today to see if she wishes to take 5 it further." 6 Sir, I should make it clear that information appears 7 to have been given by someone within "the cops" to 8 Rebekah Wade in September 2006. The Inquiry is not 9 concerned to investigate who that person might be, 10 although there's been speculation about it in the press 11 as recently as Saturday. 12 What is of interest to the Inquiry, because it 13 directly bears on your terms and reference, is the fact 14 that information appears to have been given to Rebekah 15 Wade from within the police, and it will also be of 16 interest to ascertain whether or not what we read in the 17 email here is correct or incorrect. 18 Finally, what may be of interest to you is the tenth 19 point on the second page of the email. 20 The possible inferences to be drawn from this saga 21 are multifarious, and I do not intend to spell them out. 22 Although the police knew that the likely victims 23 extended far beyond those who were named on the 24 Goodman/Mulcaire indictment, the proposition that they 25 had the evidence to prosecute others within Page 33</p>	<p>1 I'm not going to attempt to precis at this juncture. 2 However, the document did include these statements 3 at paragraphs 21 and 22: 4 "When it came to working with CPS counsel as to who 5 was a victim and how could they be used to support 6 a prosecution, best evidence lay with the individual 7 complainants. In terms of those who were chosen to 8 subsequently reflect the wider scale of the criminal 9 activity, there is a degrading level of proof in terms 10 of precise definition of 'interception'. It would be 11 fair to say that this case was groundbreaking in seeking 12 to push the boundaries and establish greater clarity of 13 what is meant by 'interception'. Add into this sheer 14 scale of data, complexity of what the data might and 15 might not be showing and factors like O2 being unwilling 16 to supply fuller details of victims from their own 17 research, the true scale of Mulcaire's activity is not 18 known." 19 But before the date of this briefing note -- that is 20 to say on 9 July 2009 -- Assistant Commissioner Yates 21 gave a summit which including the following assertions: 22 "Their potential targets may have run into hundreds 23 of people but our enquiries showed that they only used 24 the tactic against a far smaller number of individuals. 25 It is important to recognise that our inquiry showed Page 35</p>
<p>1 News International is likely to be far more 2 controversial. There is no necessary cast iron link 3 between the number of victims and the number of 4 News International employees who were implicated, 5 although the inherent probabilities in ordinary common 6 sense would tend to suggest that there might well be. 7 What is or may be less controversial, on the other 8 hand, is that the MPS did not pursue lines of inquiry 9 which might have netted the relevant evidence. The 10 reasons for this will, of course, be examined further, 11 as will the MPS's strategy for notifying the victims and 12 its poor execution, as well as the MPS's failure to draw 13 its suspicions to the attention of senior management of 14 the News of the World to enable proper internal 15 enquiries to be undertaken. 16 The MPS played no further role in this history until 17 the publication of the article in the Guardian on 8 July 18 2009 relating to the Gordon Taylor settlement. In the 19 meantime, they were forced to listen to 20 News International's public statements and the "one 21 rogue reporter" defence. 22 On what appears to have been 12 July 2009, SO13 23 briefed Assistant Commissioner John Yates in writing 24 about Operation Caryatid to date. The precise wording 25 of the briefing document will need to be considered and Page 34</p>	<p>1 that in the vast majority of cases there was 2 insufficient evidence to show that tapping had actually 3 been achieved. Where there was clear evidence that 4 people had potentially been the subject of tapping, they 5 were all contacted by the police. These people were 6 made aware of the potential compromise to their phones 7 and were offered preventative advice. However, after 8 extensive consultation with the CPS and counsel, only 9 a few were subsequently identified as witnesses in the 10 proceedings that followed. I emphasise that our 11 enquiries were solely concerned with phone tapping. 12 This, as far as we were aware, affected a much smaller 13 pool of people. There's been a lot of media comment 14 today about the then deputy prime minister, 15 John Prescott. This investigation has not uncovered any 16 evidence to suggest that John Prescott's phone had been 17 tapped. This case had been subject to the most careful 18 investigation by very experienced detectives. It has 19 also been scrutinised in detail by both the CPS and 20 leading counsel. They have carefully examined all the 21 evidence to prepare the indictments that they considered 22 appropriate. No additional evidence has come to light 23 since this case has concluded. I therefore consider 24 that no further investigation is required." 25 In the event, the matter was not reopened in July Page 36</p>

<p>1 2009, nor was it reopened the following year. The 2 Inquiry will doubtless need to consider why this was not 3 so and what inferences may be drawn from possible errors 4 or oversimplifications in public statements. 5 I am conscious that I have merely touched on some of 6 the evidence which bears on these complex events. 7 A more detailed analysis will be performed, including 8 the consideration of other relevant documentary 9 evidence, when the key witnesses testify. 10 Finally in opening module two to this Inquiry, 11 consideration will need to be given to the type and 12 nature of any recommendations you might make. We are 13 not in the realm of possible legislative changes. The 14 current Commissioner has said in his witness statement 15 that the relationship between the police and the press 16 needs to be reset. This must be more than aspirational. 17 The Inquiry will no doubt be considering issues of 18 internal governance, leadership, discipline, training, 19 standard operating procedures and similar guidance. 20 The evidence will be called in, broadly speaking, 21 the following sequence: first, we shall be hearing from 22 victims but nothing like as many as in module one. 23 Secondly, we'll be turning to the events of 2006 24 to January 2012, and the matters I have just outlined. 25 Then we'll be hearing from other MPS witnesses, before</p> <p style="text-align: center;">Page 37</p>	<p>1 I don't think it would be inappropriate to hear her 2 evidence now, because it might indeed provide some 3 context for Mr Garnham and Mr Phillips, but I'm prepared 4 to reconsider that. Mr Garnham? 5 MR GARNHAM: Sir, I would urge you to hear her now. 6 LORD JUSTICE LEVESON: Mr Phillips, do you have a complaint 7 about that? Right, let's do that and then we'll hear 8 Mr Garnham and Mr Phillips before carrying on with the 9 next evidence. 10 DAC SUE AKERS (recalled) 11 LORD JUSTICE LEVESON: Thank you very much, I'm very 12 grateful to you, Ms Akers. 13 A. Thank you, sir. We thought it was important. 14 Questions by MR JAY 15 MR JAY: Bear with me one moment. I have to find your 16 statement. My apologies, I've put it somewhere too 17 safe. 18 LORD JUSTICE LEVESON: Only if you have a spare one, 19 Mr Garnham. 20 MR GARNHAM: I know it by heart. 21 LORD JUSTICE LEVESON: You know it by heart? 22 No, take that one. I don't want to trust 23 Mr Garnham's memory. Right. 24 MR JAY: You have kindly provided a second witness 25 statement, Deputy Assistant Commissioner. It's dated</p> <p style="text-align: center;">Page 39</p>
<p>1 turning to regional police forces for a different 2 perspective. 3 More specifically, and aside from providing the 4 Inquiry with general evidence bearing on their 5 relationships with the media, which evidence may well 6 fall to be contrasted with the MPS evidence, the 7 evidence of a number of regional forces will cover the 8 issue of how significant inquiries into major incidents 9 are addressed. 10 Finally, and subject to any unforeseen witnesses, we 11 will be hearing from the current and immediately past 12 director of public prosecutions. 13 LORD JUSTICE LEVESON: Thank you very much. 14 I am very conscious that Deputy Assistant 15 Commissioner Akers has interrupted her other entirely 16 appropriate activities to be available this morning to 17 provide an update on her enquiries and those of her 18 team, which I think do a great deal to provide the 19 context within which a great deal of this will be 20 considered. Normally I would hear Mr Garnham and then 21 Mr Phillips, but I want to make sure that we have 22 sufficient time to hear the Deputy Assistant 23 Commissioner without further inconveniencing her. 24 I don't say "inconveniencing her" because I already 25 have.</p> <p style="text-align: center;">Page 38</p>	<p>1 24 February. The Inquiry is very grateful for it. 2 There is a statement of truth in the usual form and 3 you've signed the statement and this is your formal 4 further evidence to the Inquiry; is that right? 5 A. Yes, it is. I wonder, before we begin, whether I could, 6 having had the opportunity to read over the statement 7 again last night -- it was a rushed statement, as you 8 know, at the end of last week -- whether I might just 9 make a few amendments now? 10 Q. Please do. 11 A. Some corrections. Firstly, there are some reference to 12 "cash payments". I'd like that word "cash" to be 13 interpreted more widely to incorporate, as it does 14 occasionally, cheques. 15 Secondly, on paragraph 21, when we talk about 16 assessment of public interest, I'd like the second line 17 to read: 18 "Essentially, it is first for the CPS and then for 19 a judge to make the final assessment in relation to 20 whether there is a public interest in a specific 21 disclosure." 22 LORD JUSTICE LEVESON: Yes. 23 A. At paragraph 5, there's just a simple typo. The last 24 line: 25 "Given the issues raised by Article 10 of the Human</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 Rights Convention ..." 2 Comma, "legal advice", not full stop. 3 LORD JUSTICE LEVESON: Yes. 4 A. A more general point. Although I haven't specifically 5 stated throughout the statement, wherever payments or 6 offences are referred to, it should be read, obviously, 7 as alleged, as nothing is yet proved. 8 LORD JUSTICE LEVESON: Yes. 9 A. And finally, when you come to paragraph 16, I'd like to 10 explain what I mean by "network", in case it isn't 11 obvious. 12 LORD JUSTICE LEVESON: Thank you. The individual 13 typographical changes should be made to the statement 14 before it is put online, so that we can correct that. 15 The other matters we'll take into account as Ms Akers 16 gives evidence. Thank you. 17 MR JAY: Deputy Assistant Commissioner, you told us earlier 18 in the month, I think it was 6 February, what the scope 19 of Operation Elveden is, and you deal with that again in 20 paragraph 2 of your statement. 21 The role of the Management and Standards Committee, 22 an independent body outside of News International, have 23 they been of great assistance to you in taking 24 Operation Elveden forward? 25 A. They have. That's because of their independence from Page 41</p>	<p>1 Q. Which I think is probably under the Criminal Law Act; is 2 that correct? 3 A. Yes. 4 Q. And the effect of Article 10 of the Convention means 5 that there are public interest considerations which you 6 are taking into account at all stages; is that right? 7 A. That's correct, yes. 8 LORD JUSTICE LEVESON: Have you passed by paragraph 3, 9 Mr Jay? Because if you have, there's a question I'd 10 like to ask about it. 11 You make the point that the MSC respond to requests 12 for information from the police which are relevant to 13 your enquiries, but it's not to uncover legitimate 14 sources. I'd just like to understand how that works, if 15 I could. Under PACE, before you're entitled to obtain 16 a warrant, you have to have tried other methods of 17 obtaining the information. I'd just like to understand 18 the context and the MO, if you like, given the 19 suggestion that actually the MSC are simply dumping all 20 sorts of material, irrespective of Article 10 21 considerations, on the police, or the extent to which 22 it's actually responsive to police enquiries. Do if you 23 understand what I'm trying to investigate? 24 A. Yes, absolutely. The whole objective is to identify 25 criminality and it's not to identify legitimate sources Page 43</p>
<p>1 News International, and it's that set-up that I hope 2 goes a long way to allay some criticisms that have been 3 made about how it's perceived that it can't be 4 necessarily an independent inquiry. The fact that we 5 are dealing with the MSC directly and not 6 News International I think should make any contention 7 that it isn't independent without foundation. 8 Q. Thank you. You touch on that specifically under 9 paragraph 46 your statement. 10 A. I do. 11 Q. In paragraph 5, you make it clear that the terms of 12 reference of Elveden were initially set in relation to 13 payments to police officers by News International staff 14 only, but it's always been your intention to follow the 15 evidence where it takes us, and we're about to hear that 16 the evidence has taken you further. Can you just 17 identify, please, the possible criminal offences which 18 are involved here? Corruption under the Prevention of 19 Corruption Act 1906? 20 A. Yes. 21 Q. Misconduct in public office, which I think is a common 22 law offence; is that right? 23 A. Yes. 24 Q. And then there's the conspiracy -- 25 A. Conspiracy to -- Page 42</p>	<p>1 from journalists, and as such, the MSC don't provide us 2 with any material that would indeed do that. So they 3 seek to protect journalistic sources, legitimate ones, 4 at all times. 5 LORD JUSTICE LEVESON: And they are responsive to you rather 6 than proactive towards you or what? 7 A. Both, sir. They are conducting their own review 8 internally, and when they come across material, they 9 will produce it to us and then we conduct our own 10 enquiries, and as a result of which we will then make 11 demands of them. 12 MR JAY: You explain in paragraph 7 that in relation to 13 certain categories of information, it comes to you 14 unredacted, but in relation to other categories of 15 information, specifically the system by which cash 16 payments are made, it's provided to you redacted, but 17 then you, on further request, if there's evidence which 18 can justify identifying the source, they're then 19 provided to you unredacted; is that right? 20 A. Yes. 21 Q. In paragraph 8, you begin to deal with the way in which 22 Operation Elveden has progressed. 20 June 2011, 23 material was disclosed which identified an 24 ex-News of the World journalist, who may have paid the 25 police for information. In your own words, what has Page 44</p>

11 (Pages 41 to 44)

<p>1 happened to that line of enquiry?</p> <p>2 A. We've identified a number of ex-senior managers who</p> <p>3 were -- and indeed arrested them -- for authorising or</p> <p>4 facilitating the payments, but we haven't yet identified</p> <p>5 the police officers.</p> <p>6 Q. In paragraph 9 you deal with the arrest of a journalist</p> <p>7 in December 2011. Again, in your own words, how did</p> <p>8 that arise, please?</p> <p>9 A. That came, again, through disclosure of a large quantity</p> <p>10 of material which was volumes of business records that</p> <p>11 we went through. Very time-consuming, and again, we</p> <p>12 haven't as yet arrested any police officers or police</p> <p>13 staff as a result of that analysis.</p> <p>14 Q. Then in paragraph 10, following email searches, a police</p> <p>15 officer from the MPS specialist operations directorate</p> <p>16 was identified, and he or she was seeking payments from</p> <p>17 journalists within the News of the World. That officer</p> <p>18 was arrested in December?</p> <p>19 A. Arrested in December.</p> <p>20 Q. Thank you. You-make it clear in paragraph 11 the</p> <p>21 searches of News of the World emails continues. Is this</p> <p>22 the 300 -- it's billion, I think, emails in all; is that</p> <p>23 right?</p> <p>24 LORD JUSTICE LEVESON: 300 million, I think.</p> <p>25 A. 300 million.</p> <p style="text-align: center;">Page 45</p>	<p>1 part at least, why the arrests were carried out. You,</p> <p>2 of course, had sufficient information to justify the</p> <p>3 arrests but you were seeking further information, or</p> <p>4 possibly further information; is that right?</p> <p>5 A. Yes, it was, yes.</p> <p>6 Q. Paragraph 14:</p> <p>7 "The purpose of police action to date has been</p> <p>8 proactively to investigate the criminality which has</p> <p>9 been identified. The aim has never been to threaten the</p> <p>10 existence of the Sun. To this end, there has been</p> <p>11 liaison with the MSC to take account of business risks</p> <p>12 to the Sun newspaper, hence searches being made at the</p> <p>13 Sun offices on a Saturday when the office would be</p> <p>14 empty."</p> <p>15 A. Empty.</p> <p>16 Q. Of course, the position has changed a bit with the</p> <p>17 publication of the Sun on Sunday.</p> <p>18 A. That's true.</p> <p>19 Q. But it was certainly true at the time --</p> <p>20 A. That was true at the time.</p> <p>21 Q. -- this was being considered.</p> <p>22 Paragraph 16, please. Could you paraphrase that to</p> <p>23 us in your own words.</p> <p>24 A. Yes. The payments have been made not only to police</p> <p>25 officers but to a wide range of public officials. So</p> <p style="text-align: center;">Page 47</p>
<p>1 Q. Sorry. One order of magnitude too many.</p> <p>2 A. I think it's News International, not just exclusively</p> <p>3 News of the World.</p> <p>4 Q. Thank you. At paragraph 12, you say that last year the</p> <p>5 MCS initiated of their own volition an internal review</p> <p>6 of the Sun newspaper. This review had not been</p> <p>7 requested by the MPS, and to paraphrase, they found some</p> <p>8 suspicious emails, which were provided to you and then</p> <p>9 there were some arrests?</p> <p>10 A. Yes.</p> <p>11 Q. In terms of the sequence of arrests, could you identify</p> <p>12 those for us, please?</p> <p>13 A. One Sun journalist arrested in November last year. We</p> <p>14 then had further disclosure from the MSC on the 18th and</p> <p>15 24 January this year, and these disclosures led to</p> <p>16 arrests made on 28 January of four Sun or</p> <p>17 News International employees and one serving police</p> <p>18 officer, and then a further operation on Saturday,</p> <p>19 11 February this year, led to the arrest of a further</p> <p>20 five Sun employees, another serving police officer, one</p> <p>21 member of the MOD and an army officer. There was also</p> <p>22 a relative of one of the public officials who was</p> <p>23 arrested acting as a conduit to hide the cheque payment</p> <p>24 to that person.</p> <p>25 Q. Thank you. Paragraph 13, please. This explains, in</p> <p style="text-align: center;">Page 46</p>	<p>1 there are categories as well as police: military,</p> <p>2 health, government, prison and others. This suggests</p> <p>3 that payments were being made to public officials who</p> <p>4 were in all areas of public life.</p> <p>5 I have said that the current assessment is that it</p> <p>6 reveals a network of corrupted officials. When I say</p> <p>7 "network", I don't necessarily mean -- and I don't</p> <p>8 mean -- that the officials are in contact with each</p> <p>9 other; more that the journalists had a network upon</p> <p>10 which to call at various strategic places across public</p> <p>11 life.</p> <p>12 There also appears to have been a culture at the Sun</p> <p>13 of illegal payments, and systems have been created to</p> <p>14 facilitate those payments, whilst hiding the identity of</p> <p>15 the officials receiving the money. The emails indicate</p> <p>16 that payments to sources were openly referred to within</p> <p>17 the Sun, in which case the source is not named, but</p> <p>18 rather the category "public official" is identified,</p> <p>19 rather than the name.</p> <p>20 Q. Yes. In paragraph 17, you set out material which</p> <p>21 indicates that the journalists involved were well aware</p> <p>22 that what they were doing was unlawful according to the</p> <p>23 criminal law; is that right?</p> <p>24 A. Yes, and that's really by reference to comments being</p> <p>25 made in staff risking losing their pension or their job,</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 the need for care and the need for cash payments.</p> <p>2 There's also an indication of what we would describe</p> <p>3 as "tradecraft"; in other words, hiding the cash</p> <p>4 payments to sources by making them to a friend or</p> <p>5 relative of the source, and I have referred to that</p> <p>6 earlier when I said we've arrested an individual who'd</p> <p>7 acted as a conduit.</p> <p>8 Further evidence is that the authority level for</p> <p>9 these type of payments was made at a very senior</p> <p>10 level -- or a senior level within the newspaper.</p> <p>11 Q. Yes. In paragraph 18, you fairly make the point -- it</p> <p>12 was touched on in your earlier evidence -- that it's</p> <p>13 much easier to identify the journalist than the public</p> <p>14 official and that's why more journalists have been</p> <p>15 arrested than public officials; is that right?</p> <p>16 A. Exactly. It is hoped that as we progress and do more</p> <p>17 enquiries that we will identify corrupt public</p> <p>18 officials, but at the moment certainly that's true.</p> <p>19 Q. Thank you.</p> <p>20 Obviously you're not going to set out your future</p> <p>21 strategy so the that it's emblazoned in the public</p> <p>22 domain, but in paragraph 20 you've set out general</p> <p>23 examples of the sort of criminality that we are</p> <p>24 concerned with here, and again, because this is very</p> <p>25 important --</p> <p style="text-align: center;">Page 49</p>	<p>1 year, received over £150,000 in cash to pay his sources,</p> <p>2 a number of whom were public officials. Not all, but</p> <p>3 a number.</p> <p>4 Q. Thank you. This gives us an idea of the seriousness of</p> <p>5 these matters.</p> <p>6 At paragraph 21, you deal with public interest</p> <p>7 issues. Again, because this is important, could we have</p> <p>8 this in your own words, please, Deputy Assistant</p> <p>9 Commissioner?</p> <p>10 A. As we said earlier, we're very mindful of Article 10 and</p> <p>11 the issues regarding public interest, and we work very</p> <p>12 closely with the CPS to look at every strand of our</p> <p>13 investigation and assess the public interest.</p> <p>14 Ultimately, it's not for me. It is first for the CPS</p> <p>15 and then for a judge to make the final assessment, but</p> <p>16 we are looking at public interest at the earlier stages</p> <p>17 as well as the later stages.</p> <p>18 What I can indicate is that the vast majority of the</p> <p>19 disclosures that have been made have led to stories</p> <p>20 which I would describe as salacious gossip, rather than</p> <p>21 anything that could be remotely regarded as in the</p> <p>22 public interest, and they often involve a breach of</p> <p>23 trust by the public official and an invasion into the</p> <p>24 privacy of the subject of the newspaper article.</p> <p>25 LORD JUSTICE LEVESON: Is that because you're able to link</p> <p style="text-align: center;">Page 51</p>
<p>1 LORD JUSTICE LEVESON: Or the inferences that you think are</p> <p>2 possible to draw. That's the fair approach to this,</p> <p>3 isn't it? Ultimately, it's not your decision, as you</p> <p>4 made clear in the beginning of your evidence, but to</p> <p>5 provide a context -- I think that's what you're doing in</p> <p>6 paragraph 20?</p> <p>7 A. Yes, I am.</p> <p>8 LORD JUSTICE LEVESON: Right.</p> <p>9 MR JAY: Thank you. So in paragraph 20, Deputy Assistant</p> <p>10 Commissioner, is the material you're drawing to the</p> <p>11 Inquiry's attention?</p> <p>12 A. They're certainly not ones which involved just the odd</p> <p>13 drink or a meal to police officers or other public</p> <p>14 officials. These are cases in which arrests have been</p> <p>15 made involving the delivery of regular, frequent and</p> <p>16 sometimes significant sums of money to small numbers of</p> <p>17 public officials by journalists. Some of the initial</p> <p>18 emails reveal, upon analysis, that multiple payments</p> <p>19 have been made to individuals amounting to thousands of</p> <p>20 pounds. In one case, over a period of several years,</p> <p>21 this amounts to in excess of £80,000.</p> <p>22 There's also mention in some emails of public</p> <p>23 officials being placed on retainers, and this is also</p> <p>24 a line of enquiry that we're exploring. One of the</p> <p>25 arrested journalists, for example, has, over several</p> <p style="text-align: center;">Page 50</p>	<p>1 particular payments to particular articles?</p> <p>2 A. Yes, we can, sir. That's the -- that goes really to the</p> <p>3 heart of the investigation.</p> <p>4 LORD JUSTICE LEVESON: Thank you.</p> <p>5 MR JAY: In paragraph 22, you reemphasise a point you've</p> <p>6 made earlier, but again it's important: mindful of the</p> <p>7 need to protect genuine journalistic sources but in</p> <p>8 seeking to identify corrupt relationships, it is</p> <p>9 necessary to probe this sensitive area.</p> <p>10 A. Yes, absolutely, and again, the MSC make sure they</p> <p>11 manage the disclosures for that reason and we don't seek</p> <p>12 to act against such sources.</p> <p>13 MR JAY: Thank you very much, Ms Akers.</p> <p>14 LORD JUSTICE LEVESON: Thank you very much. What you do is</p> <p>15 you provide a context within which I must now consider</p> <p>16 the rest of this part of the Inquiry. I appreciate that</p> <p>17 this context is fast-changing, and I therefore would be</p> <p>18 grateful if, as we progress and as you progress, to such</p> <p>19 extent as it is not, in any sense, damaging to your</p> <p>20 investigation or to any subsequent prosecution, you</p> <p>21 would be prepared to keep me informed as to what's going</p> <p>22 on.</p> <p>23 A. Of course, of course.</p> <p>24 LORD JUSTICE LEVESON: Because the more that I can provide</p> <p>25 the context and understand the context, then the better</p> <p style="text-align: center;">Page 52</p>

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<p>1 to help devise mechanisms to put in place that avoid the 2 risk of this happening in the future. 3 So number one, I absolutely do not wish to prejudice 4 your investigations or a prosecution, if there is to be 5 one. But number two, the more that you can keep us 6 informed, for me, the better. 7 A. I understand. 8 LORD JUSTICE LEVESON: Thank you very much and thank you 9 again for being prepared to come this morning. 10 A. Thank you, sir. 11 LORD JUSTICE LEVESON: Thank you. 12 Well, before we hear from Mr Garnham and 13 Mr Phillips, it's probably sensible just to have five 14 minutes for the shorthand writer to recover from the 15 morning. Thank you. 16 (11.24 am) 17 (A short break) 18 (11.31 am) 19 LORD JUSTICE LEVESON: Thank you very much. Yes, 20 Mr Garnham? 21 Opening submissions by MR GARNHAM 22 MR GARNHAM: Sir, when I made the opening statement on 23 behalf of the MPS at the start of this Inquiry, 24 I promised you our full co-operation. I hope that we've 25 made good on that promise so far.</p> <p style="text-align: center;">Page 53</p>	<p>1 that the MPS accepted one, and only one, of the 2 criticisms made against them but vigorously disputed the 3 rest. So, sir, the MPS accepted that it was in breach 4 of Article 8 of the European Convention by failing to 5 make sufficiently clear in public the criminal activity 6 that they had uncovered in Operation Caryatid. In 7 particular, it was accepted that they failed to ensure 8 that those identified as potential victims of voicemail 9 interception were made aware of that interference with 10 their private life, of the possibility of continuing 11 threats of the same sort, of the steps they might take 12 to protect their privacy and the identity of those 13 responsible for the interception. 14 It was agreed between the parties that that 15 obligation might have been discharged, for example, by 16 an announcement in the media or through the phone 17 companies or, in appropriate cases, by contacting the 18 people concerned directly. 19 Furthermore, Assistant Commissioner Cressida Dick 20 apologised to the claimants in writing on behalf of the 21 MPS for their failure in that respect. Sir, no damages 22 were paid, but we agreed to pay the claimants reasonable 23 costs. We did not agree, sir, that there was any good 24 case against the MPS, either on the facts or on the law, 25 to the effect that the investigation on phone hacking</p> <p style="text-align: center;">Page 55</p>
<p>1 The MPS renews that promise for this module. We 2 make it clear now that the approach we've adopted to 3 date and the approach we propose adopting in the future 4 is one of complete openness with this Inquiry. Subject 5 only to matters of legal professional privilege, we will 6 disclose to you everything within our knowledge that's 7 relevant to your terms of reference. 8 Sir, this short opening will cover just three 9 issues: first, and briefly, the judicial review brought 10 by Chris Bryant, MP, Brian Paddick, Lord Prescott, HJK 11 and Ben Jackson against the MPS; second -- and this is 12 obviously related -- the criticisms of the conduct of 13 Operation Caryatid, the first investigation into phone 14 hacking, and sir, what that says and what the new 15 evidence says about press and police relations; and 16 third, Operation Elveden and the current investigation 17 into corrupt payments to public officials about which 18 you've just heard something from DAC Akers. 19 Sir, I said we will disclose to your team everything 20 relevant to your terms of reference. That includes 21 matters which may well found criticism of the police. 22 In that context, it's right that I say a word or two 23 about the judicial review. 24 As you'll be aware, those proceedings were 25 compromised. The parties came to terms on the basis</p> <p style="text-align: center;">Page 54</p>	<p>1 was deficient in any other respect. 2 Furthermore, sir, when faced with our proposed 3 declaration, sir, the Administrative Court declined to 4 hold, even in respect of the suggested Article 8 breach, 5 that this case could be taken as a precedent for the 6 future. In other words, whether or not there is an 7 Article 8 duty to inform victims in circumstances such 8 as these remains, as a matter of law, an open question. 9 However, whatever the legal duty, the MPS makes clear 10 that its aim is always to put victims first. That is at 11 the very heart of the Commissioner's new total policing 12 strategy. 13 It will be a matter now for you, sir, but it was and 14 remains our contention that the decision in 2006, 2009 15 and thereafter not to expend on phone hacking the sort 16 of substantial resources which are now devoted to 17 Operation Weeting was reasonable. It was reasonable 18 because, as serious as interception of telephone calls 19 is, it is not a matter of life and limb. With the 20 greatest of respect to those who undoubtedly suffered 21 distress when they discovered that their phone messages 22 had been intercepted, their cases were simply not 23 comparable, for example, with the serious terrorist 24 threats that were facing Britain in 2006 and the years 25 thereafter.</p> <p style="text-align: center;">Page 56</p>

<p>1 There were, at the time of the original phone 2 hacking investigations, 72 live terrorist plots under 3 investigation. Police resources were being stretched so 4 far that the MPS was having to take officers off 5 investigations into the less imminent threats in order 6 properly to manage the more immediate ones. 7 Operation Caryatid had about six officers or staff 8 engaged on it. Operation Weeting has 90, of which 35 9 are working on the victim management team. 10 As you review the actions of the police now, and 11 what that says about the culture of press/police 12 relations, we invite you to have at the forefront of 13 your mind the obligations on the then Commissioner and 14 his officers to prioritise their limited resources in 15 a way that best protected the people of London. These, 16 sir, are judgment calls, but we would suggest that the 17 judgment that had to be made here was perfectly obvious. 18 It should be remembered that it was only five months 19 before the original phone hacking investigation began 20 that London had been the subject of the devastating 21 terrorist attacks of 7/7 and had faced the attack, 22 successfully foiled by the MPS and the security 23 services, of 21/7. 24 It should also be borne in mind that the day after 25 the Mulcaire and Goodman in August 2006, the terrorist</p> <p style="text-align: center;">Page 57</p>	<p>1 That is not to say that the MPS made no mistakes. 2 In particular, the MPS does not resile from the 3 admission that there were significant errors in the way 4 it communicated with the victims of phone hacking. When 5 it was asked for information by those who thought they 6 may have been the victims of unlawful media intrusion, 7 the responses were misleading. Inadvertently 8 misleading, but misleading nonetheless. In essence, 9 sir, the MPS devised a perfectly sensible strategy for 10 informing victims but failed to ensure that that 11 strategy was properly implemented. 12 As to police relations with the press more 13 generally, we will invite you to conclude that in the 14 main, the police have maintained proper and reasonable 15 relations with the media, becoming neither too cosy nor 16 too remote. Different commissioners have set different 17 leads as to the proper calibration of contact with the 18 press, but all, we will say, were responsible and 19 reasonable for their times. 20 Undoubtedly there will be those officers who will 21 appear to have been too keen to foster good relations 22 with journalists and who went too far, and there will be 23 a few, some will argue, who were too monastic in their 24 approach. We will approach you with the material to 25 expose all the extremes and all the material in between</p> <p style="text-align: center;">Page 59</p>
<p>1 threat level went up from severe to critical because of 2 Operation Overt, the transatlantic airline plot. 3 Furthermore, we would suggest, it is simply too glib 4 to say that Operation Caryatid should have been moved 5 from the anti-terrorist command to elsewhere in the Met. 6 Too glib because wherever it is suggested it should have 7 been placed, it is necessary to identify which other 8 elements of police work should be sacrificed to 9 accommodate it. 10 There is, sir, we would say with respect, a real 11 danger, in an Inquiry which has a year to conduct its 12 investigation, which has the luxury of being able to 13 concentrate on the issue at hand and which knows what 14 happened at the end of the phone hacking story, judging 15 a police team that had none of these things. 16 To many, phone hacking was a monstrous attack on 17 freedom which should have prompted the most extensive 18 police investigation, but for the police team actually 19 responsible for this case, without the benefit of 20 hindsight that its critics now enjoy, without the 21 benefit of limitless resources, with very powerful 22 computing demands and priorities, the decisions as to 23 how to investigate these complaints were, we will say, 24 sensible, reasonable and, to use the modern jargon, 25 proportionate.</p> <p style="text-align: center;">Page 58</p>	<p>1 so that you can make the judgment. 2 Consistent with our promise to disclose everything 3 relevant to this Inquiry, we have disclosed to your team 4 details of the present Elveden enquiries into the Sun 5 newspaper and other newspapers. In the light of that, 6 you have required the MPS, by way of a section 21 notice 7 directed to DAC Akers, to provide a statement containing 8 a detailed description of Elveden as is possible without 9 undermining the present investigation and you have now 10 heard Ms Akers give evidence. What she has said will 11 go, we would suggest, some considerable way to 12 addressing the serious criticism that's been made 13 recently of this operation. The MPS has been accused of 14 operating like the Stasi, of adopting grotesquely 15 disproportionate tactics against journalists simply 16 going about their normal lawful business. The MPS is 17 said to be in league with the Management Standards 18 Committee of News International in an unwarranted attack 19 on the freedom of the press. 20 Our response, sir, is not simply to say: we get 21 criticised if we carry out an investigation and we get 22 criticised if we do not; instead, sir, the evidence of 23 Ms Akers demonstrates just how misconceived and 24 misplaced the Stasi analysis is. The evidence which the 25 MPS and the MSC have unearthed points to serious</p> <p style="text-align: center;">Page 60</p>

<p>1 wrongdoing of the newspaper concerned involving corrupt 2 practices by a number of officials in almost every walk 3 of public life. 4 We are not talking, as some from a position of 5 blessed ignorance have suggested, about journalists 6 buying a copper a pie and a pint, but instead there is 7 evidence of repeated payments, significant amounts of 8 money for confidential information provided in breach of 9 trust. It will be for a court to judge whether these 10 events occurred and whether or not the disclosure 11 purchased by such payment is in the public interest. 12 Ms Akers' evidence was to the effect that for the most 13 part the information so purchased was simply salacious 14 tittle-tattle. 15 There are two significant differences between 16 the present operation under DAC Akers and the earlier 17 investigation. First, the amount of police resources 18 devoted to the task, and I have spoken about that. 19 Second, the co-operation of the management of 20 News International. 21 In the early investigation, there was only limited 22 and inadequate co-operation. In this investigation, 23 there is proper co-operation. I do not mean by that 24 that News International are breaching journalistic 25 privilege willy-nilly. Ms Akers has explained to you</p> <p style="text-align: center;">Page 61</p>	<p>1 communication with those who, on any showing, were the 2 subject of interest. I appreciate that legal arguments 3 might be suggested: well, unless you listen to the 4 intercept before it had been listened to, does that come 5 within RIPA? It certainly comes within the Computer 6 Misuse Act. 7 MR GARNHAM: Sir, it's much more than that, the 8 difficulties, because it's whether or not the person 9 concerned was himself the subject or herself the subject 10 of the interception or whether they were a person of 11 interest only because or by means of the interception of 12 people to whom they communicated. 13 LORD JUSTICE LEVESON: Yes, I understand that. But 14 conspiracy is a remarkably broad offence, and if one is 15 going about seeking information -- I mean, all this can 16 be examined in the evidence. It seems to me that it's 17 not merely a question of the Article 8 rights, whatever 18 they may be, of those whose messages may or may not have 19 been listened to, but it goes far wider. 20 The next strand is what was done with 21 News International themselves and with the newspaper 22 industry. Here there was a veritable Aladdin's cave of 23 information not substantially different in size to that 24 which the Information Commissioner discovered in 25 relation to Motorman, and the inference that could be</p> <p style="text-align: center;">Page 63</p>
<p>1 that ordinarily the MSC are redacting the names of 2 sources. That has considerably slowed down the Met's 3 work of trying to find the persons allegedly supplying 4 the information for the payment, but it has meant that 5 the MSC are respecting journalistic privilege until 6 there is evidential base for an allegation of 7 illegality. Where there is such evidence, sir, the MPS 8 will pursue the lead wherever it takes them. 9 LORD JUSTICE LEVESON: Mr Garnham, just before you sit down, 10 I'm not asking you necessarily to respond to this now, 11 but just to expose some thinking, and I'm doing no more 12 than thinking. 13 I can well understand that the terrorist threat to 14 the country will have loomed large in any consideration 15 of how far the investigation of what was revealed, 16 following the search of Mr Mulcaire's home, should go. 17 What I am presently having more difficulty with is the 18 very limited use that was made of the truly vast amount 19 of material that had been so carefully assembled by 20 Mr Mulcaire. 21 A number of possibilities suggest themselves. One, 22 you have mentioned much more work with the phone 23 industries, much more work to make public the danger of 24 the transparency of voice messages and the risks to 25 everybody in voicemail messages, and greater</p> <p style="text-align: center;">Page 62</p>	<p>1 drawn was that there was a very substantial industry in 2 seeking to obtain information for reasons which may or 3 may not be justified. 4 One of the aspects which I will be most interested 5 in is this: if I have no doubt the police discover in 6 a firm that somebody has been pinching money from them, 7 embezzling it, then I would have thought the police 8 would be the first to give advice to that firm about 9 protective measures that should be taken to prevent 10 embezzlement by staff. I don't know how far up it was 11 believed that it went in News International at the time, 12 but it doesn't really matter, because there is always 13 somebody higher, and I would like to be put in the 14 position of understanding why it is that the police, 15 with all their resource problems in relation to 16 terrorism -- which I fully recognise and, you won't be 17 surprised to learn, fully sympathise with -- shouldn't 18 have gone to News International and said, "This is what 19 has been going on. It's at this level. Now, I [the 20 police] was want to know (a) what's been happening, (b) 21 what you're going to do about it and (c) how you're 22 going to make sure it doesn't happen anymore, not 23 because we want to prosecute anybody but because part of 24 our role is to prevent crime." 25 I've said that rather more extensively than perhaps</p> <p style="text-align: center;">Page 64</p>

<p>1 I intended when I started to talk, but I'm sure you 2 understand the point that I'm making. 3 MR GARNHAM: I do indeed, sir, and you're right to say that 4 I won't attempt to provide a comprehensive response -- 5 LORD JUSTICE LEVESON: No, I don't ask you to. 6 MR GARNHAM: By I will say this as immediate reaction. The 7 first is it would be wrong to characterise the Mulcaire 8 archive as a carefully prepared document by him. It 9 wasn't. It was a mess of scraps of paper, and in itself 10 it required an awful lot of work even to understand what 11 it is and there is a danger, I would say, with respect, 12 of looking at this through the wrong end of the 13 telescope. We all now know what it meant and where it 14 was going to take us. That was less obvious to the 15 officers on the ground at the time. 16 LORD JUSTICE LEVESON: But let me just take -- you'll get me 17 involved in a discussion about it. Let me just take 18 what you knew: that there were hundreds of names. 19 Hundreds of names is more than sufficient. A hundred 20 names. The point is: it's more than just a couple. 21 And it gets worse than that, because the 22 Metropolitan Police -- now you excite me to go on -- 23 knew that News International were talking about one 24 rogue reporter and minimising everything, and I would 25 have thought that you didn't have to spend very much</p> <p style="text-align: center;">Page 65</p>	<p>1 First of all, we accept, as I've already indicated, that 2 there was a failure on the part of the MPS to carry out 3 an adequate briefing to the public, to the world at 4 large and to those particularly affected by what 5 happened. We accept that and have for some time. 6 Sir, we would also say that the nature of this very 7 public interest prosecution at the Old Bailey, at the 8 Central Criminal Court, of a journalist and the private 9 investigator concerned, referring to the nature of his 10 operations, the nature of their operations, did provide 11 a pretty public statement of what was going wrong and it 12 was one that would have been self-evident to those in 13 the senior levels of the newspapers concerned. 14 Sir, we will take on board all that you say and make 15 sure our evidence addresses that. 16 LORD JUSTICE LEVESON: Right, fair enough, Mr Garnham. 17 Mr Phillips? 18 Opening submissions by MR PHILLIPS 19 MR PHILLIPS: Sir, I appear, as you know, for a joint 20 (inaudible) the Metropolitan Police Authority and the 21 Mayor's Office for Policing and Crime. 22 LORD JUSTICE LEVESON: They're really consecutive 23 manifestations of the same organisation. 24 MR PHILLIPS: They are indeed, sir. 25 LORD JUSTICE LEVESON: Yes.</p> <p style="text-align: center;">Page 67</p>
<p>1 long with the Mulcaire documents to realise this was 2 actually a much more serious problem than was being 3 portrayed. 4 MR GARNHAM: Much more now is known about what those hundred 5 names meant than was at the time. It was not remotely 6 surprising that somebody in Mulcaire's position had 7 a list of persons of interest. What was not known at 8 that time was the nature of the interest he had in them. 9 What was not known was whether they were on his list 10 simply for the purposes of phone hacking or for other 11 enquiries, and there was more than one way in which he 12 went about his work. 13 I repeat, sir, that your example to me is a good one 14 of the danger of reviewing what happened knowing what we 15 do know, rather than through the spectacles of the 16 officer at the time. 17 LORD JUSTICE LEVESON: I'm very happy to do it through the 18 spectacles of the officer at the time, because I think 19 my questions will remain. I'm not making a decision 20 about it; I'm merely alerting you to something that 21 concerns me. 22 MR GARNHAM: Sir, I accept that and I'm grateful. 23 I only say one other thing. You talked about the 24 need for giving advice more generally at the end of this 25 exercise. I'll just say two sentences about that.</p> <p style="text-align: center;">Page 66</p>	<p>1 MR PHILLIPS: We move from what Mr Jay described in his 2 opening as internal governance to external governance of 3 the MPS. 4 The MOPC is the statutory body responsible under the 5 provisions of the Police Reform and Social 6 Responsibility Act of last year for securing the 7 maintenance of an efficient and effective police force 8 in London and for holding the Commissioner to account 9 for the exercise of his functions and of the functions 10 of all those under his direction and command. 11 As you know, the MOPC came into existence as 12 recently as 16 January this year, so that this module of 13 your Inquiry takes place at a very early stages of its, 14 the MOPC's, work. I should say at the outset that the 15 MOPC is grateful for this opportunity to engage with the 16 Inquiry and hopes not only to be able to assist you in 17 your work and give you full co-operation, but also to 18 benefit from the Inquiry's consideration of the 19 questions concerning the governance and the oversight of 20 the MPS which form part of this module. 21 In this short opening, I'm not going to deal with 22 any detail in relation to the issues but rather, in 23 a way that I hope will be helpful, to outline the nature 24 and functions of the MOPC and of its predecessor, the 25 MPA, to say something about the way they've gone about</p> <p style="text-align: center;">Page 68</p>

<p>1 their work and then to identify for you some specific 2 areas in relation to which the MPA had and the MOPC has 3 a role to play. 4 LORD JUSTICE LEVESON: Yes. 5 MR PHILLIPS: Sir, I do that because, of course, in relation 6 to the key events with which you're concerned in this 7 module, it was the MPA which was in place at all 8 material times. But so far as lesson-learning, so far 9 as recommendations coming out of this Inquiry are 10 concerned, it will, of course, be the MOPC. 11 Sir, before looking at the two organisations, may 12 I briefly stand back just a little and look at the 13 nature of policing itself and indeed the nature of the 14 police in this country. 15 In a democratic country governed by law, policing is 16 by consent, consent of the community. We entrust the 17 police with a considerable degree of authority and 18 a range of powers so that they may enforce the law on 19 our behalf, and with this in mind, it would seem obvious 20 that the police themselves should be accountable to the 21 public or to its representatives for their exercise of 22 those powers, and it's a simple step from that 23 proposition, I'd say, to go on and say that they, the 24 police, should also be accountable within the 25 communities which they serve. Policing in this country</p> <p style="text-align: center;">Page 69</p>	<p>1 has its own arrangements and its own force. The 2 Metropolitan area has always been treated differently. 3 For example, under the 1964 Act, it was the Home 4 Secretary who was identified as the police authority for 5 the Met, and that remained the position in 1995 when the 6 Metropolitan Police committee was established to advise 7 the Home Secretary in relation to governance and 8 oversight of the force. 9 So too the Metropolitan area was left out of the 10 arrangements made in the 1996 Act for the provincial 11 forces, and it wasn't until 2000, where, by virtue of 12 the Greater London Authority Act of 1999, that the 13 Metropolitan Police Authority came into being. 14 Now, sir, you know, I'm sure, that it was that Act 15 which set up the new arrangements for local governance 16 in London and laid the way for the elected mayor. Under 17 that Act, the Metropolitan Police Authority was 18 a statutory body and it was one of the functional bodies 19 of the Greater London Authority. 20 Sir, it may, however, be worth noting at this stage 21 that the recommendation which led to the setting up of 22 the Metropolitan Police Authority was a recommendation 23 in fact made by another public inquiry. It was 24 a recommendation made by the Macpherson Inquiry in its 25 report in 1999.</p> <p style="text-align: center;">Page 71</p>
<p>1 has always been and remains, for the most part, a local 2 service. 3 That, sir, is the background to the governance 4 arrangements which have been in place now for nearly two 5 centuries, from early oversight by justices of the peace 6 to the watch committees which comprised elected members 7 and also JPs. 8 The modern era begins with the Police Act of 1964, 9 by which police authorities were established following 10 the recommendations of a Royal Commission. Those 11 arrangements for county and county borough forces 12 outside London were amended and expanded over the years, 13 culminating in the Police Act of 1996. 14 But the fundamental structure for police governance 15 outside London remain the same, and this was the 16 tripartite structure. The authority was one part of the 17 structure in each force area, the chief constable was 18 the second part, with responsibility for operation or 19 policing in the area, and the Home Secretary, of course, 20 set national policing priorities and had overall 21 responsibility for funding, for legislation and for 22 guidance. 23 But, sir, turning to the Metropolitan area -- and of 24 course, it is the Metropolitan area of London with which 25 you're principally concerned, not the city police, which</p> <p style="text-align: center;">Page 70</p>	<p>1 It may just be worth pointing out that in the 2 evidence you will hear, the impact of that report on the 3 Met is described in vivid terms. It was considerable, 4 and it may well be that the evidence suggests that it 5 was the criticism contained in that report that led to 6 the decision by the then senior management of the MPS to 7 engage much more actively with the media and to seek to 8 establish a new and improved relationship, and that, 9 of course, was the decision that in due course led to 10 the perceived closeness between the MPS and the press, 11 which, as Mr Jay has pointed out, is the topic of 12 interest for you in this module. 13 Briefly on the MPA itself, it has 23 members, 12 of 14 whom were members of the assembly and 11 who were 15 appointed, one of whom by the Home Secretary, and its 16 role, in short, was to secure the maintenance of an 17 effective and efficient police service in London and, of 18 course, to hold the Commissioner to account for the 19 delivery of policing and for the management of his 20 force. 21 So in London, the tripartite structure consisted of 22 the MPA, the Commissioner and the Home Secretary. Its 23 responsibilities in statute required it to combine 24 oversight, monitoring and regulatory as well as 25 executive functions in relation to the force. For</p> <p style="text-align: center;">Page 72</p>

<p>1 example, it was responsible for strategic planning, for 2 setting policing priorities and performance targets, for 3 the strategic management of the budget, for the 4 appointment of all ACPO-ranked officers save for the 5 Commissioner and his deputy, for dealing with 6 allegations, reports or complaints about their conduct, 7 and finally -- and also importantly for this module -- 8 for providing an effective internal audit service of the 9 force.</p> <p>10 So, sir, you can see, I hope, from that unusual, 11 indeed probably unique range of responsibilities, that 12 the MPA was not a regulator in the conventional or 13 traditional sense. Constitutionally, it was something 14 of an unusual creature, and its members and the 15 secretariat supporting them had to undertake a role 16 which involved advising, directing, understanding and, 17 above all, working with the MPS so as to achieve the 18 joint aim of making the capital a safer city with an 19 efficient and effective police force. Key to this were 20 the relationships between the individuals in the MPA and 21 MPS and in particular the Commissioner and his deputy 22 and the chair and chief executive of the MPA.</p> <p>23 Sir, before leaving the structure of the MPA and its 24 duties, may I stress one point which underpins these 25 rather complex arrangements? It's simple to state it,</p> <p style="text-align: center;">Page 73</p>	<p>1 Those are the full authority meetings. So far as 2 the committees which did the bulk of the oversight work, 3 may I mention just two? The first, the strategic and 4 operational policing committee, and the second, the 5 corporate governance committee.</p> <p>6 The first one was responsible, amongst other things, 7 for approval and oversight of operational policing 8 policy, and for ensuring at a strategic level that the 9 policy resulted in improved operational performance and 10 productivity. However, the committee also discharged 11 the MPA's responsibilities for professional standards, 12 which, of course, included the responsibility for 13 dealing with complaints against ACPO-ranked officers.</p> <p>14 Conduct matters were in turn referred to 15 a subcommittee of relevance to this module, called the 16 Professional Standards Cases Subcommittee, or by its 17 snappy acronym, PSCSC, which was responsible for dealing 18 with all ACPO conduct matters, including complaints, 19 allegations or reports, which were handled in accordance 20 with the relevant regulations.</p> <p>21 The corporate governance committee. It was to this 22 committee, sir, that the internal audit department of 23 the MPA reported, and it was here that the MPA's work on 24 the Met's policies, procedures and governance 25 arrangements, for example, in relation to gifts and</p> <p style="text-align: center;">Page 75</p>
<p>1 sometimes it's harder to identify precisely in practice, 2 and that is that the Commissioner was fully 3 operationally independent. That was an acknowledged and 4 a fully recognised bright line between the MPA on the 5 one hand and the Commissioner.</p> <p>6 So far as the work of the MPA in practice was 7 concerned, it was led by the members. There was, 8 understandably perhaps, a committee structure through 9 which the main body of the scrutiny and monitoring work 10 was done. I want to touch on one or two of them of 11 relevance to your module in a moment.</p> <p>12 First, may I mention the full authority meetings, 13 because it was in full authority that the overall 14 responsibility for discharge of the MPA's functions 15 rested. Those meetings took place in public every month 16 and it was full authority that approved the policing 17 plan and the policing budget for submission to the 18 Mayor.</p> <p>19 Importantly, from the point of view of your work, it 20 was in full authority meetings that the Commissioner was 21 held publicly to account. They were, in general, open 22 to the press as well as the public. The Commissioner 23 would report to the members and be questioned by them 24 either responding in the meeting or, when appropriate, 25 in writing afterwards.</p> <p style="text-align: center;">Page 74</p>	<p>1 hospitality, including gifts and hospitality from the 2 media, was undertaken, leading to but by no means ending 3 with the publication online in September last year of 4 the gifts and hospitality registers of all ACPO-ranked 5 officers and other senior employees, and you will have 6 evidence in due course on the history of that process 7 and indeed on the work that still continues.</p> <p>8 May I mention two further points about this phase of 9 the MPS-MPA governance relationship? The first is that 10 neither the Commissioner nor the MPS had a separate or 11 distinct legal personality. As a result, it fell to the 12 MPA to be the contracting party in all MPS agreements, 13 whether with suppliers or members of staff. There was 14 a scheme of delegation by which the Commissioner was 15 given day-to-day management and control of contracts, 16 subject to various established procedures, the details 17 of which are not for now.</p> <p>18 However, when you come, for example, to consider any 19 MPS contracts of relevance to this module, with 20 Mr Wallace's company, Chamy Media, for example, you will 21 see that it is the MPA for these reasons and not the MPS 22 that is the contracting party.</p> <p>23 Finally in relation to contracts and post-retirement 24 employment, the MPA's practice was to require 25 ACPO-ranked officers to sign on appointment some terms</p> <p style="text-align: center;">Page 76</p>

<p>1 and conditions, which included a clause concerning 2 confidentiality, as you'd expect, but which also 3 included a clause which placed a limit on some forms of 4 subsequent employment, for example, with firms or 5 businesses providing services to the MPS or MPA, with 6 the approval of the chief executive of the MPA being 7 required for any such work during the first year. 8 There was and is, however, nothing specifically in 9 those terms relating to the media. As you know, both 10 Lord Stevens and Mr Hayman wrote for News International 11 titles after leaving the Met, something which will no 12 doubt be dealt with in their evidence in due course. 13 LORD JUSTICE LEVESON: Yes. 14 MR PHILLIPS: In relation to the MPA finally, may I sum up 15 the experience, if I can put it that way, over some 11 16 years as follows: first, by reminding you that at the 17 beginning of the process in 2000, the Met had no 18 experience of rigorous oversight, and I've no doubt that 19 in the early stages there was a sometimes uncomfortable 20 process of adjustment to the new regime on the part of 21 the Met, and some bedding down on the part of the new 22 authority. I'm not going to pretend that there were not 23 some difficult moments in the following years. 24 However, it's perhaps fair to say that in 25 a relationship between an organisation and its overseer,</p> <p style="text-align: center;">Page 77</p>	<p>1 Metropolitan area. The MPA has been replaced, as I've 2 said, by the MOPC, and it falls to the MOPC to secure 3 the maintenance of the Metropolitan Police force and to 4 ensure that the force is sufficient and effective, and, 5 as before with the MPA, to hold the Commissioner to 6 account, not only for the exercise of his functions but 7 also for the functions of all of those under his 8 direction and control. In turn, there will be 9 a committee of the London assembly which has the 10 responsibility to hold the MOPC to account. That's the 11 Police and Crime Committee. 12 The Mayor for London is, and I quote, "the occupant, 13 for the time being, of the MOPC". That's section 3(3) 14 of the Act. Of course, for London, these changes are 15 less significant than for the police areas outside the 16 capital because London already has its elected Mayor, 17 and by statute, as I've said, it will be that person who 18 will occupy the MOPC. 19 Sir, it follows from that, of course, as you will 20 immediately appreciate, that the successful candidate in 21 the election to be held in May this year will then 22 occupy, or possibly, of course, reoccupy, the MOPC. So 23 in a sense, this current phase of some four months is 24 a brief interim period before the election that takes 25 place at the beginning of May this year.</p> <p style="text-align: center;">Page 79</p>
<p>1 a certain amount of tension is not necessarily 2 unhealthy. Indeed, too cosy a relationship would be 3 inappropriate and incompatible with the holding to 4 account which was the MPA's role. 5 You may think, sir, when you've heard the evidence 6 in this module that both sides of the relationship 7 benefited from the process and that the relationship 8 between the two organisations grew and matured over the 9 years, which takes me finally, sir, to the new regime, 10 the MOPC. May I first describe it briefly and then flag 11 up some differences between the MPA and the new system. 12 The first point to make is, as you know, it's merely 13 one part of a nation-wide change in the arrangements for 14 police governance brought in by the new Police 15 Performance and Social Responsibility Act, which was 16 brought in last year. 17 For police forces outside London and in place of 18 police authorities, there will, for the first time, be 19 elected officials, police and crime commissioners, whose 20 roles in each police area will be to hold the 21 Chief Constable to account. They will be in office and 22 undertaking their new functions by November this year, 23 and they in turn will be held to account by police and 24 crime panels for each police area. 25 But, as usual, there is a separate regime for the</p> <p style="text-align: center;">Page 78</p>	<p>1 LORD JUSTICE LEVESON: Yes. 2 MR PHILLIPS: Sir, under the 2011 Act, the Mayor is 3 committed to appoint a Deputy Mayor for policing and 4 crime and the Mayor has nominated a former chair of the 5 authority, the MPA, Mr Malthouse, to that position and 6 to head up the MOPC for all day-to-day purposes. So 7 there's continuity there, as indeed there is, sir, as 8 you will hear in the evidence, in relation to the senior 9 officials. For example, the chief executive of the MPA 10 is now the chief executive of the new body, and the rest 11 of the senior management have transferred to equivalent 12 positions with the MOPC. 13 Perhaps more importantly than that, the core 14 functions of the new body are, broadly speaking, the 15 same: oversight, monitoring and regulation. The MOPC is 16 accountable to the London electorate for the overall 17 performance of the MPS, for setting its strategic 18 direction and for allocating resources, and in short, 19 therefore, the MOPC will continue the work of the MPA in 20 relation to the Met. 21 So far as these new arrangements are concerned, 22 I should mention that the Home Secretary issued 23 a protocol on 16 January this-year, in which effectively 24 all parties to the new arrangements are told how to go 25 about their work and their new business. I should also</p> <p style="text-align: center;">Page 80</p>

<p>1 note that in paragraph 9 of the protocol the Home 2 Secretary stresses that chief constable, which of course 3 includes the Commissioner, remain operationally 4 independent.</p> <p>5 Can I just flag up two differences, before I close, 6 between the new regime and the old? First, under the 7 new Act, the Commissioner is made a corporation sole, 8 and that enables him, for example, to make contracts, to 9 employ staff and to hold funds. Under the same Act, the 10 MOPC is also a corporation sole, the point being that 11 the delegation system that I mentioned earlier in 12 relation to contracts is no longer necessary.</p> <p>13 Secondly, sir, under the new regime, it will be the 14 Commissioner who appoints all ACPO-ranked officers. He 15 will be responsible, in addition, for all conduct 16 matters in relation to them by amendment to the various 17 conduct relations. The MOPC has a responsibility to 18 monitor all complaints against officers and staff and 19 retains responsibility for complaints against the 20 Commissioner himself.</p> <p>21 So far as the new arrangements are concerned, I hope 22 I don't need to say that the MOPC will, of course, 23 welcome the Inquiry's input into how the new 24 arrangements might best deal with the sorts of issues 25 which gave rise to this Inquiry in the first place, and</p> <p style="text-align: center;">Page 81</p>	<p>1 perspective will be very useful.</p> <p>2 LORD JUSTICE LEVESON: I'm anxious that as many people get 3 as much assistance from this extremely expensive 4 exercise as can do.</p> <p>5 MR PHILLIPS: Yes. Can I just say two final things? 6 As you'd expect, the responses from the MOPC to your 7 notices will also contain comments and responses to both 8 the Filkin and the HMIC reports --</p> <p>9 LORD JUSTICE LEVESON: Yes.</p> <p>10 MR PHILLIPS: -- which have been welcomed by the MOPC and 11 before that the MPA, and in relation to which responsive 12 work is already being undertaken.</p> <p>13 But for present purposes, it suffices to say, 14 I hope, that the MOPC recognises the importance of 15 a positive culture at the top of the Met, established 16 and secured by clear and firm leadership, and believes 17 that the role and example of the Commissioner will be 18 fundamental to the success of the new statutory regime.</p> <p>19 Sir, unless there's any other matter --</p> <p>20 LORD JUSTICE LEVESON: No, thank you very much indeed. 21 Thank you.</p> <p>22 Right, that's provided a background. I've not heard 23 that any other of the core participants wants to say 24 anything at this stage. 25</p> <p style="text-align: center;">Page 83</p>
<p>1 which are now to be addressed in this module. Indeed, 2 the work of the Inquiry might helpfully inform the 3 approach of the new PCCs in the local force areas --</p> <p>4 LORD JUSTICE LEVESON: I was just thinking about that, 5 because normally one would expect this sort of dialogue 6 between the Deputy Mayor and the Commissioner to go on 7 in private.</p> <p>8 MR PHILLIPS: Yes.</p> <p>9 LORD JUSTICE LEVESON: I do see there is potential 10 advantage, given that there's been some experience in 11 the Met of greater political involvement than in other 12 parts of the country, in exposing that in this Inquiry 13 so that all might learn.</p> <p>14 MR PHILLIPS: Yes.</p> <p>15 LORD JUSTICE LEVESON: But that might mean ensuring that 16 there's appropriate evidence on that topic --</p> <p>17 MR PHILLIPS: Yes.</p> <p>18 LORD JUSTICE LEVESON: -- to be considered and be subjected 19 to analysis.</p> <p>20 MR PHILLIPS: Yes. Of course our statements, our response 21 to your notices, will deal with these matters.</p> <p>22 LORD JUSTICE LEVESON: Thank you.</p> <p>23 MR PHILLIPS: I know you've also served a section 21 notice 24 on the general body, the Association of Police 25 Authorities, and it may be that their more general</p> <p style="text-align: center;">Page 82</p>	<p>1 Opening submissions by MR SHERBORNE</p> <p>2 MR SHERBORNE: Sir, can I just rise? There's no formal 3 opening submissions on behalf of the core participant 4 victims, you'll be pleased to hear, many of whom are, 5 of course, victims of voicemail interception by the 6 News of the World. However, I would like to make a few 7 brief observations, having heard Mr Garnham this 8 morning, if I may be permitted to do so. They will be 9 very brief.</p> <p>10 The victims are obviously keen to hear the 11 explanations of those involved in investigating the 12 phone hacking scandal. The matters that you raised just 13 now with Mr Garnham at the end of his submissions -- 14 with respect, sir, as you yourself said, it's not just 15 about the prosecution of those directly responsible for 16 these matters, but also the prevention of crime and the 17 notification of victims.</p> <p>18 Mr Garnham said he was not going to answer those 19 questions on the hoof and one understands why, because 20 we have a number of witnesses to hear evidence from, and 21 there are obviously other matters which concern my 22 clients; for example, the leaks to the media from 23 various police forces, something which is a real 24 concern, not just to those in the public eye.</p> <p>25 But of course, we say it's the investigation of the</p> <p style="text-align: center;">Page 84</p>

<p>1 phone hacking scandal which is a particularly 2 illuminating example of the concerns that there are 3 about the relationship between the police and the press, 4 and the Inquiry will hear from a number of those victims 5 today and tomorrow.</p> <p>6 Finally, can I just say this in relation to 7 Mr Garnham, who pointed out -- he says there is a lack 8 of material available and co-operation by News Group 9 Newspapers at the time of Mr Mulcaire's conviction. We 10 strongly disagree with that proposition and our 11 witnesses will explain in the course of their evidence 12 why that is, but of course, perhaps by way of 13 a curtain-raiser, can I say this: that there were all 14 sorts of treasures in Aladdin's cave, to use your 15 metaphor. For example, the number of corner names of 16 journalists in the notebooks, the dates, the ranges of 17 dates in Mr Mulcaire's notes, the pattern of calls from 18 his telephone, the names of victims themselves, all of 19 whom were well-known, the PIN numbers, the direct dial 20 numbers, the passwords and so on, information which is 21 all visible in Mr Mulcaire's notes.</p> <p>22 Then, of course, there are the articles themselves. 23 When all of this was married up together, we say there 24 was more than sufficient material known at the time to 25 have gone further than they did, and it did not need the</p> <p style="text-align: center;">Page 85</p>	<p>1 to me.</p> <p>2 A. Thank you, sir.</p> <p>3 MR JAY: Can you tell us in your statement that 4 between November 1976 and May 2007, you were a police 5 officer serving in the Metropolitan Police service and 6 you retired in the rank of Deputy Assistant 7 Commissioner.</p> <p>8 A. Yes, that's the case.</p> <p>9 Q. Since then, you have enjoyed, if that's the right way of 10 putting it, a political career and you're standing again 11 in the mayoral elections in May of this year; is that 12 correct?</p> <p>13 A. I am indeed, yes.</p> <p>14 Q. Thank you very much. I'd like to move to paragraph 7 of 15 your statement. We'll take the preliminary matters you 16 set out as read, if you don't mind.</p> <p>17 At paragraph 7, you explain that personally you've 18 had good relations with a number of crime reporters. In 19 particular, you mention a good relationship with the 20 crime correspondent at the Financial Times. In your own 21 words, please, what is the nature and purpose of that 22 relationship?</p> <p>23 A. What happened -- Jimmy Burns is the journalist I'm 24 referring to. He came to my police station when I was 25 in charge at Wimbledon to interview officers about how</p> <p style="text-align: center;">Page 87</p>
<p>1 co-operation of News Group Newspapers.</p> <p>2 That is, as I say, a matter of evidence, and we have 3 a number of witnesses --</p> <p>4 LORD JUSTICE LEVESON: Well, I've already painted the 5 picture for Mr Garnham to think about and I'd be very 6 keen that we will explore the evidence but not require 7 sort of extemporary resolutions of these issues, which 8 are going to be more or less illuminative than they 9 might otherwise be.</p> <p>10 MR SHERBORNE: I'm grateful.</p> <p>11 LORD JUSTICE LEVESON: Thank you very much. Right, nobody 12 else? Thank you very much. Yes, Mr Jay?</p> <p>13 MR JAY: The first witness is Mr Brian Paddick, please.</p> <p>14 LORD JUSTICE LEVESON: Thank you very much indeed.</p> <p>15 MR BRIAN PADDICK (sworn)</p> <p>16 Questions by MR JAY</p> <p>17 MR JAY: Your full name, please?</p> <p>18 A. Brian Leonard Paddick.</p> <p>19 Q. Thank you. You provide to the Inquiry a witness 20 statement dated 19 February of this year. You've signed 21 and dated it, and I think provided a statement of truth. 22 Is this your formal evidence to the Inquiry?</p> <p>23 A. It is, sir, yes.</p> <p>24 LORD JUSTICE LEVESON: Thank you very much, Mr Paddick, for 25 the effort that you've put into providing this evidence</p> <p style="text-align: center;">Page 86</p>	<p>1 they viewed the Macpherson report, and in a preliminary 2 discussion with Jimmy Burns it became quite apparent 3 that Mr Burns and I were on the same page in terms of 4 wanting reform of the police, getting the police to be 5 better at handling race relations and that sort of 6 thing. So it was quite clear that we had an immediate 7 rapport, and as a consequence, we subsequently had 8 a series of lunches that he paid for where we discussed 9 the possibility of moving things forward in terms of 10 a culture change within the police.</p> <p>11 Q. Thank you. You also mention an editorial lunch at the 12 Guardian and then at the Mirror. The fare may have been 13 very similar, but the discussions may not have been. 14 About the lunch at the Mirror, is there anything you can 15 recall about that which might assist us?</p> <p>16 A. Yes, I rather recall it more as an audience with Piers 17 Morgan than an editorial lunch. But I was there, there 18 were a couple of politicians who were there, there were 19 a couple of weather girls from Channel 5 who were there, 20 and we sat around and in the main listened to what 21 Piers Morgan wanted to tell us.</p> <p>22 Q. Thank you. Paragraph 9 --</p> <p>23 LORD JUSTICE LEVESON: I'm sorry. What did he want to tell 24 you?</p> <p>25 A. All sorts of not very interesting things, from what</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

<p>1 I remember, sir. I mean it was simply his view of the 2 world -- 3 LORD JUSTICE LEVESON: Yes, yes. It's not so much the 4 detail. I'm just interested that you're a high-ranking 5 police officer, and -- 6 A. Well, Mr Piers Morgan gave me the opportunity to respond 7 to a kiss-and-tell story on me that was published by 8 a Sunday newspaper, and therefore he knew me through 9 that connection and maybe this was his way of sort of 10 thanking me for co-operating with his newspaper -- 11 LORD JUSTICE LEVESON: Requiring you to listen to him? 12 A. Well, there was lunch thrown in as well. 13 LORD JUSTICE LEVESON: Yes, all right, all right, all right. 14 MR JAY: The issue of media intrusion you touch on in 15 paragraph 9, and you identify a period when you were 16 a very senior police officer between 2002 and 2007, and 17 you point out that that sort of intrusion could make it 18 extremely difficult for you to work effectively as 19 a police officer. Did it in fact make it difficult for 20 you to work as a police officer or not? 21 A. Yes. For example, I was the police spokesman when the 22 2005 bombings happened, and one of the newspapers, 23 reporting the fact that I was the police spokesman the 24 following day, went into aspects of my private life in 25 their reporting simply of the fact that I was the police</p> <p style="text-align: center;">Page 89</p>	<p>1 confidence in the police, and therefore, having a lot of 2 negative publicity about the police tends to undermine 3 that and in turn undermines the effectiveness of the 4 police. If people feel that they can't trust the 5 police, they're not going to phone up and dial 999 or 6 otherwise assist the police. So I can understand that 7 there is a professional reason other than simply 8 embarrassment that things have gone wrong for why senior 9 officers would want to do this. 10 Q. Yes. In paragraph 12, you take this further: 11 "The police have tried to manage the reputation by 12 befriending newspapers editors and other people in 13 positions of power in the media. Successive 14 commissioners of the MPS have conducted charm offensives 15 with mixed success." 16 You may not want to answer this question, but which 17 Commissioners, in your view, have been more successful 18 than others? 19 A. I think it's fairly apparent that Lord Stevens, at the 20 time Sir John Stevens, the then Commissioner, had a very 21 good relationship with the media, and it's hard to 22 identify a negative story in the media about 23 John Stevens. Regrettably, almost the reverse is the 24 case when it came to Lord Blair, at the time 25 Sir Ian Blair, when he became Commissioner, when the</p> <p style="text-align: center;">Page 91</p>
<p>1 spokesman. So at every opportunity, there were some 2 newspapers who tried to drag up aspects of my private 3 life which they thought would be detrimental to me. 4 Q. Thank you. Media relations at the MPS, that's 5 paragraphs 10 to 14. You develop a number of themes 6 there. Paragraph 11 first of all, please. You say, two 7 lines from the bottom: 8 "In order to preserve or enhance their reputation in 9 the eyes of the public, the police have increasingly 10 tried to keep bad news about the police out of the media 11 and have put more and more effort into getting positive 12 news stories about the police into the media." 13 Are you able to identify a point in time at which 14 that sort of strategy began to develop or is this 15 a general trend? 16 A. I think it's a general trend. Obviously when I was 17 a more lowly -- of a more lowly rank, I didn't know what 18 the politics, with a small P, were of the police 19 regarding the media, but as I became more senior, it 20 became apparent that this was something that the police 21 were trying to do. 22 Now, this -- you know, I fully understand why the 23 police would want to do this. As we have just heard, 24 the police in this country police by consent. That 25 means it relies on the public having trust and</p> <p style="text-align: center;">Page 90</p>	<p>1 overwhelming majority of publicity seemed to be against 2 him rather than in favour of him, and I don't think 3 that's fair at all. I think that Ian Blair was trying 4 to do a very difficult thing. He was trying to change 5 the culture of the Metropolitan Police in a way that 6 didn't go well with a lot of his senior colleagues but 7 also didn't go well with a lot of right-wing newspapers. 8 Q. Paragraph 13: 9 "The police have tried to prevent stories from 10 getting into the public domain." 11 You develop that with your specific examples later 12 on. 13 Paragraph 14: 14 "... a culture is created where corruption can 15 flourish ..." 16 What do you mean by "corruption" there in that 17 sentence, Mr Paddick? 18 A. The difficult is: if the police are inappropriately 19 trying to keep stories of inappropriate police activity 20 out of the media and police officers become aware that 21 that is the case, then they may feel that they can carry 22 on their inappropriate activity knowing that the police 23 won't take any action against them because the police 24 don't want that to get into the public domain. 25 LORD JUSTICE LEVESON: Do you mean police officers or do you</p> <p style="text-align: center;">Page 92</p>

<p>1 mean reporters?</p> <p>2 A. No, what I'm thinking of, sir, is were officers to be</p> <p>3 engaged in inappropriate activity, rather than being</p> <p>4 prosecuted for that, police officers might -- the thing</p> <p>5 might be covered up in order to prevent it damaging the</p> <p>6 reputation of the police.</p> <p>7 LORD JUSTICE LEVESON: Oh, I see, I see.</p> <p>8 MR JAY: Thank you.</p> <p>9 Now, your specific examples. Starting at</p> <p>10 paragraph 15, you refer to Freedom of Information Act</p> <p>11 requests and you've seen meetings between former</p> <p>12 commissioners and executives of News International.</p> <p>13 Could you be more precise about that, Mr Paddick? What</p> <p>14 sort of meetings are we talking about? Are these</p> <p>15 lunches, are these professional meetings or a bit of</p> <p>16 both?</p> <p>17 A. A bit of both.</p> <p>18 Q. We've probably seen the information ourselves but to</p> <p>19 make sure that we have, what information was obtained</p> <p>20 pursuant to the Freedom of Information Act requests?</p> <p>21 Hospitality lists?</p> <p>22 A. I think these were extracts from the Commissioners'</p> <p>23 diaries and senior officers' diaries, indicating where</p> <p>24 the meetings -- where and when the meetings took place</p> <p>25 and also of, as you say, the hospitality register, the</p> <p style="text-align: center;">Page 93</p>	<p>1 become the commissioner.</p> <p>2 Q. What did you say, if anything, to the journalist? Do</p> <p>3 you recall?</p> <p>4 A. No, I -- I mean, clearly there was a lot of negative</p> <p>5 briefing against Ian Blair even before he became</p> <p>6 Commissioner, and I wasn't surprised that some of this</p> <p>7 briefing was coming from within the Met.</p> <p>8 LORD JUSTICE LEVESON: Who would be initiating that?</p> <p>9 Because one would have thought that the head of the</p> <p>10 department for public affairs should be doing his best</p> <p>11 to promote the affairs of the Metropolitan Police</p> <p>12 generally, and its officers in particular? Maybe that's</p> <p>13 naive?</p> <p>14 A. There's a lot of political infighting, or there was,</p> <p>15 during my time at the Met, between senior officers, and</p> <p>16 I guess that was put Dick Fedorcio in a difficult</p> <p>17 position, in terms of his overall responsibility to</p> <p>18 promote the Met in its entirety, if he's being asked by</p> <p>19 some senior officers to brief against others.</p> <p>20 LORD JUSTICE LEVESON: Do you have a comment upon a climate</p> <p>21 that exists that permits any of that to happen?</p> <p>22 A. Well, yes, and indeed Ian Blair, when he became</p> <p>23 Commissioner, he explicitly said -- I mean, he</p> <p>24 identified a previous culture of bullying, which he said</p> <p>25 that he was going to put an end to. That was</p> <p style="text-align: center;">Page 95</p>
<p>1 gifts and hospitality register, where it was shown that</p> <p>2 senior officers were entertained by these people.</p> <p>3 Q. Yes. The list presumably also showed that the senior</p> <p>4 officers, including the Commissioners, were also</p> <p>5 entertained by executives of other newspapers groups?</p> <p>6 A. Indeed. It's not exclusively News International by any</p> <p>7 means.</p> <p>8 Q. Thank you. Then you cover the revolving door issue,</p> <p>9 which we're going to take up with the individuals you</p> <p>10 name there.</p> <p>11 Paragraph 16 you've already covered with us,</p> <p>12 Mr Paddick, the successful interactions with the media,</p> <p>13 if I can put it neutrally, which Lord Stevens enjoyed,</p> <p>14 and then the perhaps less successful ones which</p> <p>15 Lord Blair enjoyed, paragraph 17.</p> <p>16 Can I ask you though to cover what you say about the</p> <p>17 renewal of Mr Fedorcio's contract, which you say</p> <p>18 occurred just as Lord Stevens was leaving; is that</p> <p>19 right?</p> <p>20 A. Yes, that's my understanding.</p> <p>21 Q. What, if anything, was the issue or problem there?</p> <p>22 A. Well, a freelance journalist queried with me how Dick</p> <p>23 Fedorcio could continue as Ian Blair's head of press</p> <p>24 when he had been engaged in extensive briefing against</p> <p>25 Ian Blair when Ian Blair was the deputy and in line to</p> <p style="text-align: center;">Page 94</p>	<p>1 Ian Blair's description of how he saw the culture in the</p> <p>2 Met at the time that he took over.</p> <p>3 MR JAY: Can I just ask you some more questions about that.</p> <p>4 When you say "a freelance journalist" asked you, was</p> <p>5 that conduct one which the journalist initiated or you</p> <p>6 initiated?</p> <p>7 A. Which the journalist had initiated.</p> <p>8 Q. Was this a journalist someone you had frequent contact</p> <p>9 with or not?</p> <p>10 A. Occasional contact with. It was Ken Hyder, a freelance</p> <p>11 journalist.</p> <p>12 Q. This, I think, is the journalist who features a little</p> <p>13 bit earlier on in the chronology. We're going to come</p> <p>14 back to it, the Evening Standard front page. Is it the</p> <p>15 same individual?</p> <p>16 A. Yes.</p> <p>17 Q. So someone you had a reasonably close relationship with;</p> <p>18 is that correct?</p> <p>19 A. Reasonably, yes.</p> <p>20 Q. When the freelance journalist asked you the question,</p> <p>21 can you recall how you replied to it?</p> <p>22 A. I can't recall. I probably would have said something</p> <p>23 that it didn't surprise me that this was going on, but,</p> <p>24 you know, people pass on. Ian Blair did become the</p> <p>25 Commissioner. I'm sure Dick Fedorcio served him well --</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 served his new master as well as he had served his 2 previous master.</p> <p>3 Q. You just seemed a little bit diffident there. Perhaps 4 you were more forthcoming with the freelance journalist 5 than you're indicating or your recollection leads you. 6 Did you agree or disagree with what was being said in 7 relation to Mr Fedorcio? Can you remember?</p> <p>8 A. I agreed with what the freelance journalist said.</p> <p>9 Q. Is this right: at this stage, your relations with 10 Lord Blair, as he became, were extremely cordial? Is 11 that correct?</p> <p>12 A. Yes, indeed. I helped Lord Blair -- Ian Blair, at the 13 time -- with his application to become commissioner. 14 I was one of few officers involved -- small group of 15 officers who were helping him draft his first speech as 16 the new Commissioner, and he asked me to conduct an 17 important piece of work close to his heart when he was 18 first appointed. So there was every indication that 19 relations between the two of us were good.</p> <p>20 In fact, I can remember having lunch with him 21 between the time that he was selected but before he took 22 up office, where he asked me what role I dearly would 23 like in the new Metropolitan Police under his 24 leadership.</p> <p>25 Q. In paragraph 18, you point out, as you've already told Page 97</p>	<p>1 change. He called me into his office whilst he was 2 still waiting to take up the post to ask me to conduct 3 a review of investigation of rape in the Met, because 4 having written that book, he wanted -- now he was going 5 to become commissioner, he wanted the Met to be the best 6 in the world on rape investigation, something he felt 7 passionately about, and as a consequence I worked with 8 a member of the police support staff, Professor Betsy 9 Stanko, and officers from the rape investigation unit, 10 analysing the performance of the Metropolitan Police on 11 rape. It was clear -- and the Commissioner, Ian Blair, 12 had the data, which gave cause for concern for him, 13 which is why he asked for the review to be conducted.</p> <p>14 We examined the way that -- the trends that had 15 happened over the four previous years. We identified 16 some worrying statistics in that and as a consequence, 17 we made some very strong recommendations, including 18 a change to a victim-centred approach as opposed to the 19 approach that had been taken hitherto.</p> <p>20 Unfortunately, during that time that we were 21 conducting that review was the time that Ian Blair was 22 having a very difficult time as Commissioner. We also 23 had the terrorist problems and so forth, and when it 24 came to publication of that rape report, it was 25 significantly watered down in terms of both the grounds Page 99</p>
<p>1 us, that Lord Blair's treatment at the hands of the 2 media could not have been more different than 3 Lord Stevens'. There was negative commentary. You say 4 that you were told that he held a series of dinners 5 where he wined and dined the newspaper editors. May 6 I ask you where that information comes from?</p> <p>7 A. Same source, I'm afraid. I didn't know many 8 journalists. Ken Hyder.</p> <p>9 Q. Right.</p> <p>10 A. I think it might have even been the same conversation 11 about Dick Fedorcio.</p> <p>12 Q. Thank you. You say in the final sentence of 13 paragraph 18: 14 "As a result, good relationships with editors [and 15 you name three papers,] the Sun, the News of the World 16 and the Daily Mail [of course, they're probably the 17 three largest, or at least were, in terms of circulation 18 at that time] were seen as being more important than 19 ever." 20 Can I ask you about paragraph 19. This is the 21 review of rape investigation in the MPS. Just deal with 22 that in your own words and how that ended up.</p> <p>23 A. I think it's about ten years previously. Ian Blair had 24 written a book critiquing the way that the police were 25 at the time investigating rape and calling for radical Page 98</p>	<p>1 for change, highlighting the statistical data around 2 rape investigation, and also in terms of the 3 recommendations.</p> <p>4 Q. In paragraph 20, you tell us: 5 "When I asked the press officer assigned to handle 6 the media what Mr Fedorcio had asked her to do with the 7 report, she told me her job was to ensure it received no 8 coverage at all." 9 Can you remember, Mr Paddick, when about this was?</p> <p>10 A. Yes, because -- I -- the original draft document, the 11 one that I say was significantly changed, was 19 August 12 2005, and the published version was November 2005.</p> <p>13 Q. There may be a lack of imagination on my part, but I ask 14 the question so you can deal with it. What was the 15 point, what was the possible point, of ensuring that the 16 report received no coverage at all?</p> <p>17 A. Because the report did contain -- still did contain -- 18 highlight some difficulties with rape investigation, and 19 even that limited criticism, it was felt, could have 20 been detrimental to the reputation of the police.</p> <p>21 Q. Was that explanation given to you by the press officer 22 or is it an inference you've drawn?</p> <p>23 A. I asked the press officer directly and that's what she 24 told me.</p> <p>25 Q. The message, as it were -- she was just the vessel, but Page 100</p>

25 (Pages 97 to 100)

<p>1 the message came from Mr Fedorcio; is that right?</p> <p>2 A. That's what she told me.</p> <p>3 Q. Thank you. May I move on to a different topic, and that</p> <p>4 is the tragic circumstances of the death of Mr Jean</p> <p>5 Charles de Menezes, which was, as we all recall, on</p> <p>6 22 July 2005. Can we just look at the context of your</p> <p>7 evidence and then the particularly germane piece of</p> <p>8 which you give about it.</p> <p>9 In August 2005, Lord Blair gave an interview to the</p> <p>10 News of the World in which he claimed that neither he</p> <p>11 nor anyone advising him knew for 24 hours that the</p> <p>12 police had shot the wrong man. If I can short circuit</p> <p>13 this to this extent: I think it's accepted, or certainly</p> <p>14 this was the finding of Stockwell 2, which was the</p> <p>15 second report of the IPCC, that Lord Blair himself did</p> <p>16 not know that the police had shot the wrong man. But</p> <p>17 your point is that those close to him did know. Have</p> <p>18 I correctly understood it?</p> <p>19 A. Indeed. And I -- the day after the interview with the</p> <p>20 News of the World, as it happens, was published, I went</p> <p>21 and saw the Commissioner, just him and me, and I said</p> <p>22 that whilst I didn't know whether he knew or not, I knew</p> <p>23 for a fact that those advising him did know within that</p> <p>24 24-hour period.</p> <p>25 Q. Thank you. That, of course, was much later? That was</p> <p style="text-align: center;">Page 101</p>	<p>1 "I am aware that the very next day he invited a BBC</p> <p>2 journalist into his room, dismissed his press officer,</p> <p>3 and talked to her for an hour about my evidence."</p> <p>4 How did you come to be aware of that?</p> <p>5 A. I got a phone call on that afternoon from Margaret</p> <p>6 Gilmore, a crime correspondent then with the BBC, who</p> <p>7 asked me to meet her for a coffee, which I did. She</p> <p>8 told me that the previous day she had attended a press</p> <p>9 conference at New Scotland Yard that Mr Ghaffur was</p> <p>10 giving about an unrelated issue and that Mr Ghaffur had</p> <p>11 gone up to her immediately afterwards and said, "Let's</p> <p>12 go have a coffee", and Margaret Gilmore explained that</p> <p>13 Mr Ghaffur was in full uniform and therefore it was sort</p> <p>14 of limited as to where they could go for a coffee. So</p> <p>15 they decided to go up to his office, and this was</p> <p>16 Mr Ghaffur, Margaret Gilmore and the press officer.</p> <p>17 Margaret Gilmore told me that at the door to the office,</p> <p>18 Mr Ghaffur dismissed his press officer and that the two</p> <p>19 of them went in and that Mr Ghaffur locked the door and</p> <p>20 that the two of them were there for an hour.</p> <p>21 She then said to me that she could not reveal the</p> <p>22 source of the information but she wanted to put it to me</p> <p>23 that my evidence to the IPCC was that two of</p> <p>24 the Commissioner's closest advisers had told me on the</p> <p>25 day of the shooting that we shot an innocent person.</p> <p style="text-align: center;">Page 103</p>
<p>1 at some stage in 2006 when you had at face to face --</p> <p>2 A. No, no, that was the day after the News of the World</p> <p>3 article was published.</p> <p>4 Q. Sorry.</p> <p>5 A. Which was one calendar month after the incident.</p> <p>6 Q. I think it's paragraph 23 of your statement which is or</p> <p>7 may be directly relevant to this Inquiry, where you say</p> <p>8 that you told an Assistant Commissioner about "what</p> <p>9 I had told the IPCC". First of all, so that we</p> <p>10 understand the context again, what had you told the</p> <p>11 IPCC?</p> <p>12 A. Sir, I told the IPCC that two of the Commissioner's</p> <p>13 closest advisers, his staff officer and his chief of</p> <p>14 staff, had told me, I think it was five or six hours</p> <p>15 after the shooting, that we had shot an innocent person.</p> <p>16 Q. Thank you. Then paragraph 23, when did the conversation</p> <p>17 take place with the assistant commissioner, who you</p> <p>18 don't in fact name in paragraph 23?</p> <p>19 A. I think it was in the summer of 2006. I think it was</p> <p>20 around that time.</p> <p>21 Q. Of course, you do name him at paragraph 303 of your</p> <p>22 book, so we might as well name him. It's Mr Tarique</p> <p>23 Ghaffur; is that right?</p> <p>24 A. Tarique Ghaffur, yes.</p> <p>25 Q. The next sentence of paragraph 23:</p> <p style="text-align: center;">Page 102</p>	<p>1 Q. I think it's clear from what you're saying who the</p> <p>2 source of the information was to Margaret Gilmore; is</p> <p>3 that correct?</p> <p>4 A. Yes. And, you know, in terms of leaks, luckily for me,</p> <p>5 the Commissioner's then staff officer was in the --</p> <p>6 Mr Ghaffur's outer office when this took place, and so</p> <p>7 the Commissioner's staff officer actually saw Mr Ghaffur</p> <p>8 go into his office with Margaret Gilmore and dismiss his</p> <p>9 press officer.</p> <p>10 Q. Then you say in the last three lines of paragraph 23 the</p> <p>11 MPS then briefed against you by issuing a false</p> <p>12 statement suggesting that you had lied in your</p> <p>13 statement -- this is the statement you gave to the</p> <p>14 IPCC -- but it ended up with a threat of libel</p> <p>15 proceedings and they withdrew their statement; is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. You point out in paragraph 24 what the IPCC's conclusion</p> <p>19 was in relation to the underlying investigation. This,</p> <p>20 I think, was in Stockwell 2, that you had told the truth</p> <p>21 in relation to what the Commissioner's close advisers</p> <p>22 had known about the identity of the person shot; is that</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. A couple of other issues which you cover in your book,</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

1 Mr Paddick. There was, I think, another conversation
 2 you had with Margaret Gilmore in February 2006; is that
 3 correct?
 4 **A. Um ...**
 5 Q. Do you have a copy of your book?
 6 **A. I'm afraid I don't have it to hand, no.**
 7 Q. I should really have asked you to bring it along, but
 8 you can't be expected to remember it all off by heart.
 9 I think what you say here is that Margaret Gilmore asked
 10 you before the IPCC had reported what was happening with
 11 Stockwell 2, and then you gave her certain information
 12 along the lines that you had given evidence to the IPCC
 13 and you said that off the record. Do you recall that?
 14 **A. Yes. Yes, I think I -- yes, I remember that, yes.**
 15 Q. Then you say, trying to be helpful but not too
 16 helpful -- you're underlining the adverb too:
 17 "I recalled a story that had been put to me by other
 18 journalists that a senior officer had been told, while
 19 he was off duty at a cricket match on the day of the
 20 shooting, that the wrong man had been shot."
 21 I think the point is whether it might be suggested
 22 gently to you it was appropriate for you to be having
 23 any conversation with Margaret Gilmore along these
 24 lines, even off the record. Is that a fair point?
 25 **A. I think that's a fair point.**

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1 Q. How often did you have conversations of this sort with
 2 Ms Gilmore? Are you able to recall?
 3 **A. I did not have much contact with Margaret Gilmore at**
 4 **all. As I say, the contacts that I mainly had were with**
 5 **the guy from the Financial Times, occasionally with the**
 6 **Guardian.**
 7 Q. From your perspective, because this Inquiry is obviously
 8 concerned with relations between police and press, the
 9 conduct of each, what was the point of this conversation
 10 with Margaret Gilmore? We can see what the point was
 11 from her perspective -- she wanted to find out things
 12 which she might be able to use for journalistic
 13 purposes -- but from your perspective, what was the
 14 point of any --
 15 **A. What I wanted to make sure was that the truth of what**
 16 **happened in the aftermath of the shooting actually came**
 17 **into the public domain.**
 18 Q. At what stage would it enter the public domain, though?
 19 **A. Well, there were contrary stories being printed in the**
 20 **press about what had happened, even though the IPCC had**
 21 **yet to report, and I felt that that was misleading and**
 22 **therefore it was important to put an alternative view**
 23 **forward.**
 24 Q. Even though the IPCC were yet to report; is that
 25 correct?

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1 **A. Yes. But that wasn't stopping the press from**
 2 **speculating about what was going to be in that report.**
 3 Q. Was it to ensure in any way that there wouldn't be any
 4 damage to your career and the possibility of
 5 professional advancement? Was that part of your
 6 thinking?
 7 **A. When you sit down in the Commissioner's office and tell**
 8 **him that what he has said in public isn't true, you**
 9 **quickly realise that your career is limited anyway.**
 10 Q. Thank you. Then paragraph 25, you take us forward.
 11 This is probably 2007 now, is that right, Mr Paddick?
 12 **A. Yes. I think probably -- yes, probably 2007.**
 13 Q. You were having dinner with a friend in the same
 14 restaurant as Piers Morgan, who was having dinner with
 15 someone else, and, to be clear, he approached you, you
 16 didn't approach him; is that correct?
 17 **A. Yes.**
 18 Q. And there was a conversation between you, evidently.
 19 Can you recall what was discussed?
 20 **A. He just said, "How are you, how's it going?" and I told**
 21 **him that it was quite difficult, one, because of the**
 22 **evidence that I had given to the IPCC, but also because**
 23 **of what Margaret Gilmore had put into the public domain**
 24 **about my evidence to the IPCC.**
 25 Q. Was this before or after the IPCC reported in Stockwell

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1 2? Can you recall?
 2 **A. It's before.**
 3 Q. Did you tell Mr Morgan that there was a cover-up in
 4 relation to the death of Mr de Menezes?
 5 **A. No, I did not tell him that, and I don't think I've used**
 6 **those terms.**
 7 Q. I think I'm right in saying, although I don't have
 8 Mr Morgan's book here, that his version of events was
 9 that you did say there was a cover-up. Is that right?
 10 **A. Yes. And I think you'll find that there are probably**
 11 **other people who are referred to in the diaries who**
 12 **would also claim that what Mr Morgan said in his diaries**
 13 **were somewhat exaggerated.**
 14 Q. Thank you.
 15 LORD JUSTICE LEVESON: To be fair to you, Mr Morgan himself
 16 has said that some of the material in his diaries was
 17 exaggerated, in his evidence to me.
 18 **A. I'm grateful.**
 19 LORD JUSTICE LEVESON: I think that's right, isn't it,
 20 Mr Jay?
 21 MR JAY: It certainly is.
 22 LORD JUSTICE LEVESON: Thank you.
 23 MR JAY: There was a disciplinary investigation, which the
 24 MPS brought against you --
 25 **A. No, it was the Metropolitan Police Authority because the**

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<p>1 discipline authority for ACPO officers at that time was 2 the Metropolitan Police Authority.</p> <p>3 Q. Thank you. May I ask you, because others have asked me 4 to put this to you, that the last sentence of 5 paragraph 25, and it's really this: why do you say that 6 this appeared to be disproportionate action to protect 7 the reputation of the MPS rather than appropriate action 8 because you allegedly had said something to Mr Morgan 9 that you shouldn't have done?</p> <p>10 A. What happened was when his diaries were finally 11 published, I had a conversation with John Yates and 12 Sue Akers, who was at the time head of internal 13 investigation, and they told me, and Sue Akers in 14 particular told me that she felt there was nothing 15 inappropriate in what I had done, in that I didn't tell 16 Mr Morgan anything that wasn't already in the public 17 domain.</p> <p>18 However, it would appear that Mr Yates then referred 19 to matter to the Metropolitan Police Authority, who then 20 initiated an investigation, and it seemed to me to be -- 21 bearing in mind Sue Akers' view, her opinion on that, 22 what needed to be done, that it was disproportionate for 23 the MPA to instigate a formal investigation.</p> <p>24 To be honest, it was that along with a number of 25 other things which got me to believe that if things had</p> <p style="text-align: center;">Page 109</p>	<p>1 found this footage, told me that I should see it, so he 2 brought the video across from Kennington, he was based 3 and where I was based, and I viewed the footage, and 4 I made three phone calls. I made a phone call to 5 Andy Hayman, who was then head of internal 6 investigation, a phone call to my immediate boss, Mike 7 Todd, and a phone call to the chair of the local 8 community police consultative group.</p> <p>9 In consultation with her, we convened some trusted 10 community leaders and, having ensured that they weren't 11 a witness to this incident and therefore could be 12 involved in legal proceedings, I showed them the footage 13 and told them that I wanted to be completely open with 14 them about what had taken place and that we would do 15 everything we possibly could to identify the officers 16 and to prosecute them.</p> <p>17 When my boss found out, my immediate boss found out 18 that that's what I had done, I was told that the 19 Commissioner was furious and that I should have only 20 have told anybody about this footage if and when we had 21 identified the officers concerned and prosecuted them.</p> <p>22 My view was I -- if, as happened, six months down 23 the line we identified the officers and prosecuted them, 24 that then the community had found out what had taken 25 place and I hadn't told them what had happened, then</p> <p style="text-align: center;">Page 111</p>
<p>1 got to the stage where you couldn't even have an 2 informal conversation with someone without being 3 subjected to formal discipline, that this wasn't an 4 organisation that I wanted to belong to any more.</p> <p>5 Q. Thank you.</p> <p>6 Paragraph 26. This is going back in time to 2001, 7 but could you tell us about this, Mr Paddick?</p> <p>8 A. Yes. There was history repeating itself, unfortunately. 9 The police shot an innocent black man in Brixton and 10 killed him, and there was a peaceful protest about that, 11 which degenerated into a riot. As we've seen, but on 12 a much smaller scale recently, officers from my command 13 were examining local authority close-circuit television 14 footage to try and identify the rioters, the looters, 15 but what they came across was some footage of a young 16 black man being chased by an officer in riot gear who is 17 chased towards a line of officers in riot gear, it's 18 pouring with rain, it's pitch black. The officer -- 19 sorry, the young black man falls over, and then you see 20 officers surrounding this young black man and sort of 21 batons coming down, presumably making contact with the 22 young black man on the floor, although you can't see 23 from the footage. After only maybe 10, 15 seconds, you 24 see him get up onto his feet and run off again.</p> <p>25 And my detective chief inspector, whose officers had</p> <p style="text-align: center;">Page 110</p>	<p>1 that would undermine their confidence in me.</p> <p>2 MR JAY: Thank you. We're going to move off these important 3 matters to something equally important but specific now, 4 the investigation into phone hacking, but I think this 5 may be a convenient time.</p> <p>6 LORD JUSTICE LEVESON: Yes, that is convenient.</p> <p>7 You may have been told the Commissioner was furious, 8 but did that reaction impart itself to you from the 9 Commissioner?</p> <p>10 A. No, it did not.</p> <p>11 LORD JUSTICE LEVESON: So whatever he might have said, he 12 didn't --</p> <p>13 A. Mike Todd told me that he'd had a conversation with the 14 Commissioner, where the Commissioner had said that he 15 was furious at what I had done, but John Stevens, as it 16 was at the time, never directly got furious with me 17 about anything and I gave him quite good cause to be 18 furious with me on a number of occasions.</p> <p>19 LORD JUSTICE LEVESON: All right. Thank you very much. 20 2 o'clock. 21 (1.02 pm) 22 (The luncheon adjournment)</p> <p style="text-align: center;">Page 112</p>

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