

<p>1 Monday, 5 March 2012 2 (10.00 am) 3 LORD JUSTICE LEVESON: Good morning. Yes, Mr Garnham? 4 MR GARNHAM: Sir, good morning. On Thursday of last week 5 you will perhaps recollect that Peter Clarke gave 6 evidence to the effect that in the margins, is how 7 I think he put it, of a counter-terrorism meeting, he 8 mentioned to the then Home Secretary, Dr Reid, some of 9 the details of Operation Caryatid and Mr Clarke went on 10 to say that a briefing paper was then sent to the Home 11 Office. You asked me, sir, to find that paper. We've 12 done so, and a copy has been forwarded to Mr Jay. It's 13 a paper dated 9 August 2006. 14 We also understand that a paper was prepared by 15 a senior civil servant for the then Home Secretary 16 personally. We haven't yet got hold of that, but we 17 will and we'll make it available to the Inquiry when we 18 do. 19 LORD JUSTICE LEVESON: Let me understand this, because it's 20 quite important and people should not assume that I do 21 not read the press, because I am. 22 This is about the extent to which the police kept 23 the government informed -- 24 MR GARNHAM: Yes. 25 LORD JUSTICE LEVESON: -- about Caryatid. I understand that</p> <p style="text-align: center;">Page 1</p>	<p>1 Home Secretary an internal paper, which was also dated 2 9 August 2006. That we do not yet have, but we are 3 making enquiries so that we can ensure that it's passed 4 to Mr Jay. 5 LORD JUSTICE LEVESON: I'd be very grateful for the 6 opportunity to see it, if only to identify the extent to 7 which there's a mismatch between recollection. 8 MR GARNHAM: Yes. 9 LORD JUSTICE LEVESON: Thank you very much, Mr Garnham. 10 MS MANSOORI: Sir, there's a matter that's arisen as 11 a result of evidence that was given last week by 12 Mr Surtees, relating to Tessa Jowell, who is a core 13 participant victim. We've written a letter on her 14 behalf to the Inquiry team, but we'd be grateful for the 15 opportunity to clarify her position this morning because 16 there's been incorrect media speculation as a result. 17 You may recall Mr Surtees gave evidence that he 18 contacted several potential victims to inform them their 19 phones had been intercepted. He referred to the fact 20 that Tessa Jowell was one of them and said that all the 21 potential victims declined to assist with the 22 prosecution. 23 LORD JUSTICE LEVESON: Well, he said that she had, and I've 24 also read in the newspapers that she does not recollect 25 that at all and says in terms that had she been asked to</p> <p style="text-align: center;">Page 3</p>
<p>1 we've seen -- and over the weekend, I have seen -- 2 a paper prepared by the police for the Home Office. 3 MR GARNHAM: Yes. 4 LORD JUSTICE LEVESON: I've also seen that Lord Reid has 5 made it clear that he does not have a recollection of 6 seeing a document. 7 MR GARNHAM: Yes, I understand that too, sir. 8 LORD JUSTICE LEVESON: But it's obviously very important, 9 not least because of the interplay between this part of 10 the Inquiry and the next part of the Inquiry, if not the 11 first part, because if politicians were the subject of 12 potential interception, then they come in as public as 13 well. So it all holds the thing together a little bit. 14 I would very much welcome the opportunity to see 15 every piece of paper that passed around the place on 16 this topic. 17 MR GARNHAM: Yes, sir. We've sent you the briefing paper 18 that was prepared by the Met and you have that. 19 LORD JUSTICE LEVESON: Yes. 20 MR GARNHAM: In fact, I think it's on Lextranet. I don't 21 have the reference immediately to hand but I think it's 22 been there for some time. 23 We understand also that a civil servant by the name 24 of Richard Reilly, who was then private secretary to the 25 permanent secretary in the Home Office, prepared for the</p> <p style="text-align: center;">Page 2</p>	<p>1 make a statement, she most certainly would have done. 2 MS MANSOORI: Exactly. Sir, that's the point I wish to 3 make, simply the fact that it was reported in the 4 Guardian on Friday -- she's contacted the Guardian and 5 clarified the position and I'm grateful for that 6 clarification as well. 7 LORD JUSTICE LEVESON: With great respect to her, putting it 8 in the Guardian, although doubtless of extreme value, 9 doesn't clarify the position; it merely raises the 10 question. It obviously means that I'm going to ask 11 Mr Garnham, in the light of the fact that you raise it, 12 to check through with the officers who gave evidence and 13 the system that is available in the Metropolitan Police 14 to find out whether there is any documentation that 15 surrounds the visit that a senior police officer will 16 have had with that particular minister to deal with this 17 topic. Let's see if we can bottom that as well, not 18 because the answer will necessarily take the Inquiry to 19 some conclusion as opposed to another, but because I do 20 think that the value of the Inquiry is that issues such 21 as this can be ventilated, provided they don't take too 22 long. I've spent a long time on all sorts of issues 23 which are just slightly off the main beam but may be 24 relevant to the overall picture that is being presented, 25 but I have to keep things in balance.</p> <p style="text-align: center;">Page 4</p>

<p>1 MR GARNHAM: Sir, that Inquiry is in chain. 2 LORD JUSTICE LEVESON: Thank you. Right. Thank you very 3 much indeed. 4 MR JAY: Sir, the first witness today is Sir Paul 5 Stephenson, please. 6 LORD JUSTICE LEVESON: Thank you. 7 SIR PAUL STEPHENSON (sworn) 8 Questions by MR JAY 9 MR JAY: Sir Paul, your full name, please? 10 A. I'm Paul Robert Stephenson. 11 Q. Thank you. You provided the Inquiry with a lengthy and 12 helpful witness statement dated 20 February. You've 13 signed and dated it and there is the standard statement 14 of truth. Is this your formal evidence to the Inquiry? 15 A. That is, Mr Jay. 16 MR JAY: First of all, as it were, to introduce you, your 17 personal history. You joined the Lancashire 18 constabulary in 1975. You worked your way up the ranks. 19 You went to the RUC for a period. You were appointed 20 Chief Constable of Lancashire on 25 July 2002, and then 21 you came to the Metropolitan Police for the first time 22 as Deputy Commissioner in March 2005, and you were 23 appointed the Commissioner of the MPS on 28 January 24 2009; is that correct? 25 A. I think those dates are correct, Mr Jay.</p> <p style="text-align: center;">Page 5</p>	<p>1 Metropolitan Police, such as the director of resources, 2 director of information systems, the director of public 3 affairs and the director of human resources. 4 Q. Thank you. Now, the purposes of relations with the 5 media. Paragraph 11 of your statement, Sir Paul. You 6 list five of them. Most of them are self-explanatory. 7 May I deal with point D, which is on our page 5718, at 8 the bottom of this page, where you refer to seeking to 9 reverse the generally negative coverage cover of the MPS 10 that had been your experience during your deputy 11 commissionership. May I invite you to expand on that? 12 A. Yes, Mr Jay. It was quite clear that during my 13 predecessor's term of office, Sir Ian Blair, now 14 Lord Blair, that there was a good deal of commentary in 15 the media, and much of it negative. My belief was that 16 that reflected quite poorly and unfairly on the 17 Metropolitan Police Service and indeed on Sir Ian Blair, 18 Lord Blair now, himself. Not only that; it was 19 extremely distracting to senior officers, constantly 20 having to deal with this sort of list of headlines, much 21 of which I felt were unfair at the time, which actually 22 distracted us from what should be the main purpose of 23 the Met, which really is about doing the job we're 24 supposed to be doing on behalf of Londoners, and I came 25 to a very strong view that what we needed to have in our</p> <p style="text-align: center;">Page 7</p>
<p>1 Q. Thank you very much. You received a knighthood in the 2 Queen's birthday honours list in June 2008 but you gave 3 your intention to resign from the police on 17 July 2007 4 with effect from 26 July. The circumstances of that 5 resignation are, of course, fully in the public domain. 6 We may come to them. 7 May I just cover one introductory matter. We've 8 heard reference to a management board, which is police 9 in a cabinet. Can you tell us a little about that, 10 please, how often it meets and who comprises it? 11 A. Of course, I can only speak for when I was Commissioner 12 and I'm sort of -- the current Commissioner will have to 13 say how often it meets now. But it used to meet once 14 every month in formal session -- in formal, fully 15 minuted session considering matters of policy in the 16 Metropolitan Police Service. 17 Outside of that, as an information body, it used to 18 meet three times a week -- Monday morning, Wednesday 19 morning and Friday morning -- to consider the issues of 20 the day, and the management board itself would consist 21 of the most senior personnel in the organisation, 22 obviously chaired by myself when I was present, the 23 Deputy Commissioner, four assistant commissioners, 24 I think it was, by recollection, and some civilian 25 personnel of equal, if you will, import to the</p> <p style="text-align: center;">Page 6</p>	<p>1 relationship with the media is to try and effect the 2 situation where the story was much more about what we do 3 and less about who we were as senior officers, and that 4 was something reflected to me when I met many junior 5 officers when I took up office. 6 Q. Some have described this as a charm offensive. I'm sure 7 you'd use a different terminology? 8 A. Yes, I would. 9 Q. But how do you achieve this healthy interaction without 10 it becoming a charm offensive? 11 A. I think you do it in the way that -- for the reasons 12 I've outlined, why you engage with the media. I think 13 you do it by being honest, by being as open as you can. 14 Actually, without wishing to sound too pompous, by 15 remembering sort of known seven principles of public 16 life: honesty, openness, leadership, accountability, 17 selflessness, integrity and objectivity. They're not 18 bad guidelines about how we should have a relationship 19 with the media, and by having that dialogue, by trying 20 to ensure that there is a context there, so when editors 21 and journalists are reporting they can refer back to 22 that context, and actually trying to give the message 23 that there's 50-odd thousand people working for the Met, 24 most of whom strive to do a very good job, so having 25 some balance in the headlines is a fair thing to asked</p> <p style="text-align: center;">Page 8</p>

<p>1 for.</p> <p>2 Q. Thank you. At paragraph 13 of your statement, you</p> <p>3 explain that it's inevitable that the relationship of</p> <p>4 the MPS with the media is different from that of</p> <p>5 provincial police forces, hugely important as their work</p> <p>6 is. Obviously you have experience of being</p> <p>7 chief constable of an important provincial police force.</p> <p>8 What, in a nutshell, are the differences, apart from</p> <p>9 perhaps the obvious ones?</p> <p>10 A. Well, Mr Jay, it's certainly not to diminish the role or</p> <p>11 nature of being sort of -- a provincial police force and</p> <p>12 chief constable are hugely important, but I think it is</p> <p>13 widely recognised that the Commissioner of the Met is</p> <p>14 not only sort of occupying the most senior policing</p> <p>15 position in the land; you're also occupying an office</p> <p>16 that has a resonance with world policing and one of the</p> <p>17 most challenging, and the demands on the Commissioner</p> <p>18 for interviews, for media, for answers to many, many</p> <p>19 things, are just of a scale that in a provincial force</p> <p>20 one wouldn't imagine or experience.</p> <p>21 Q. Paragraph 16 of your statement, which, as it were, is</p> <p>22 pregnant with hidden meaning, and I'm going to ask you</p> <p>23 to develop it. You say:</p> <p>24 "It was also my view, upon taking up my post as</p> <p>25 deputy in 2005 and subsequently, that some the contact</p> <p style="text-align: center;">Page 9</p>	<p>1 individuals in a public forum, but are you referring</p> <p>2 exclusively here to the problems of leaks and gossip or</p> <p>3 are you also intending to refer to overly close business</p> <p>4 or social contact? For example, meals in the evening.</p> <p>5 A. No, that wasn't my intention when I wrote my statement.</p> <p>6 My intention was to refer to exactly what I said, the</p> <p>7 gossips and the leaking.</p> <p>8 Q. It follows then that the problems you're referring to,</p> <p>9 "closer than I considered necessary", the last five or</p> <p>10 six words of paragraph 16, are the problems which</p> <p>11 inevitably ensue from gossiping and leaking and no other</p> <p>12 problems; is that right?</p> <p>13 A. When I wrote that paragraph, that's what I was alluding</p> <p>14 to.</p> <p>15 Q. How do you know that there was excessive gossiping and</p> <p>16 leaking?</p> <p>17 A. Well, again, on my own personal analysis as Deputy</p> <p>18 Commissioner, it seemed to me that there were stories in</p> <p>19 the -- within the media about conversations that took</p> <p>20 place in private at management board that I can't</p> <p>21 imagine how they got there in any other way.</p> <p>22 Q. Thank you. So your evidence is although you can't</p> <p>23 necessarily identify who it was who perpetrated the</p> <p>24 leak, you're satisfied that there was a leak from the</p> <p>25 very nature of the information which entered the public</p> <p style="text-align: center;">Page 11</p>
<p>1 between the written media in particular and a small</p> <p>2 number of senior colleagues was closer than I considered</p> <p>3 necessary."</p> <p>4 Do you have that paragraph? Now, first of all, can</p> <p>5 I ask you: are you referring to any particular sections</p> <p>6 of the written media?</p> <p>7 A. No, I'm not.</p> <p>8 Q. Thank you. Secondly, are you prepared to identify the</p> <p>9 senior colleagues you refer to there?</p> <p>10 A. Mr Jay, I would prefer not to, because I don't have the</p> <p>11 evidence here today to sort of prove my suspicions, but</p> <p>12 what I will say -- and I think you could -- if I might</p> <p>13 suggest, you could read paragraph 16 almost along with</p> <p>14 paragraph 23 of my statement. I'm referring to what</p> <p>15 I consider to be a very small number of the management</p> <p>16 board -- and if you remember, I've just gone through</p> <p>17 what the management board consisted of -- a very small</p> <p>18 number who, on occasions, either gossiped or leaked</p> <p>19 about stories from within the Met and from within the</p> <p>20 management board that was deeply unhelpful and actually</p> <p>21 added to a continuing dialogue of disharmony and almost</p> <p>22 dysfunctionality within the Met at the most senior</p> <p>23 levels. That was hugely distracting and, in my opinion,</p> <p>24 unprofessional.</p> <p>25 Q. I can understand why you don't wish to identify</p> <p style="text-align: center;">Page 10</p>	<p>1 domain?</p> <p>2 A. I'm satisfied, Mr Jay, that there was a little too much</p> <p>3 gossiping about things that ought to be kept</p> <p>4 confidential.</p> <p>5 LORD JUSTICE LEVESON: Yes, it must be rather galling to see</p> <p>6 private conversations in management board then</p> <p>7 replicated in the newspapers the next day.</p> <p>8 A. I think "galling" covers it, sir.</p> <p>9 MR JAY: And because of the nature of the conversations and</p> <p>10 their privacy and confidentiality, it would not be in</p> <p>11 the public interest that these matters enter the public</p> <p>12 domain, particularly in this way; is that the point</p> <p>13 you're making?</p> <p>14 A. Well, it's not a question of trying to be overly</p> <p>15 secretive or saying that these matters were always</p> <p>16 highly sensitive and secret matters. But if you're</p> <p>17 trying to run a management board with people making</p> <p>18 contributions and having an open, frank discussion where</p> <p>19 you are trying to engender a team who are willing to</p> <p>20 disagree with each other in trying to get to the best</p> <p>21 outcome, to have that reported as "management board at</p> <p>22 war" is deeply unhelpful in trying to creating that</p> <p>23 effective team.</p> <p>24 Q. Paragraph 17, Sir Paul. You explain, about six lines</p> <p>25 down, that when you joined the MPS as Deputy</p> <p style="text-align: center;">Page 12</p>

<p>1 Commissioner: 2 "... I moved to have a representative from the DPA 3 present during engagements with the media." 4 Are you intending to refer there to all engagements 5 with the media? 6 A. I think we have to be realistic about it, a little grown 7 up. I'm referring to -- as a starting point, as 8 a principle, I thought it would be very helpful if 9 matters came through the DPA generally, and if the DPA 10 were present. In that way, it might discourage the 11 gossiping and what might be described on occasions as 12 being a little bit too loose-lipped. But I do accept 13 there will be occasions where people bump into the 14 media, where one is attending Parliament, et cetera, 15 where you're suddenly confronted by the media and short 16 of saying, "No response", then you will end up in some 17 sort of engagement, some sort of dialogue. 18 So I think it's a matter of judgment and balance, 19 but generally speaking I thought it was a useful thing 20 to do and I have to say I don't claim all the credit for 21 that. I think that would have been supported and indeed 22 encouraged by the then Commissioner Lord Blair. 23 Q. Was the purpose of having a member of the DPA present so 24 that there would be the chance for a note to be taken or 25 was it to signal that someone else was there and</p> <p style="text-align: center;">Page 13</p>	<p>1 approach that reminds people that they should be 2 behaving professionally. And the vast majority did. It 3 was just a small minority, in my view. 4 LORD JUSTICE LEVESON: The truth is, isn't it, that if you 5 try and conduct a leak inquiry, you're almost doomed to 6 fail, aren't you? Trying to find out who leaked what to 7 whom is an extremely difficult task. 8 A. I think that's absolutely true, sir. Whilst it's 9 important, on occasions, to mount a leak Inquiry, I have 10 to be honest: on many occasions when we did it, you do 11 so with a heavy heart because it's going to be so 12 difficult to come to a successful outcome. 13 LORD JUSTICE LEVESON: And frequently, it doesn't come to 14 a successful outcome, which actually then has 15 a potentially adverse effect of demonstrating the 16 shallowness of the ability to control really what's 17 happening, because if you can't get to who did it, then 18 you don't discourage it from happening in the future. 19 A. I think that's potentially correct, sir, but on -- the 20 obverse of that is sometimes one would have a leak 21 inquiry even though it might come to nothing -- and you 22 have to be very careful with the use of public 23 resources -- to remind people of the leadership 24 determination to do whatever it can to enforce good 25 professional standards of probity.</p> <p style="text-align: center;">Page 15</p>
<p>1 therefore the interaction was semi-formal? What was the 2 purpose of having a member of -- 3 A. The purpose wasn't to make a note at the time, but the 4 purpose was the fact that if the DPA were there, on the 5 rare occasion that anybody wanted to behave in less than 6 a professional manner, then they may be discouraged. 7 Q. Thank you. I think you pick up this point in the last 8 sentence of paragraph 23, our page 5722. It would also 9 tend to reduce the risk of leak of gossip; is that 10 right? 11 A. I think that would be a very proper aspiration. 12 Q. Although what it logically couldn't do is prevent the 13 determined individual getting on the phone to a member 14 of the press for his or her personal reasons, leaking 15 and that finding its way into the newspaper the 16 following day. That might always happen. 17 A. I think there is very little one can do in terms of 18 normal rules and governance to stop people behaving 19 badly or corruptly. To deal with that, I think you have 20 to do many other things, including right lines and 21 various ways of investigating and looking in 22 intelligence. 23 So I don't think there's a great deal you can do if 24 people are determined to behave unprofessionally. What 25 you can do is put in place a sensible system and</p> <p style="text-align: center;">Page 14</p>	<p>1 LORD JUSTICE LEVESON: But -- 2 A. And sometimes the inquiry itself might serve to remind 3 other people who might wish to behave in that way. 4 LORD JUSTICE LEVESON: Yes, I understand the value of that, 5 but ultimately it's a cultural thing, isn't it? 6 A. I think a lot of things, if I might say so, that this 7 Inquiry is looking at are issues of culture, values and 8 standards. 9 LORD JUSTICE LEVESON: Yes. 10 MR JAY: Paragraph 25, Sir Paul, our page 5723. You say 11 it's your belief that on occasions there was a danger of 12 the organisation, including senior officers, becoming 13 too obsessed with newspaper headlines. Most of this 14 will be self-evident, but what are the dangers of that? 15 A. I think my answer ought to start off by saying: 16 I include myself in that. It is very difficult, if you 17 are the subject of unfair reporting -- which many of 18 public officials are, and I don't want to sit here and 19 complain too much about that. That's just the nature of 20 life, I'm afraid. It's very difficult to be very 21 detached about it, so therefore one can tend to become 22 obsessed by the headlines which are here today and gone 23 tomorrow, instead of actually looking at what the really 24 important issue is, and that's how we communicate with 25 our staff and how we try to ensure that if the headlines</p> <p style="text-align: center;">Page 16</p>

<p>1 are unfair, how do we get a different picture of the 2 organisation that is a fair reflection of the work we 3 do?</p> <p>4 Q. Thank you. At paragraph 26, you say you believe "the 5 occurrence of leaks from senior officers substantially 6 reduced during the period of my commissionership". 7 How do you know that, Sir Paul?</p> <p>8 A. Well, I know it because there were less newspaper 9 stories about dysfunctionality in the Met and 10 dysfunctionality at senior level. I think I would have 11 to add -- firstly, I think I mention it in the following 12 paragraph -- I don't claim to be the most wonderful 13 Commissioner ever that managed to do things that other 14 people didn't achieve. I think I was extraordinarily 15 lucky with the people I had on my team, who were hugely 16 professional and were not tempted to behave in that way. 17 So I was a very fortunate man in that respect. 18 But I would just go on to say that -- how do I know? 19 There were less stories of dysfunctionality, less 20 stories of trouble at the top, and actually, when 21 I spoke to junior officer, which I regularly did, one of 22 the most consistent complaints and questions were broke 23 into two: one, can you do more to manage the media? 24 I actually don't think there is such a thing as managing 25 the media and the suggestion would be improper, but if</p> <p style="text-align: center;">Page 17</p>	<p>1 investigation or something that is very police specific, 2 it must have come from the police, and if it's the Met, 3 it must have come from the Met. Very often that 4 information will be in the hands of many other people. 5 It might be in the hands of the governance authority, 6 the Metropolitan Police Authority. It might be in the 7 hands of the CPS, the Independent Police Complaints 8 Commission -- many people. 9 So there's the potential of leaks from elsewhere, 10 and also it did seem to us on occasions that where the 11 description was "police source", it seemed more likely 12 to have come from elsewhere, and there did seem to be 13 a great deal more gossiping -- and I understand why -- 14 in London than anywhere else I had worked. This was the 15 centre of power, this was where the national media was, 16 there was much more interest, the place was much more 17 political -- so therefore there was a great deal more 18 conversations going on about policing in London outside 19 policing than I ever experienced in any other force. 20 Q. Personal contact with the media, you explain in 21 paragraph 28, our page 5724, took the form of meetings, 22 functions, attendances at events run by various 23 organisations such as the CRA: 24 "Additionally, on occasions, there would be meetings 25 with editors, drink receptions or meetings over lunch or</p> <p style="text-align: center;">Page 19</p>
<p>1 you take the general complaint from junior staff who 2 felt headlines were unfair. But secondly, they deplored 3 it when the story was about senior officers at war, 4 albeit it might only be a tiny few who were behaving 5 badly. They deplored it -- they objected to it because 6 it was a story about the people who led as opposed to 7 the job that they did rather splendidly on occasions -- 8 on many occasions.</p> <p>9 Q. I suppose it might be said that one possible explanation 10 for there being fewer stories about dysfunctionality at 11 the top was that there was simply less dysfunctionality 12 at the top. Is that plausible?</p> <p>13 A. I think I went part way by saying that I think I was 14 pretty blessed with my senior team, and I think that 15 helped.</p> <p>16 Q. When you refer in paragraph 26 to leaking by people 17 associated with the police but from outside the MPS, 18 often referred to in the press as a police force(sic), 19 for the avoidance of doubt, what sort of person are you 20 referring to there?</p> <p>21 A. Sorry, I might have misheard but I think it's a "police 22 source" often referred to. I thought I heard you say 23 "police force". 24 Of course, the assumption very often is if a piece 25 of information leaks into the media about an</p> <p style="text-align: center;">Page 18</p>	<p>1 dinner." 2 And you provide a list which you say is not 3 comprehensive. Is it your perception that you didn't 4 favour any particular section of the media? You pick 5 this up in paragraph 33 where you give some general 6 statistics.</p> <p>7 A. That is my belief. I would be advised as to what media 8 interviews I should do, what meetings I should go to, in 9 terms of achieving the objectives I outlined earlier in 10 my statement for the purposes of dealing with the media, 11 but certainly the feedback I received, both personally 12 from journalists and also from my head of the -- head of 13 DPA, Mr Fedorcio, was that many, if not most, 14 journalists complained that it was other journalists 15 that were getting the scoop. It seemed that most people 16 felt that there was a sort of -- they didn't get their 17 fair share. 18 One hesitates to say this, but the fact that the 19 complaints seemed more general seemed to me to be a more 20 healthy position than it was just coming from one 21 particular area of the media. 22 Q. When the complaints were from certain quarters that they 23 weren't getting their fair share, weren't getting their 24 scoop, fair share of what, Sir Paul? 25 A. Access. I think that's the issue, and I think if you</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 look at the sort of -- the whole range of my engagement</p> <p>2 with the media, I think it will be difficult to make</p> <p>3 that allegation in terms of the way in which I divided</p> <p>4 my time.</p> <p>5 Q. We can get a flavour of this by looking at your second</p> <p>6 exhibit, which is our page 05779. Where precisely is</p> <p>7 this compiled from? From where is this compiled?</p> <p>8 A. I have some difficulty with that, Mr Jay, in so much --</p> <p>9 I think it was compiled in my absence whilst I was on</p> <p>10 sick leave from late December 2010 until April 2011, and</p> <p>11 I think it was compiled for the purposes of addressing</p> <p>12 the issues that were being raised by -- in many places</p> <p>13 about this inquiry, not least the Metropolitan Police</p> <p>14 Authority. So I think it was compiled then and I'm</p> <p>15 guessing it was compiled from the gifts and hospitality</p> <p>16 register, but I couldn't -- I'm guessing that's where it</p> <p>17 came from.</p> <p>18 Q. It runs out at the end of 2010, which suggests it was</p> <p>19 prepared for a purpose at the end of 2010 rather than</p> <p>20 2011, but we'll see in a moment what was happening in</p> <p>21 that year.</p> <p>22 A. To be helpful, I think -- I'm sorry, I am guessing here,</p> <p>23 Mr Jay, but I believe there would have been discussions</p> <p>24 with the police authority about this matter at that</p> <p>25 time, and it is likely and very proper that they would</p> <p style="text-align: center;">Page 21</p>	<p>1 suddenly arrived in London who nobody really knew, and</p> <p>2 it was quite a novelty having a deputy commissioner</p> <p>3 without any Metropolitan Police background or indeed any</p> <p>4 connectivity. So that might explain why I met fewer</p> <p>5 people; I knew fewer people.</p> <p>6 Q. The following year there are only three interactions</p> <p>7 which are relevant, one of which is a Christmas party at</p> <p>8 the CRA, another with the Daily Mail and then,</p> <p>9 15 November 2007, another dinner with Mr Wallis and</p> <p>10 Dick Fedorcio. Presumably a similar purpose as the</p> <p>11 dinner the previous year or 14 months previously; is</p> <p>12 that right?</p> <p>13 A. It would be, yes.</p> <p>14 Q. Then in 2008, first entry is dinner with Neil Wallis.</p> <p>15 This time it's Neil Wallis alone, it appears, without</p> <p>16 Mr Fedorcio. Can you help us with that?</p> <p>17 A. I don't recall that. I don't recall having dinner with</p> <p>18 Mr Wallis alone. It is possible, but I don't recall it.</p> <p>19 Q. Then later that year -- in passing, we can see there was</p> <p>20 editors meeting with the editor of the Guardian</p> <p>21 in October. Evening Standard drinks reception, again</p> <p>22 in October. Then on 15 October, meeting and drinks with</p> <p>23 Neil Wallis and Dick Fedorcio. That one is in the</p> <p>24 register. We have the relevant page of the register, if</p> <p>25 I just find it. It's 15 October 2008. This is</p> <p style="text-align: center;">Page 23</p>
<p>1 have asked for information about the frequency of</p> <p>2 meetings. That may well have been the source.</p> <p>3 Q. If you look at 2005 when you're Deputy Commissioner,</p> <p>4 there are very few interactions with the press and none,</p> <p>5 in fact, with News International. Can you confirm that?</p> <p>6 A. I'm very happy to, yes.</p> <p>7 Q. Then in 2006 there's a lunch with the Times in February,</p> <p>8 a drink with the Daily Mail in May, then a dinner with</p> <p>9 Neil Wallis and Dick Fedorcio on 19 September 2006,</p> <p>10 which is in the hospitality register, gifts and</p> <p>11 hospitality register.</p> <p>12 A. Mm-hm.</p> <p>13 Q. Was that the first occasion you met Mr Wallis socially</p> <p>14 or semi-socially?</p> <p>15 A. Sorry, I think it is. I think it's -- in my statement</p> <p>16 somewhere, it gives the precise date and I think that is</p> <p>17 the date, but it is in my statement.</p> <p>18 Q. And the purpose of that meeting -- I think at that point</p> <p>19 he was deputy editor of the News of the World. The</p> <p>20 purpose was what? Can you recall?</p> <p>21 A. I think the same purpose as I've outlined, for the</p> <p>22 purpose of meeting with the media earlier. If I could</p> <p>23 go back to 2005 when you say there are relatively few.</p> <p>24 I think we have to remember that I was this --</p> <p>25 I hesitate to say exotic creature from the provinces</p> <p style="text-align: center;">Page 22</p>	<p>1 described as:</p> <p>2 "Informal meeting, drinks provided, deputy editor</p> <p>3 News of the World."</p> <p>4 Again, the purpose is the same, but of course by</p> <p>5 this point you're getting to know Mr Wallis, presumably?</p> <p>6 A. Yes, I think in the same way that you'll see that</p> <p>7 several people -- other media representatives I've met</p> <p>8 several times, that I'm getting to know them better.</p> <p>9 Q. Obviously I can't ask you to recall what was discussed</p> <p>10 on any particular occasion, since you're not going to</p> <p>11 remember, but by the time you're getting to know him</p> <p>12 better, what sort of things are discussed?</p> <p>13 A. It would be the same area, sort of -- from</p> <p>14 a professional perspective, it would be about the</p> <p>15 context of policing, the way in which government policy</p> <p>16 might affect policing, the issues around resourcing, all</p> <p>17 the sort of things that one would wish to ensure that</p> <p>18 when people are reporting on policing, there was at</p> <p>19 least a context, a background, so they could judge in</p> <p>20 a fair and balanced way. I think it was that, but there</p> <p>21 would also be some social interaction as well, as there</p> <p>22 would be with anybody else I would meet.</p> <p>23 Q. Did you feel on any of these occasions -- not that</p> <p>24 there's any impropriety in this -- that Mr Wallis was</p> <p>25 trying to get you to say things that you might not want</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 to say?</p> <p>2 A. Outwith Mr Wallis, I would say for every journalist I've</p> <p>3 ever met, they would be delighted if I was indiscreet.</p> <p>4 It was my job to ensure I wasn't.</p> <p>5 Q. Fair enough. Seven days later there's a dinner,</p> <p>6 22 October, with the editor of the News of the World,</p> <p>7 Mr Myler, with Mr Fedorcio. Again, it's in the register</p> <p>8 so it's paid for by the News of the World. That's the</p> <p>9 first occasion you meet Mr Myler; is that right?</p> <p>10 A. I think that was an introductory meeting with Mr Myler.</p> <p>11 I think he was the new editor or new-ish editor at the</p> <p>12 time. Certainly the Commissioner would generally want</p> <p>13 to meet sort of editors.</p> <p>14 Q. The next page, 5780. We're now into 2009, so we see</p> <p>15 more meetings, but now you're Commissioner --</p> <p>16 A. By this stage, sir, there's no hiding place.</p> <p>17 Q. Indeed. 4 February, drinks with Neil Wallis and</p> <p>18 Dick Fedorcio. In the register, that's described as</p> <p>19 a business dinner. Just let me find the relevant entry.</p> <p>20 Yes, business dinner. On the internal numbering it's</p> <p>21 page 12. I'm afraid I don't have our unique reference</p> <p>22 number. But again, you're not going to be able to</p> <p>23 assist with what was discussed on that occasion,</p> <p>24 presumably?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 25</p>	<p>1 diary -- because we have the diary entries for 2009. Do</p> <p>2 you recall anything about that occasion?</p> <p>3 A. I don't specifically recall the occasion, but if it's</p> <p>4 there in the diary and the register, then I accept that</p> <p>5 it took place.</p> <p>6 LORD JUSTICE LEVESON: It's quite easy to understand,</p> <p>7 Sir Paul, why, once you became Commissioner, it would be</p> <p>8 valuable for you to meet all these very important</p> <p>9 players merely to introduce yourself and to get them to</p> <p>10 understand your philosophy. Would that be a fair</p> <p>11 reflection of the reason for the number of meetings</p> <p>12 between February and May, which Mr Jay has just gone</p> <p>13 through?</p> <p>14 A. It would be, sir, but I would also have to add that</p> <p>15 the -- I think I would be a little naive if I thought</p> <p>16 that one meeting alone would suffice for my entire</p> <p>17 commissionership. I think some reinforcement is</p> <p>18 necessary in remeeting various people because, whilst</p> <p>19 I might have an agenda in terms of how I saw the context</p> <p>20 of policing, I would then be conscious that editors</p> <p>21 would have their own views and that reengagement was</p> <p>22 useful. But yes, the expansion of my activity with the</p> <p>23 media was very much linked to being the new</p> <p>24 Commissioner.</p> <p>25 LORD JUSTICE LEVESON: But do you see a risk that this may</p> <p style="text-align: center;">Page 27</p>
<p>1 Q. In order to get a fair picture of what's happening over</p> <p>2 the course of this year, I can take it, I hope, quite</p> <p>3 quickly. Drinks with editor of the Telegraph on</p> <p>4 10 March. On 18 March, it's the Mirror Group. 24 March</p> <p>5 is the editor-in-chief of the Daily Mail. On 20 April,</p> <p>6 you have lunch with the editor of the Sun who was</p> <p>7 Rebekah Wade, Dick Fedorcio. That was, according to the</p> <p>8 register, in Wapping.</p> <p>9 So this is all part and parcel of the same strategy</p> <p>10 on your part, to acquaint yourself with editors in</p> <p>11 different sections of the press; is that correct?</p> <p>12 A. Yes, it would be. I think you missed 19 February when</p> <p>13 I saw the editor of the Sunday Telegraph, but yes, it</p> <p>14 would all be part & parcel of the same strategy:</p> <p>15 appropriate engagement.</p> <p>16 Q. Mr Witherow, Sunday Times, 28 April. Mr Myler, 14 May.</p> <p>17 Again, I think that's in the register. Yes, described</p> <p>18 as a business dinner.</p> <p>19 Then there's a News Corporation reception at OXO</p> <p>20 Tower, again in the register, 17 June. 27 June, we have</p> <p>21 Richard Littlejohn and Stephen Wright there. That's the</p> <p>22 Daily Mail, again in the register. Then 23 June,</p> <p>23 Neil Wallis -- he's still the deputy editor --</p> <p>24 Dick Fedorcio. That was, I think, at a restaurant</p> <p>25 called Luciano's in St James' Street, according to the</p> <p style="text-align: center;">Page 26</p>	<p>1 be a two-way street?</p> <p>2 A. There is a risk of perception, sir. That I will</p> <p>3 acknowledge. But I find it difficult to see how the</p> <p>4 Commissioner could do his job or her job properly</p> <p>5 without engaging pretty heavily with the media at the</p> <p>6 right level because if the reportage of the story of the</p> <p>7 Met continues to be unbalanced, which very often it is,</p> <p>8 then I have a duty on behalf of the 50,000-odd people</p> <p>9 I lead to try and continue to effect that balance to be</p> <p>10 a fairer balance and a more accurate balance.</p> <p>11 MR JAY: The cynical person might say it might also entail</p> <p>12 this: that there is some sort of tacit encouragement</p> <p>13 given to the press to keep off bad news. Would you</p> <p>14 accept that?</p> <p>15 A. No, I wouldn't, because I think I'd be extraordinarily</p> <p>16 naive. My experience of the media is one could have</p> <p>17 a perfectly good and decent relationship with an editor,</p> <p>18 but if there was bad news, there was bad news, and they</p> <p>19 would report it anyway. It wouldn't affect -- if you'd</p> <p>20 done something wrong, if you'd got something wrong, that</p> <p>21 same paper would report it. It would be naive to think</p> <p>22 otherwise.</p> <p>23 Q. Thank you. Taking the rest of the year quite shortly,</p> <p>24 lunch with the Times, a repeat lunch with the</p> <p>25 Sunday Times, lunch with the Independent, lunch with the</p> <p style="text-align: center;">Page 28</p>

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<p>1 Financial Times, lunch with the Mail on Sunday, lunch 2 with the Guardian. By that point, 10 December 2009, 3 I think you'd possibly covered virtually everybody apart 4 from the Express and the Star, unless I've missed 5 someone.</p> <p>6 A. Yes.</p> <p>7 Q. But then there's a dinner on 10 December: Dick Fedorcio, 8 John Yates and Neil Wallis. By that point, he's the 9 ex-editor of the News of the World because I think he'd 10 left in the summer. In the register, that's explained 11 or described as a private dinner but "no expenses 12 claimed". What does that mean, "no expenses claimed"?</p> <p>13 A. It meant that I paid for it, I think. I do recall that.</p> <p>14 That was at a very -- sort of pub-cum-restaurant that is 15 somewhere that I frequented privately and socially, and 16 I think I paid for that. I'm not entirely sure there 17 was a dinner, I think it might have been drinks only, 18 but nevertheless it was for the same purpose. He was 19 a good contact in so much as a commentator on how the 20 Met looked -- because the one thing that I didn't 21 mention when we were talking earlier about the purpose 22 for engaging with the media was also to continually seek 23 feedback of how does the Met look. How do you see us at 24 this time? I think that's part and parcel of the 25 leadership, to ask people outside the Met, including</p> <p style="text-align: center;">Page 29</p>	<p>1 there's no claim on the public purse, why is it in the 2 gifts and hospitality register at all?</p> <p>3 A. One may well ask that, but I think it's better to be 4 transparent and put as much in there as possible rather 5 than leave things out. These matters were left to my 6 private office and I think they did their level best to 7 manage an extraordinarily busy diary that changed on 8 a daily basis, to try and record things so that it would 9 not look like I was behaving in any way improper.</p> <p>10 LORD JUSTICE LEVESON: If you're doing it privately, it 11 might be thought that actually what's happened is that 12 over the months you've become a friend of Neil Wallis. 13 Is that fair or not fair?</p> <p>14 A. I think over the months he's become an acquaintance. 15 His company would have been enjoyable, like other 16 people, but to say I was a friend, I think that would be 17 taking it too far.</p> <p>18 I don't think we should read too much into the way in 19 which my secretary recorded things in the diary. As 20 I say, a private appointment was more about reminding 21 her that I would not be claiming for anything, as 22 opposed to saying this was a very private and social 23 matter.</p> <p>24 MR JAY: In one document I've seen -- and I can't 25 immediately bring it to hand -- you described Mr Wallis</p> <p style="text-align: center;">Page 31</p>
<p>1 media and people who have long experience of the media, 2 of how they view the Met so that you can reflect on it.</p> <p>3 Q. I think at this point Mr Wallis was doing consultancy 4 work for the Met through his company, Shami Media; is 5 that right?</p> <p>6 A. That's right.</p> <p>7 Q. Were you asking him sort of to look inside out and give 8 a frank view of how the Met, in his eyes, looked to the 9 outside world? Was that the purpose of it?</p> <p>10 A. He was another useful opportunity to do that, 11 absolutely.</p> <p>12 Q. 8 April 2010. I shouldn't pass over 8 February. That 13 was a meeting with the Telegraph, the editor. 8 April, 14 private appointment, Neil Wallis and Dick Fedorcio. 15 That's in the diary again, "no expenses claimed". It 16 was dinner at the Bbar on the Buckingham Palace Road.</p> <p>17 A. Yes.</p> <p>18 Q. Again, "no expenses claimed" means that you paid; is 19 that right?</p> <p>20 A. I would have either paid the whole or my share for 21 a drink. I was always uncomfortable with the idea -- 22 not exclusively, but with the idea of billing the public 23 purse for alcohol. So more often than not, I would pay 24 if it wasn't being a gift and hospitality.</p> <p>25 Q. It might be said if it's a private appointment and</p> <p style="text-align: center;">Page 30</p>	<p>1 at the time as a "light friend". Do you recall saying 2 that?</p> <p>3 A. I can't remember if I say "light friend" or a "light 4 acquaintance". I think I generally used the word 5 "acquaintance" and I think that covers it.</p> <p>6 Q. The rest of 2010, lunches with the editor of the Sunday 7 Telegraph, a lunch with Rebekah Brooks, who is now chief 8 executive of News International, drink with the 9 Daily Mail, lunch with the editor-in-chief of the 10 Daily Mail, dinner with the Mirror -- this is 11 in November -- and on 23 November, drinks with Dominic 12 Mohan, the Sun -- he'd become the editor by then -- and 13 Dick Fedorcio. That was at the American bar of the 14 Savoy and is recorded in the gifts and hospitality 15 register.</p> <p>16 In 2011, which isn't in this document but we do 17 have, of course, the register, what is fully recorded -- 18 we may come to this -- 4 March 2011: 19 "Provision of accommodation and food at Champneys 20 Medical over five-week period in support of 21 post-operative rehabilitation ..."</p> <p>22 And then in brackets it says: 23 "... (provided by a friend through Sir Paul's family 24 and not in connection with the office of Commissioner)."</p> <p>25 And the person concerned, Stephen Purdue, is noted</p> <p style="text-align: center;">Page 32</p>

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<p>1 in the register. So that was included, presumably, at 2 your insistence, Sir Paul; is that right? 3 A. It was indeed, Mr Jay. 4 Q. The only other relevant -- 5 LORD JUSTICE LEVESON: We ought to just make it clear that 6 you wanted to correct -- and you wrote to the Inquiry to 7 correct -- the words in parentheses in paragraph 45 of 8 your statement, and you picked up the error, because 9 I picked it up with one of the witnesses -- 10 A. I'm sorry. 11 LORD JUSTICE LEVESON: -- that he's not in fact your 12 daughter's father-in-law, but a friend through your 13 family. 14 A. Yes. He's a close friend of my daughter's father-in-law 15 and business acquaintance. 16 LORD JUSTICE LEVESON: Close friend of your daughter's 17 father-in-law. Right. You corrected that obviously 18 when I asked somebody about it during the course of last 19 week. 20 A. Yes. 21 MR JAY: Until 2011, in the gifts and hospitality register, 22 there are no recorded entries in relation to 23 News International. There are a couple of dinners with 24 Murdoch MacLennan of the Telegraph and informal meeting 25 with the Daily Mail, but that's it.</p> <p style="text-align: center;">Page 33</p>	<p>1 but we're looking at April onwards. 2 A. I wouldn't have wanted to do anything to compromise 3 Weeting by a significant change in behaviour that 4 allowed somebody who may become a suspect to suddenly 5 see that and start making preparations, but I think it 6 is fair to say that I think it would have been rather 7 clumsy to meet with Mr Wallis after his name entered 8 into my consciousness around these matters. I think 9 that would have been a little clumsy, so I would have 10 tried to avoid that. 11 If I could, Mr Jay -- and I sort of haven't tried to 12 do this before, but in so much as you've gone through my 13 diary in some detail there and obviously, for natural 14 reasons, contacts with Mr Wallis, it is worth, I think, 15 sort of doing the summary. I met Mr Wallis, I think, on 16 the records that you put together, once in 2008, three 17 times in 2009 and twice in 2010, according to the 18 records. 19 Q. At no stage, for whatever reason, did you have any 20 lunches or dinners with Mr Desmond's titles, the 21 Northern & Shell titles, the Express and the Star. Is 22 that through oversight, through accident? Can you help 23 us on that? 24 A. It's certainly not through any design. I would be -- 25 I would certainly be guided by the head of TPA,</p> <p style="text-align: center;">Page 35</p>
<p>1 A. Mm-hm. 2 Q. Has this anything to do with the fact that 3 Operation Weeting started in January 2011 or not? 4 A. No, I was absent from work through sort of injury and 5 illness between mid-December 2010 and returned sometime 6 in the April -- I can't precisely remember the date -- 7 sometime in the April of 2011. 8 Q. I think it was fairly early in April. When you 9 returned, did you take, as it were, a policy decision 10 not to involve yourself at all with News International 11 owing to the existence of Operation Weeting? 12 A. No, it wasn't -- I wouldn't have refused to engage with 13 anybody from News International, but I do think that 14 once -- Weeting was now mounted. I was briefed on it 15 briefly when I returned and realised that this was of 16 a different order than we'd, for whatever reason, 17 realised before. I'd have been much more circumspect in 18 meeting with News International, yes. 19 Q. Had it been suggested to you -- and it's clear that this 20 didn't happen -- that meeting with Mr Wallis, for 21 example -- I choose him only because there were private 22 appointments with him in 2009 and 2010 -- would you have 23 thought it inappropriate to have met with Mr Wallis 24 after January 2011? I know that you, as it were, 25 couldn't between January and April for health reasons,</p> <p style="text-align: center;">Page 34</p>	<p>1 Mr Fedorcio, and my Chief of Staff as to who I should 2 meet and when I should meet them. I can't think why we 3 didn't meet with the editor of the Daily Express but 4 it's not something that I would go through and monitor 5 and audit. But it does seem to me, when I look at it, 6 it was generally a broad spread, but it does seem to me 7 they're absent. 8 I did know the crime reporter from the Daily Express 9 and met him quite a number of times, but he was quite 10 a senior member of the Crime Reporters Association. 11 Q. Yes. Looking back at your statement, paragraph 38, you 12 say: 13 "Clearly the opportunity to garner information on 14 stories not in the possession of media rivals would 15 provide additional motivation for the press. It was not 16 uncommon, either during meetings with senior media 17 figures or indeed during the monthly Commissioner's CRA 18 briefings at New Scotland Yard, for me to be asked for 19 confidential or sensitive operational information 20 regarding major criminal investigations." 21 And you say you never disclosed such information. 22 But apart from these obvious things that the press 23 were hoping to get out of you and which you quite 24 properly say you were never going to give them, what 25 else do you think they were trying to get out of you?</p> <p style="text-align: center;">Page 36</p>

<p>1 A. Again, if I -- to be precise, I don't say I never gave 2 them -- I say I never gave them sensitive information 3 improperly. There would be occasions where you would 4 share sensitive information with media. 5 But what else do I think they wanted to get out of 6 me? I think, again, I outlined it in my statement. 7 They would -- I think at the senior levels they were 8 genuinely interested in knowing what was the most senior 9 policeman officer in the country's views on issues 10 around counter-terrorism, on public order, on the 11 context of where policing was going, on policy around 12 these matters. I think there's a genuine interest in 13 that. Many of these meetings that are listed in the 14 list you've just gone through were actually quite 15 challenging meetings. Quite challenging where -- 16 challenging on both sides, where I was challenging their 17 assumptions about life and they certainly challenged my 18 assumptions about life, and difficult though they often 19 were, you always went away better informed to make 20 further judgments. 21 I recall one particularly challenging meeting -- 22 I think it's the last meeting I did, I think it was with 23 the Independent -- which was two hours of a very 24 challenging exchange of views, but one of the best 25 meetings I've ever had. So I think there was real</p> <p style="text-align: center;">Page 37</p>	<p>1 doing some small contractual work for us at the time. 2 He also knew Mr Coulson and this was an opportunity to 3 meet two figures who were advising at the height of 4 government so that we could ensure that they understood 5 how we saw policing and we could understand how they saw 6 policing and in particular saw the Met. 7 Q. Was this the best way to enable you to get to know 8 Mr Coulson and his assistant, in your view? 9 A. I think it was a good way. 10 Q. Someone might say: why not just invite them to a meeting 11 in your office, give them a cup of coffee and leave it 12 at that? Why does there have to be a dinner to 13 facilitate the getting to know one another better? 14 A. I think very often it works better for people's diaries 15 if you invite them for a cup of coffee in your office 16 during the day. People are extraordinarily busy. But 17 it was about trying to get underneath the headlines, get 18 underneath what was the obvious, to try and get to the 19 heart of what were their concerns about policing. How 20 were they going to advise in terms of matters of policy? 21 And we very much wanted to get a message across to them 22 how we saw the future of policing, what were the 23 challenges and difficulties, so that they were better 24 informed, from our perspective, when they were giving 25 advice, and I think it was one way and a useful way of</p> <p style="text-align: center;">Page 39</p>
<p>1 benefit both ways. 2 Q. Paragraph 41, please, our page 5729. I've been asked to 3 put this to you. You refer to one occasion where you 4 recall going for a drink with a politician after an 5 organised event: 6 "I believe we were accompanied by two journalists." 7 I've been asked to put to you: do you recall from 8 where those two journalists came? Which -- 9 A. I do. One was a -- I think he was a Times journalist, 10 and the other one, I think, again from recollection, was 11 the editor of the Police Review. 12 Q. Thank you. 13 A. And again, if I might add, I think the reason they 14 accompanied -- we were all in discussion at the event 15 and we went on for a drink afterwards and I think the 16 politician was a shadow minister. 17 Q. In paragraph 43, you referred to a dinner hosted at New 18 Scotland Yard after Mr Coulson had been appointed head 19 of communications at Number 10, so this would have been 20 after May 2010. You say: 21 "Neil Wallis also attended this function." 22 Again I've been asked to put to you whether other 23 News International journalists attended that function? 24 A. No, not from recollection. I think Neil Wallis attended 25 because -- I think it's a matter of record that he was</p> <p style="text-align: center;">Page 38</p>	<p>1 doing it. It was done infrequently, as you'll see from 2 the diary. 3 Q. Fair enough. The stay at Champneys, which starts at 4 5731. You made the correction to paragraph 45. A lot 5 of this has already been covered in your resignation 6 statement and the evidence you gave to the Select 7 Committee on 19 July of last year, but in your own 8 words, please, can you give us the gist of paragraphs 45 9 to 51, Sir Paul? 10 A. Well, I don't want to leave any -- there were very 11 considered words, so I don't really want to miss 12 anything out, but I was made the offer, through a close 13 friend of my daughter's father-in-law, somebody I knew, 14 to assist. He'd heard about my illness and he wanted to 15 assist. I have to say I was initially reluctant to 16 accept it because I think one is generally reluctant 17 very often to accept a very kind offer, but it's also 18 the case that I was advised medically that I wasn't fit 19 at that time to attend any other rehabilitative 20 facility. I was still in a wheelchair and still on 21 significant medication, and this possibly represented my 22 best chance of getting back to work as early as 23 possible. That's the reason I did it. 24 This person had -- and this organisation had no 25 connection, as far as I was aware, with the Met, no</p> <p style="text-align: center;">Page 40</p>

<p>1 contractual connection, and I did think -- I felt under 2 significant pressure to get back to work. I think in 3 total I was off for the best part of four months. 4 I felt under significant personal pressure to return to 5 work as soon as possible, and my very clear view was: if 6 I didn't get back within that time, then I wouldn't go 7 back at all, because I do not think you can leave an 8 organisation like the Met, as good as your deputy is -- 9 and I think he did a fabulous job in my absence, but 10 I do not think the leader of the Met can be absent for 11 any longer than that and already there was reporting in 12 the media about the absence of the Commissioner and the 13 effect it was having on the Met. 14 I felt I had to get back quickly. If I didn't, 15 I wasn't going to get back at all and I desperately 16 wanted to come back. 17 Q. You make it clear in paragraph 45 that the gesture by 18 Mr Purdue, the owner, covered accommodation and some 19 meals, with all treatments and facilities paid for 20 separately. The MPS paid for physiotherapy and you paid 21 for some other therapies. 22 A. That's correct. I think I paid for various other 23 therapies, including cryotherapy. 24 Q. For the avoidance of doubt, as you made clear in 25 paragraph 51, Mr Wallis had nothing to do with these</p> <p style="text-align: center;">Page 41</p>	<p>1 accident, that my resilience at that time was not what 2 it once was and I did feel that there was a danger that 3 I might not be responding to these pressures as I once 4 might have done and in that case I couldn't possibly 5 take the risk of the Met, when the Met was going into 6 such an important year of the Olympics. I didn't think 7 I had any other alternative, out of a sense of duty and 8 honour, other than to step down. You are right; I don't 9 think anybody I spoke to agreed with me but that doesn't 10 matter. It was my decision. 11 LORD JUSTICE LEVESON: The story had become about you. That 12 was the point? 13 A. The story had become about me, sir. I think in 14 different circumstances, had I not had the health issue, 15 without wishing to overplay it, I might have come to 16 a different conclusion, but it was clear to me that my 17 reaction to the pressures was not in the same way I'd 18 reacted to many pressures in the past and I didn't think 19 I had any alternative out of all sense of honour. 20 MR JAY: The next section of your statement deals with 21 relations with politicians, and you draw the distinction 22 between the right and duty of politicians to establish 23 an over-arching policy framework for policemen and then 24 the right and duty, I suppose, of the police to execute 25 that policy and, as it were, have ownership over all</p> <p style="text-align: center;">Page 43</p>
<p>1 arrangements? 2 A. To my knowledge, he had nothing to do with these 3 arrangements and certainly that was the view of 4 Mr Purdue. 5 Q. The connection between Mr Wallis and Champneys, you were 6 first made aware of that on 16 July 2011. It's that 7 which precipitated your resignation? 8 A. That's correct. I think in the Home Affairs Select 9 Committee I described it as damnably unlucky. 10 Q. Quite a lot of people tried to persuade you not to 11 resign, and that's a matter of record, as it were. 12 I mean, in your own words, why did you resign? 13 A. Well, I won't repeat my resignation statement, it's 14 there on record and lengthy, but I've always held 15 a view -- and the view was very much influenced by my 16 experience as Deputy Commissioner -- that if the story 17 becomes about the leader as opposed to what we do, then 18 that is a bad place to be. For whatever reason, that's 19 where I seemed to be. 20 I've outlined all of this in that resignation 21 statement but I also have to say -- not something I did 22 want to talk about at the time of my resignation 23 statement because one doesn't one to have a national 24 discussion about your health, but there is no doubt that 25 because of a combination of ill health, surgery and</p> <p style="text-align: center;">Page 42</p>	<p>1 operational issues. The simple question is this: in 2 your opinion, did politicians ever try to cross over 3 that line and influence your execution of operational 4 matters, as it were? 5 A. I think again if I might, for the sake of accuracy, my 6 view is that politicians have a greater role than just 7 policy. Politicians are part of the governance process, 8 which goes beyond policy. It's about holding us to 9 account, ensuring you're using public monies to good 10 effect. It's about sitting with us and informing our 11 priorities. So I think they will have a much wider role 12 than just mere policy. 13 But you are right; I do think -- I'm a firm advocate 14 of operational independence and I think that was for me 15 as a Commissioner and my officers to decide how we 16 effected that, albeit we should constantly reflect on 17 the advice, the guidance and the urging that we get from 18 our governance structures, which for me was the 19 Metropolitan Police Authority and, of course, the 20 national politicians. 21 But going back to your question, did politicians 22 throughout my career try and influence me to do other 23 things? Absolutely. Yes. 24 Q. I think implicit in that answer, you would wish to make 25 it clear that you never succumbed to that influence; is</p> <p style="text-align: center;">Page 44</p>

<p>1 that right?</p> <p>2 A. I think I would describe -- I was the grateful receiver</p> <p>3 of much advice, including from politicians, but it was</p> <p>4 important for me to make my independent operational mind</p> <p>5 up. That doesn't mean to say on occasions I agreed with</p> <p>6 the politicians and we could do something different.</p> <p>7 You should listen.</p> <p>8 Q. Thank you. Leaks and disciplinary issues, the next</p> <p>9 section, paragraph 47 and following, 5736. You have in</p> <p>10 part covered this already. You give some statistics in</p> <p>11 paragraph 61 where you say that:</p> <p>12 "16 police officers and police staff have been</p> <p>13 prosecuted for misusing police information over the past</p> <p>14 decade, of whom 11 were found or pleaded guilty."</p> <p>15 So this is not just limited to leaks; it's covering</p> <p>16 all aspects of misusing police information. Is that</p> <p>17 correct?</p> <p>18 A. I think that's correct. I have to say that where I've</p> <p>19 given evidence about numbers, I've been reliant heavily</p> <p>20 upon the MPS providing me with those numbers.</p> <p>21 Q. Yes. 29 police officers and police staff have been</p> <p>22 dismissed or asked to resign and 208 disciplined for</p> <p>23 misusing police information over the past decade, so the</p> <p>24 point is the same: that's the information you've been</p> <p>25 provided with. That would include leaks but not be</p> <p style="text-align: center;">Page 45</p>	<p>1 behaviour by anybody on that team.</p> <p>2 And certainly Mr Quick supplied me with information</p> <p>3 that concurred with our own view that many of the things</p> <p>4 that were appearing in the public domain could and were</p> <p>5 very much better explained by the disclosure strategy of</p> <p>6 when we're arresting people, of interviewing people and</p> <p>7 the like.</p> <p>8 So therefore I got a very positive endorsement</p> <p>9 around that team and the leader of that, who was</p> <p>10 Mr Yates, and a very strong endorsement around Mr Yates</p> <p>11 himself. I don't know whether we implemented</p> <p>12 recommendation 12 or not, but if we didn't, sort of</p> <p>13 there were -- it's a bit like the previous review that</p> <p>14 had been done of the operation for security purposes by</p> <p>15 the Met itself. Most of those recommendations were</p> <p>16 implemented but not all. That was the nature of --</p> <p>17 that's just the nature of business.</p> <p>18 But from my point of view, there was no particular</p> <p>19 reason not to implement recommendation 12; it was just</p> <p>20 the recommendations represented a very much defensive</p> <p>21 strategy and therefore you would respond and look at it</p> <p>22 proportionately as to whether it was necessary or not,</p> <p>23 I guess.</p> <p>24 Q. Mr Quick's evidence in paragraph 22 of his statement is</p> <p>25 that he raised the issue with you and you made it clear</p> <p style="text-align: center;">Page 47</p>
<p>1 limited to leaks; is that correct?</p> <p>2 A. I understand so, yes.</p> <p>3 Q. I've been asked to raise with you a specific point which</p> <p>4 arises out of Mr Quick's statement and the</p> <p>5 recommendation he made in relation to Mr Yates. This is</p> <p>6 the cash for honours investigation and the possibility</p> <p>7 of there being leaks there. A recommendation was</p> <p>8 made -- and I think you recall it; it was recommendation</p> <p>9 12 -- which you didn't follow. Can you recall why that</p> <p>10 was, Sir Paul?</p> <p>11 A. For the sake of completeness, Mr Jay, I asked Mr Quick,</p> <p>12 who was then the Chief Constable of Surrey, to assist us</p> <p>13 with some of the difficult attacks we were having to the</p> <p>14 cash for peerages investigation, to assist us around</p> <p>15 matters so that we could satisfy ourselves that these</p> <p>16 attacks were more of a diversion than a reality.</p> <p>17 Mr Quick provided me with a sort of -- and the only</p> <p>18 thing I've had sight of recently is a draft report, but</p> <p>19 I presume it's something similar to the main report,</p> <p>20 which gave me, I felt, a very strong endorsement of the</p> <p>21 investigative team that were actually undertaking that</p> <p>22 particular difficult inquiry. So therefore the</p> <p>23 recommendations that were made I saw as a very much</p> <p>24 defensive, to defend ourselves against further</p> <p>25 allegations as opposed to suspecting any improper</p> <p style="text-align: center;">Page 46</p>	<p>1 that you did not require him to implement</p> <p>2 recommendation 12. Might that be right?</p> <p>3 A. I don't recommend -- I don't recommend (sic) that</p> <p>4 specific conversation, but I know I had a number of</p> <p>5 conversations with Mr Quick. He made a number of</p> <p>6 recommendations. All I can say is he gave me a very</p> <p>7 strong indication that any leaks that were happening</p> <p>8 could be much better explained of coming from without</p> <p>9 that team, and of course it is the case that the most</p> <p>10 sensitive information in that operation never leaked and</p> <p>11 it is, of course, the case that there has been -- that</p> <p>12 Mr Quick himself endorsed that very point.</p> <p>13 Q. Thank you. Now move forward through your statement to</p> <p>14 paragraph 70, our page 5741. You say there that on rare</p> <p>15 occasions you would have direct contact with the media</p> <p>16 yourself:</p> <p>17 "For example, I recall that I once telephoned the</p> <p>18 editor of the Evening Standard when I believed a report</p> <p>19 was grossly unfair and the editor of the</p> <p>20 News of the World once telephoned me to provide</p> <p>21 information about the cricket bribery scandal."</p> <p>22 I've been asked to put to you this question: were</p> <p>23 there other occasions when the News of the World</p> <p>24 telephoned you to provide you with information of this</p> <p>25 sort, namely information which was quite sensitive?</p> <p style="text-align: center;">Page 48</p>

<p>1 A. No, I don't think there were. To be accurate about 2 this, I think the editor of the News of the World was 3 Colin Myler at the time. I think -- he didn't contact 4 me directly on the first occasion. I think it was 5 a Saturday morning. I think he made contact with the 6 DPA and the DPA asked me to ring him and then I think we 7 had a couple of conversations where he then rang me back 8 on something. I think it's the only time. It was 9 highly unusual, in fact unique. I don't think I was 10 ever contacted by the News of the World with any such 11 information, and of course this -- the information I was 12 provided led me to ask now Assistant Commissioner 13 Cressida Dick and a small number of senior officers to 14 meet with News of the World executives I think the 15 following day to pick up the evidence they had and take 16 it from there.</p> <p>17 Q. Paragraph 75 and 76, if I may take those together, 18 page 5743, where you deal with the issue of DPA staff 19 who had previously worked for News International. We're 20 going to get the statistics from Mr Fedorcio. The 21 evidence, which I think you gave to the Select 22 Committee, which you'd obtained from the DPA was about 23 10 staff out of 41, which might well match or be less 24 than the percentage of people in the media who are 25 employed by News International, which I think is either</p> <p style="text-align: center;">Page 49</p>	<p>1 exist with junior officers, to actually put certain 2 conditions in there of their employment and I guess for 3 their -- what they do when they leave. And it might be 4 worthy of consideration in terms of engendering public 5 confidence -- and of course I'm thinking of the 6 perceptions that come out of this very matter itself -- 7 it might be worthy of consideration for further thought 8 to be given to: should there be some sort of time bar or 9 should there be some sort of consideration before 10 a senior officer -- and we'd have to discuss the level 11 of seniority -- takes up full-time direct employment 12 with the media?</p> <p>13 I'm nervous about it because I'm nervous about any 14 restraint of trade, and I'm nervous about stopping 15 people making a contribution, but I do think that this 16 particular Inquiry and the whole matters that have been 17 deeply distressing for many people and the difficult 18 position for the Met, it's worthy of consideration. 19 I simply say that.</p> <p>20 I would also add: it is also worthy of consideration 21 as to what the efficacy of people -- and I make no 22 criticism of anybody here. What is the efficacy of 23 senior people, senior public officials who, very quickly 24 after leaving office, have written autobiographies that 25 have to be serialised in the media. I think that might</p> <p style="text-align: center;">Page 51</p>
<p>1 38 per cent or 41 per cent.</p> <p>2 Can I ask you though to comment really on the wider 3 issue, whether, in your view, it would be appropriate or 4 possible to have restraint of trade clauses which 5 prevented this happening and whether there's any 6 distinction between junior police officers going to work 7 for News International and vice versa and this happening 8 at a more senior level?</p> <p>9 A. Yes. I think it would be a very difficult restraint of 10 trade, outwith any legality, to stop junior officers 11 taking up employment elsewhere, including with the 12 media. And actually there is -- some of the people who 13 actually do advice, particularly around the electronic 14 media, live events, actually do rather a good job of 15 placing into context the policing operation, the 16 difficulties that are unfolding. So I would be very 17 reticent about recommending a restriction around junior 18 officers. It seems to me that's not the problem that 19 we've had and I think that would be a disproportionate 20 response. But I think it's worthy of consideration.</p> <p>21 And relating to senior officers, because we do have 22 a sort of more senior -- all senior officers do have 23 what's called a fixed-term appointment, which is a kind 24 of pseudo-contract, which allows for discussion between 25 the employer and that senior officer, which doesn't</p> <p style="text-align: center;">Page 50</p>	<p>1 have the to be collected together with the earlier 2 consideration for some view.</p> <p>3 Q. I think you used the word "efficacy". Are you 4 suggesting -- and maybe you are, and feel free to make 5 this suggestion -- that it's inappropriate for someone 6 to write an autobiography shortly after leaving a public 7 office or the Metropolitan police in particular?</p> <p>8 A. I make no criticism of anybody who does it. People have 9 to come to their own judgments. I am not a fan of the 10 practice.</p> <p>11 LORD JUSTICE LEVESON: Well, the risk is that it will be 12 perceived that those who are involving themselves in 13 public life have an eye on what later they will put into 14 print. That is the risk, isn't it?</p> <p>15 A. I think there is a risk there. That doesn't mean to say 16 the people who are engaged in that are actually behaving 17 in any improper way. That's --</p> <p>18 LORD JUSTICE LEVESON: No, I didn't suggest that they were.</p> <p>19 A. No, I know, sir. That is one of the risks. I think we 20 have to be very careful and balanced in the way we take 21 this forward, because I am nervous about restraining 22 people when they leave public office because we 23 shouldn't discourage people from coming into public 24 office in the first place. But I am not a fan of people 25 going into print so soon after leaving public office,</p> <p style="text-align: center;">Page 52</p>

<p>1 perhaps for another reason that's not really relevant to 2 the Inquiry, and that is it makes it very difficult for 3 existing post holders if they think that every 4 discussion might suddenly find its way into print 5 shortly after somebody leaves office.</p> <p>6 I think it's a debate that has many sides and I 7 don't say I'm right on this. I just simply say I'm not 8 a fan and it may be worthy of consideration, sir.</p> <p>9 LORD JUSTICE LEVESON: That may be, but I think I probably 10 have enough to do without getting involved in that 11 exercise.</p> <p>12 A. It's not my job to create you additional work, sir.</p> <p>13 LORD JUSTICE LEVESON: No.</p> <p>14 MR JAY: Sir Paul, may I move on now to the 15 Wallis/Shami Media contract in the summer of 2009, 16 paragraph 80 of your statement, our page 5744.</p> <p>17 The background was that Mr Fedorcio's deputy was 18 unwell and you were concerned that Mr Fedorcio lacked 19 support. You say you played no part in procurement 20 process which led to the contract being awarded to 21 Mr Wallis. But did you have any discussions with 22 Mr Fedorcio about the recruitment of Mr Wallis?</p> <p>23 A. I think -- and I think this cropped up when I gave 24 evidence to the Home Affairs Select Committee. I think 25 Mr Fedorcio believes that I raised it during his</p> <p style="text-align: center;">Page 53</p>	<p>1 discomforted by that because I had no reason to doubt -- 2 sort of doubt that he wasn't a fit and proper person.</p> <p>3 Q. Were you aware that Mr Wallis had tendered for the job 4 through his company?</p> <p>5 A. I -- I don't know. I can't remember. But if I was, 6 again I wouldn't be discomforted by it because no doubt 7 the sort of -- there would be at least three or four 8 people who would have tendered for it and I would expect 9 them to come from the industry if they were going to be 10 of any value.</p> <p>11 Q. Is this the sort of matter which would have come to your 12 notice as Commissioner, that people were tendering for 13 this job, or not?</p> <p>14 A. It's -- I would rarely have discussions about 15 contractual matters. I certainly wouldn't have deep 16 discussions about very -- what, in the grand scale of 17 things, were relatively minor contractual matters, but 18 I would not be discomforted by Mr Wallis' name coming 19 out of the hat in any way.</p> <p>20 Q. Given that you were instrumental or in part instrumental 21 in suggesting to Mr Fedorcio that he needed someone 22 temporarily to fill the shoes of Mr Fedorcio's deputy, 23 who was ill, might it not follow from that that you 24 would take an interest in who it was that might be 25 filling the deputy's shoes?</p> <p style="text-align: center;">Page 55</p>
<p>1 appraisal in 2009, would it be? That would seem 2 a logical time when I would raise it, the fact that he 3 had a long-term absence of his deputy. If he needed the 4 deputy, the fact that his long-term absence asked 5 questions: well, who was filling this?</p> <p>6 I was also aware that Dick was very loyal to his 7 deputy as somebody who deserved our loyalty, a man who 8 had served for a long period with the MPS at a senior 9 level, and this was a sensitive issue, but I would have 10 been concerned to ensure that Dick was ensuring he 11 prioritised the importance of doing the right thing by 12 the organisation as well as looking after sort of his 13 immediate deputy.</p> <p>14 So I would have raised it with him. I would have 15 wanted to ensure that he was thinking about it and to 16 make sure he was properly staffed, and out of that, 17 I have no doubt, came the recruitment of Neil Wallis.</p> <p>18 Q. Certainly, but were there any discussions with 19 Mr Fedorcio about Mr Wallis in particular before he was 20 recruited?</p> <p>21 A. Not that I recall. But if Mr Wallis was coming out -- 22 and I have to make this very clear: if Mr Wallis was 23 coming out of that process as somebody who was either 24 going to be invited to tender or likely to get the job 25 coming through a very proper process, I would not be</p> <p style="text-align: center;">Page 54</p>	<p>1 A. No, I don't think it might be taken at all that way. In 2 a similar way, I would be very concerned to ensure that 3 whoever supported our IT services was doing the job 4 properly. So I might have a conversation thinking it 5 wasn't being done properly with the head of IT, but 6 I wouldn't get involved with discussions as to who 7 should do the job properly.</p> <p>8 Q. Can you recall when you first became aware that 9 Mr Wallis had got the job and/or was doing the job?</p> <p>10 A. I can't recall when I first became aware, no.</p> <p>11 Q. You made it clear that even had you been aware, you 12 wouldn't have been discomforted by that fact because, as 13 you say in paragraph 81, Mr Wallis' name had not, to 14 your knowledge, been linked to phone hacking at this 15 time. Would you accept that the Guardian article, which 16 I think was dated 9 July -- I said previously 8 July, 17 but it's probably 9 July 2009 -- had suggested that 18 knowledge in or involvement in phone hacking possibly 19 went quite high up in the News of the World?</p> <p>20 A. In all -- the Guardian article may well have said that, 21 but I didn't read the Guardian article. I think when 22 I first picked this up on -- was it 9 July, did you say? 23 I think I was in the car, going north to the Association 24 of Chief Police Officers conference in Manchester and 25 I think I picked it up just from Radio 4. It was just</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 another one of those sort of many other issues of noise 2 and this thing came to light on the radio making certain 3 allegations. I don't think I considered it at all 4 deeply, as a result of which I contacted Mr Yates to 5 pick it up. 6 So I wouldn't have contacted -- at all connected 7 Mr Wallis with this issue. I wouldn't have thought 8 about it at all deeply, I have to say. 9 Q. The noise on the radio, if the radio were accurately 10 reporting what the Guardian was saying, was that this 11 was a phenomenon which went quite high up in the 12 organisation, so -- I mean, I know with the advantage of 13 hindsight one can see a picture emerging. Is that 14 a picture or suspicion which you made at the time? 15 A. Do I wish the picture had emerged at the time? Yes, 16 I do, because then we wouldn't be sat here, perhaps. 17 But no, that picture didn't emerge at the time. It was 18 like many, many other issues on a daily basis. It was 19 a noise. I wouldn't go into the detail of it. I would 20 just ask somebody to deal with it. 21 Q. In relation to Mr Wallis, Operation Weeting starts, we 22 know, in January 2011. You were made aware subsequently 23 that Mr Wallis was a suspect in that investigation? 24 I think from -- well, it's paragraph 82 of your 25 statement. The date was probably April 2011 when you</p> <p style="text-align: center;">Page 57</p>	<p>1 arrested, but again that was a matter for the team and 2 I think I was told on the morning that he either had or 3 was being arrested. 4 Q. In paragraph 84, you identify who you did tell of the 5 arrest. You told the chair of the MPA and you say four 6 lines down: 7 "However, later that day I appeared before the MPA 8 and it was during this meeting that the details of 9 Mr Wallis' contract with the MPS leaked to the media." 10 Then you later briefed the Mayor. Do you have any 11 idea from where that leak might have come? 12 A. No. 13 Q. Might it have been from within the MPA or would that 14 knowledge have been wider within the MPS? 15 A. I think it would be wrong of me to speculate. I don't 16 know where the leak came from. I mean, the information 17 had to come into the public domain at some time anyway, 18 so I don't think it was in any way sort of damaging, but 19 that's when it became public knowledge. 20 Q. You touch on some further speculation in paragraph 87, 21 which is probably not necessarily for you to address 22 specifically. It's 78547. 23 At paragraph 88, you say with the benefit of 24 hindsight you regret that the MPS entered into 25 a contract with Mr Wallis. I think you make it clear</p> <p style="text-align: center;">Page 59</p>
<p>1 came back from your period of sick leave. Is that 2 right, Sir Paul? 3 A. I think -- and I don't want to engage in a game of 4 semantics here, what is the difference between somebody 5 of interest and a suspect, because it might be just 6 police speak, but I understand that when I came back he 7 was becoming a person of interest. So that was 8 undoubtedly raised with me some time after I came back. 9 I don't suspect it was raised with me on the first day 10 because it was not a priority for me, frankly, but at 11 some stage it was raised that he was becoming a person 12 of interest and my understanding is he actually formally 13 became a suspect -- he didn't become a suspect until 14 some time in early July. That is my understanding from 15 the Operation Weeting seem. 16 Q. So a suspect means someone who is about to be arrested; 17 is that right? There's sufficient evidence that you can 18 arrest him? 19 A. Closer to being arrested -- that doesn't necessarily 20 always follow, but somebody who has gone beyond somebody 21 of interest, coming closer. 22 Q. The arrest was on 14 July and you were told of that fact 23 on the very day and not before. No, a few days before, 24 pardon me. 25 A. I think I was told a few days before that he might be</p> <p style="text-align: center;">Page 58</p>	<p>1 that's not a judgment which you would have expressed 2 with foresight, as it were, namely at the material time. 3 It's exclusively with hindsight; is that right? 4 A. It's without any presumption of guilt or innocence 5 around Mr Wallis' current position, but quite clearly 6 the hiring of Wallis played very, very badly in the way 7 that the perception of this story was taken. 8 Q. Can I ask you to deal with paragraph 89. This was after 9 Operation Weeting started, after your return from sick 10 leave in April 2011. You say the chair of the MPA 11 expressed a view that you shouldn't be devoting this 12 level of resources to the phone hacking inquiry as 13 a consequence of a largely political and media-driven 14 level of hysteria. What was your own view as to that? 15 A. I think that goes to a slightly wider issue, if I may be 16 allowed to -- 17 Q. Certainly. 18 A. I believed that -- and like many people, I guess I sat 19 back and thought: where did we get this wronging? And 20 I think what happened in 2009 is that within the Met, we 21 developed a fixed mindset and a defensive mindset around 22 this whole issue -- and I will come to your point 23 because I think that point around what people were 24 saying about the Guardian article is relevant here. 25 I think that mindset was based on a number of</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 issues, none of which are an excuse as to why we didn't 2 get this thing right, but I think taken together almost 3 became the foundations of that mindset, which I think 4 made life difficult for us. I think the start of that 5 mindset was very much about: it's inconceivable for 6 people in 2009 to believe that an inquiry led by 7 Mr Clarke would limit itself for any improper purposes. 8 It was inconceivable that Mr Clarke would do that and 9 I still believe that's the case. So that was the first 10 basis for: what is this all about? 11 I think after that, in the absence of failing to 12 establish what the Met had in its possession -- I think 13 that's been rehearsed in this Inquiry and in various 14 places. That's regrettable. That absence caused the 15 Met to be more and more convinced that the original 16 investigation, therefore, was a success in totality, and 17 of course that wasn't the case. 18 The investigation in its limitations was a success. 19 It sent a journalist to prison, which is highly unusual. 20 But of course what we didn't do is go back and actually 21 challenge the reasons for those decisions in 2006. And 22 I don't make this to make life more difficult for 23 Mr Yates, because I think Mr Yates acted in good faith, 24 and I'm absolutely convinced about that. We didn't go 25 back and challenge the reasons why it was limited</p> <p style="text-align: center;">Page 61</p>	<p>1 over substance about this matter. 2 The reality is that was wrong. There was huge 3 amounts of substance there but that was a fairly widely 4 held view, and the fact that Mr Malthouse expressed it, 5 I don't necessarily criticise him for that because 6 nobody wanted to see huge amounts of resource invested 7 in things when we wanted to detect murder, mayhem, 8 et cetera. 9 I think that view -- and again, not to be critical 10 about it, but I think Boris Johnson himself wrote an 11 article which was about the view of what was this 12 complaint by the Guardian all about. I think that all 13 came together to create this very closed mindset that 14 was defensive in nature, which meant we didn't adopt 15 a challenging mindset, which is the best way to do an 16 inquiry. 17 So I think it was -- it sounds like a weak word -- 18 unfortunate, but actually, the defensive mindset we 19 established was very much based on the flawed assumption 20 that the original one was successful investigation in 21 totality and the absence of challenge, I think, led us 22 into some difficulty, if that makes sense. 23 Q. The message you communicated to Mr Malthouse, as stated 24 in paragraph 89 of your statement, might be said to 25 disclose a degree of reluctance on your part in 2011 to</p> <p style="text-align: center;">Page 63</p>
<p>1 because we didn't know it was limited, and had that 2 taken place, we might have been in a better place. 3 I also think that in so much as it felt like 4 a successful investigation, that the leader of that 5 original investigation, it was inconceivable he would 6 have done anything improper and he didn't, then the fact 7 that this did not feel like a priority for the matters 8 the Met were still dealing with was a relevant factor in 9 terms of using resource. 10 I then go on to think that we got ourselves almost 11 hooked on a strategy -- on a defensive strategy that we 12 would not expend significant resources without new or 13 additional evidence. Now, that was a perfectly logical 14 position to be in, providing your assumption around the 15 success of the original investigation was correct, and 16 because we didn't go back and do anything around that, 17 then it seemed a logical place to be. 18 I think you then add in -- and I'm sorry to take 19 such a long time to get to it, Mr Jay -- what I talk 20 about regarding Mr Malthouse. I don't criticise him for 21 this because it was clearly the case at the time that 22 the mindset that we had -- and this is not a defence, 23 it's not an excuse, but to some extent I believe likely 24 was reinforced with a view, much widely expressed by 25 others, that there was a strong whiff of politics</p> <p style="text-align: center;">Page 62</p>	<p>1 embrace all the objectives in Weeting, in the sense 2 you're almost suggesting: "Well, we had to do it because 3 we were under pressure from all quarters to do it rather 4 than because of any perception that the evidence 5 required it." Do you see the point? 6 A. I see the point. If that's the meaning you take from 7 that paragraph, then I have clumsily worded that 8 paragraph because that's absolutely not the point. 9 My point by putting that in was to actually try to 10 exemplify the fact that this was a view that was held by 11 responsible people, possibly for sort of the good reason 12 of not wanting to waste police resource, but by that 13 point it was a discussion that was going on saying: 14 whatever you might think, this is the inevitable thing 15 to do and the right thing to do, because I also add 16 there about the matters that were now emerging through 17 Operation Weeting. It wasn't just about responding; 18 this was about realising there was substance there. 19 Q. We're going to break for five minutes in a moment, but 20 I have one final question on the last sentence of 21 paragraph 89, Sir Paul, where you say: 22 "Additionally, the nature of some of the revelations 23 of media behaviour, particularly towards vulnerable 24 members of the public, made a reopening of the 25 investigation inevitable, from an operational</p> <p style="text-align: center;">Page 64</p>

1 viewpoint."
 2 By an "operational viewpoint", you mean that
 3 regardless of any political or extraneous
 4 considerations, it was to do with sort of the inherent
 5 value of the investigation. The revelation of new
 6 material, you say, particularly regarding vulnerable
 7 members of the public, meant that a reopening of the
 8 investigation was almost mandated. Is that what you're
 9 trying to communicate there?
 10 **A. Of course, I was away from office when the investigation**
 11 **was reopened, but I support the decision to reopen it**
 12 **because of the disclosures from News International,**
 13 **I think, in January 2011, and what was emerging and what**
 14 **we already had in our possession.**
 15 Q. It might be said that had it been appreciated or
 16 properly appreciated, back at the time of Operation
 17 Caryatid in 2006, that media behaviour was as widespread
 18 as Operation Weeting was beginning to discover, and that
 19 vulnerable members of the public were involved, it would
 20 have been the only right decision in 2006 to broaden the
 21 investigation and to take it wherever the evidence led.
 22 Are you intending to suggest that?
 23 **A. No, I'm not suggesting that. I think the original**
 24 **investigation in 2006 had properly took account of the**
 25 **priorities that faced the Met and the priorities that**
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1 **faced that investigation team. In adopting the**
 2 **strategy, I think that was in sort of -- I think that**
 3 **was understandable and I heard Mr Clarke's evidence,**
 4 **I note it and support it.**
 5 **I think there is an issue there, and that is that**
 6 **what -- and I think Mr Clarke raised it himself: what do**
 7 **you then do with those matters that could be part of**
 8 **a criminal investigation, but for very proper resourcing**
 9 **decisions you decide not to take that option, which is**
 10 **not unusual in many investigations, and I think there**
 11 **are two relevant factors there: one, you have to ensure**
 12 **that if you are taking those other matters elsewhere,**
 13 **from a crime prevention perspective or to change**
 14 **behaviour or to deal with victims in a better way, then**
 15 **you have to make sure you land those issues with those**
 16 **other agencies or government.**
 17 **Secondly -- and I think Mr Clarke alluded to this,**
 18 **I don't know how we do this, it's very difficult -- you**
 19 **have to try and ensure, I think, in the future that we**
 20 **make those decisions transparent so they can withstand**
 21 **this level of scrutiny. But I'm not trying to suggest**
 22 **that the decision -- what I'm talking about when the**
 23 **information was coming out in 2009 made the decision of**
 24 **2006 improper. I think Mr Clarke explained that very**
 25 **well.**
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1 Q. Can I just test it in this way, Sir Paul: if the
 2 priorities regarding counter-terrorism and the huge
 3 burdens that placed on limited resources were nearly the
 4 same in 2009 as they were in 2006, what had changed to
 5 justify Operation Weeting?
 6 **A. Well, again, I can't -- you are taking me back into**
 7 **2006, into something I had no knowledge of or no**
 8 **involvement with. All I can go off is what Mr Clarke**
 9 **told you and what I've heard publicly. What I am saying**
 10 **is there was a justification that Mr Clarke came here to**
 11 **give you as to why he took the decisions he made, and**
 12 **that seems eminently logical and proper. There might**
 13 **have been an issue of what should we have done with the**
 14 **other matters and been more effective in what we do with**
 15 **the other matters.**
 16 **You then have to look at a completely different**
 17 **situation in 2009. There was still very real pressure**
 18 **on the Metropolitan Police Service and special**
 19 **operations command around counter-terrorism and many**
 20 **other things. Those pressures still remained, but it**
 21 **seemed to me that the things that were emerging by 2011,**
 22 **and indeed the perception as to why we had not picked**
 23 **them up, were very, very damaging indeed.**
 24 LORD JUSTICE LEVESON: Let's take just a few minutes off.
 25 Thank you.
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1 (11.38 am)
 2 (A short break)
 3 (11.47 am)
 4 MR JAY: Sir Paul, there's one matter I need to pick up in
 5 relation to the Wallis/Shami Media issue. Another core
 6 participant has asked me to put this question to you.
 7 Can you confirm, please, that the Deputy Commissioner on
 8 your behalf referred to the issue of Assistant
 9 Commissioner Yates' conduct in relation to the
 10 Wallis/Shami Media matter to the MPA's professional
 11 standards case subcommittee? Do you recall that?
 12 **A. I don't recall it. It may well be the case, but**
 13 **I couldn't give evidence to that effect.**
 14 Q. The documents I've seen is that that was done on your
 15 behalf rather than on the Deputy Commissioner's behalf.
 16 **A. Right.**
 17 Q. Do you know what the reason for that might be, whether
 18 the Deputy Commissioner does it or he does it on your
 19 behalf?
 20 **A. I just don't recall it, Mr Jay. But it is the case that**
 21 **during my time as Commissioner there are many, many**
 22 **things done on my behalf that I wouldn't be fully**
 23 **conversant with the reasons.**
 24 Q. I suppose I'd better ask Mr Godwin this, but is this
 25 something unprecedented for the Deputy Commissioner to
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<p>1 do, to refer another assistant commissioner's conduct to 2 this committee?</p> <p>3 A. No, I don't think so. I think we've done it before. 4 I think I might have done it when I was Deputy 5 Commissioner in relation to an assistant commissioner. 6 I can't remember myself or the then Commissioner 7 Sir Ian Blair, but certainly we have referred the 8 conducts of assistant commissioners -- at least one, to 9 my knowledge -- before to the police authority. That 10 would be the appropriate discipline authority. There is 11 nowhere else to go regarding matters of conduct. Even 12 if there was no substance to the matter of conduct, if 13 there's a need for it to be looked at, that would be the 14 only location where you can go.</p> <p>15 Q. Thank you. May I move forward to another section of 16 your statement. You've covered this to some extent 17 already. It's the whole phone hacking issue. First of 18 all, look at paragraph 94, our page 5750.</p> <p>19 We're back to 9 July 2009 and you listening to 20 a Radio 4 broadcast about the phone hacking allegations 21 in the Guardian. First of all, can you recall what the 22 gist of those allegations were?</p> <p>23 A. I'd be guessing. I just know that there was 24 a significant amount of talk on the radio about this 25 matter. From recollection, I think it was that somehow</p> <p style="text-align: center;">Page 69</p>	<p>1 material time was high up, then it might be or might 2 have been inappropriate for Mr Yates to have been 3 undertaking whatever exercise you were asking him to 4 undertake. Would you agree with that or not?</p> <p>5 A. I think you're crediting me with a level of analysis 6 that I wouldn't and didn't give to this matter. It was 7 just yet another headline, a sort of -- I don't mean to 8 say this dismissively -- some noise about an event that 9 I expected someone to pick up and deal with. I don't, 10 in all honesty, think I connected -- well, I didn't 11 connect it with Mr Wallis. I didn't give it any 12 particular thought. I don't even know whether there 13 were other people I phoned that day of other matters in 14 the headlines to ask them to deal with, other issues. 15 It was just a frequent event.</p> <p>16 LORD JUSTICE LEVESON: I would just like to unpick that 17 a bit, if you don't mind, Sir Paul. I recognise you're 18 driving up north to go to an ACPO conference, you hear 19 something on the radio and obviously it potentially 20 affects the Met so you ask somebody to look at it.</p> <p>21 A. Yes.</p> <p>22 LORD JUSTICE LEVESON: Did you ever read the 9 July article 23 in the Guardian?</p> <p>24 A. No, I don't think I did, sir.</p> <p>25 LORD JUSTICE LEVESON: Let me just unpick that with you for</p> <p style="text-align: center;">Page 71</p>
<p>1 the Met hadn't gone the whole distance in that 2 investigation, but I really can't recall.</p> <p>3 Again, I have to say, Mr Jay, it would be a very, 4 very frequent event that I would pick things up from the 5 radio in the morning, or if indeed I was doing the 6 newspaper cuts, frequently to actually pick issues up 7 that were running and say to the Assistant Commissioner: 8 "Have a look at this."</p> <p>9 Q. The reason why you chose Mr Yates is that he was the 10 natural and obvious choice, presumably. He was the 11 assistant commissioner in charge of specialist 12 operations and the original operation, Operation 13 Caryatid, came under the envelope of specialist 14 operations; is that correct?</p> <p>15 A. It would be the natural place to go.</p> <p>16 Q. In terms of your knowledge of Mr Yates' friendship with 17 Mr Wallis -- I know this is a matter you've covered in 18 evidence before the Select Committee, but what, in 19 essence, was your knowledge as to that?</p> <p>20 A. I knew Mr Yates was a friend of Mr Wallis. I can't in 21 all honesty say I knew the extent of the friendship, but 22 I did know he was a friend, yes.</p> <p>23 Q. It might be said that if the Guardian were alleging that 24 the knowledge within News International, if I can put it 25 in those terms, went high up, and Mr Wallis at the</p> <p style="text-align: center;">Page 70</p>	<p>1 a moment. This wasn't just "a news story"; this was 2 a clearly detailed, researched story which made serious 3 allegations. Would you expect Mr Yates to have read the 4 article in detail in order to find out what the problem 5 was?</p> <p>6 A. I would assume Mr Yates would read the article, 7 otherwise he couldn't pick it up on my behalf.</p> <p>8 LORD JUSTICE LEVESON: Once there's a suggestion of senior 9 staff at the News of the World being involved, would you 10 expect Mr Yates to appreciate the risk, given his 11 friendship with Mr Wallis?</p> <p>12 A. Well, I would expect Mr Yates to consider -- if he felt 13 in any way conflicted, to have reflected it back to me, 14 or done what any other chief constable around the 15 country would do, including provincial police forces, 16 where if you can't put it somewhere us, you are "it". 17 There are various devices one can put in place to ensure 18 that any conflict of interest doesn't become an issue.</p> <p>19 LORD JUSTICE LEVESON: But Sir Paul, he wasn't "it". You 20 had a number of other very senior police officers 21 available to you at your disposal, so. If Mr Yates had 22 said to you -- he'd got back to the phone to you and 23 said, "I've read this article and they're talking about 24 senior people in the News of the World. You know 25 perfectly well [as you've already conceded] that I'm</p> <p style="text-align: center;">Page 72</p>

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<p>1 a friend of Neil Wallis, who was the deputy editor at 2 the time. Is there somebody else you can give this to?" 3 Would you have thought to yourself: "What an absurd 4 suggestion, no, get on with it", or would you have said, 5 "Well, actually, I see the point, now I join up the 6 dots. Yes, that probably is sensible. Give it to 7 Assistant Commissioner X or Deputy Assistant 8 Commissioner Y"?</p> <p>9 A. Had he come back to me with this, I might have done, or 10 I might have expected him -- he had a very large 11 business group. I might have expected him to get 12 somebody within his business group to deal with it and 13 ensure there could be no allegations of impropriety 14 against him. I do have to say -- this is hypothesis and 15 we're speculating just a little, sir -- that probably 16 Mr Yates would have felt that he was more than equipped 17 to deal with it. It is not as if, in our professional 18 lives, that we don't actually, as chief constables and 19 senior officers, investigate people who are known to us 20 socially and who have been friends, and to actually say 21 somebody else has to deal with it would almost be saying 22 that I do not have sufficient integrity to deal with it. 23 Whether, with hindsight, it might have been wise to 24 do that, I think that's an entirely different question. 25 I can understand why he didn't do it, but with hindsight</p> <p style="text-align: center;">Page 73</p>	<p>1 A. Yes. 2 LORD JUSTICE LEVESON: And here there is an extra little 3 loop to it, which, irrespective of the gravity of the 4 criminality alleged or the involvement of anybody, 5 creates an additional potential risk of perception, as 6 indeed it did eventually come back to haunt everybody.</p> <p>7 A. I think you're absolutely right. There is a -- there 8 clearly was a perception of risk because that is, to 9 some extent, why we're sat here today having this 10 discussion. 11 But I would come back -- the reason for giving -- 12 it's a little too grand to call it analysis, but some 13 level of thinking around why I think we might have got 14 this wrong, that defensive mindset -- I suspect that 15 defensive mindset set in very early, for all the reasons 16 I outlined, that stopped us challenging ourselves, that 17 stopped us going back and challenging what was the 18 reason for the original investigation stopping short, 19 albeit we didn't know it stopped short. I think that is 20 the more likely reason why Mr Yates didn't decide that 21 he had a conflict or not. 22 LORD JUSTICE LEVESON: Well, because if you're being 23 defensive and you say, "Look, Peter Clarke, we've got 24 this right, there's nothing therefore very much to look 25 at", then actually of course you're right, but then</p> <p style="text-align: center;">Page 75</p>
<p>1 it might have been wise. 2 LORD JUSTICE LEVESON: Do you investigate friends? 3 A. Well, as a police officer, when I've been asked to do 4 discipline and complaints in the past going back years, 5 yes, I've investigated people who have been known to me. 6 LORD JUSTICE LEVESON: Yes, that's police officers. 7 A. Yes. 8 LORD JUSTICE LEVESON: I understand that. 9 A. Sorry, sir, if I might add: it is clearly the case, 10 stating the blindingly obvious, that police officers 11 should be very careful in their friendships and 12 associations and not associate with people who are 13 criminals or who are likely to be criminals. The 14 difficulty there occasionally is knowing that they are 15 criminals or likely to be criminals and I'm not, in any 16 way, saying that Mr Wallis is or isn't. That is the 17 problem. 18 LORD JUSTICE LEVESON: Of course. Neither am I. I am 19 concerned entirely about perceptions -- 20 A. Yes. 21 LORD JUSTICE LEVESON: -- and reputational risk, because 22 what the Guardian was saying was: the police let this 23 go. They didn't really concern themselves with it. 24 That's a reputational issue. That's why you asked 25 Mr Yates to look at it.</p> <p style="text-align: center;">Page 74</p>	<p>1 you've concluded what you set out to prove, haven't you? 2 A. I think it is a similar argument, but I think therein 3 lies the problem. We adopted a defensive stance instead 4 of a challenging stance. I can see the reasons why, but 5 with hindsight I think that undermined what we did. 6 LORD JUSTICE LEVESON: Yes. Are you going to go back to 7 2006, Mr Jay? 8 MR JAY: Not 2006. 9 LORD JUSTICE LEVESON: All right, then if you're not, 10 I will. Just a couple of minutes. 11 You obviously have never gone through the papers in 12 Caryatid and I wouldn't expect you to do so. I've been 13 struck by the evidence I've heard. On the one hand, 14 I have Mr Clarke saying, if I might say so, with force 15 and in a convincing manner, that there is this number of 16 resource available, there are these operations ongoing, 17 which are risks to life in 2006. We've got a result in 18 relation to two persons. It looks as though there's not 19 a great deal of evidence as yet. There is a debate 20 between the officers as to whether there is evidence or 21 no evidence, and you may have picked that up and I'll 22 form my own view about that. That's entirely 23 understandable, and, as I think I might have said to 24 Mr Clarke last week, it might be thought to be something 25 of a no-brainer, given the other pressures that the</p> <p style="text-align: center;">Page 76</p>

<p>1 Metropolitan Police was then under. 2 But do you think it's relevant, when you're 3 reviewing it back in 2009, to remember that that was in 4 fact the ultimate reason why this didn't go forward, 5 given that some of the junior officers -- I think 6 Mr Surtees was a chief inspector, and Detective Sergeant 7 Maberly, who obviously was immersed in the detail -- saw 8 that there were all sorts of lines of enquiry, numbers, 9 links and other matters to pursue, and were conscious 10 that there were many, many more potential victims than 11 had been contacted, and felt there was something more to 12 do, but the senior officers, quite legitimately, felt: 13 "Well, this isn't a priority now, given our other 14 responsibilities"?</p> <p>15 Is that something that should have played into the 16 decision-making in 2009, so that a different gloss could 17 be put on it? Either you say, "Well, we're still in 18 that position, we still have all this terrorist stuff 19 and we don't have the time", or: "Because of all the 20 civil work we're having to do, we are devoting time to 21 it and therefore we ought to just be prepared to review 22 it rather more carefully."</p> <p>23 The reason I ask you that question is, as you know, 24 Mr Yates responded very, very quickly, the same day, but 25 still there was work going on, and I wonder whether,</p> <p style="text-align: center;">Page 77</p>	<p>1 a job and he was putting a dedicated small team on it 2 when apparently new information came to light 3 in September of 2010, to do some more around it and to 4 liaise with CPS. I don't want to engage in the 5 discussion of what is the duty of CPS and counsel versus 6 the duties of police, but as far as I was concerned, it 7 was being dealt with more than adequately because it was 8 getting the right level of senior attention. I would 9 not have delved further into it. It was simply not 10 a priority for me.</p> <p>11 LORD JUSTICE LEVESON: Do you think that in 2009, it was 12 a reasonable approach to respond to what was this very 13 detailed, researched article, which I appreciate you 14 hadn't read, by what perhaps I might be forgiven for 15 describing as a back-of-the-envelope job for the day and 16 coming out so quickly with a response?</p> <p>17 A. As you describe, a back-of-the-envelope job -- my 18 understanding is there was much ongoing work after that 19 date to continue to consider was there anything new 20 coming to light, but that's a matter that only Mr Yates 21 can have the discussion with you about. I can't.</p> <p>22 LORD JUSTICE LEVESON: I understand that, but it's rather 23 odd, isn't it, to have gone public with: "There's 24 nothing in this" on the afternoon of the press report, 25 if you are then intending to do more work anyway. Isn't</p> <p style="text-align: center;">Page 79</p>
<p>1 when you came back into it, you gave some thought to 2 whether actually there was rather more here that needed 3 to be looked at. Or perhaps it never even crossed your 4 desk. I don't know. I'm just trying to explore those 5 issues.</p> <p>6 A. What I can say -- I think my understanding -- I'm not 7 going to engage in any games of semantics here, sir, but 8 I think Mr Yates would say that he didn't review and 9 that's been a key point that he's been saying for some 10 time, that he did something different, but putting that 11 aside --</p> <p>12 LORD JUSTICE LEVESON: I take your point. It's my poor use 13 of words.</p> <p>14 A. Did it cross my mind? No. I simply have to say it was 15 not a priority for me as the Commissioner. It remained 16 as just one of the many, many pieces of noise that was 17 being dealt with. I occasionally had discussions with 18 Mr Yates about it, particularly sort of when this thing 19 wasn't going away and particularly after I think the 20 New York Times article in September 2010, and I then 21 became aware that he put a small team on it to scope it, 22 to see what else should be done.</p> <p>23 From my point of view as Commissioner, I'd got 24 somebody who was very senior, who I trusted and still 25 trust, because I think he acted in good faith, to do</p> <p style="text-align: center;">Page 78</p>	<p>1 it rather better to say, "Well, we've read this. As far 2 as we're concerned, we're going to conduct an analysis 3 and we will respond in due course"?</p> <p>4 A. My only response to you, sir, would be that -- and 5 I can't answer for him. If he came to a clear -- I've 6 heard it suggested by a number of people that John Yates 7 would have been much wiser presentationally to wait 8 a week or two weeks. I'm not saying you would suggest 9 he do that. If he came to a clear view that it was 10 right to say what he did, then he should say it when he 11 came to that view and not presentationally delay it so 12 it looked like he was considering -- I'm not saying 13 you're suggesting that but I think other people are.</p> <p>14 LORD JUSTICE LEVESON: No, I agree with you. This isn't 15 a question of presentation. This isn't how it might 16 look. This is what you're doing. This is finding out 17 that actually the Mulcaire documents were 11,000 sheets, 18 that Mr Clarke was concerned about the adequacy of the 19 evidence but he'd actually shut it down because you were 20 facing unparalalled counter-terrorist problems, and 21 therefore you put into place: "Tell the victims and make 22 sure the industry is on top of it." You might also say: 23 "... and warn off those who have been fortunate not to 24 have been investigated", but that's another matter. 25 "Advise them as to their future conduct", I think is the</p> <p style="text-align: center;">Page 80</p>

<p>1 phrase. But you'd want to check that all that had been 2 done and that really should be a rather more considered 3 decision. 4 This wasn't actually a white heat moment decision. 5 This could have been -- and this is a question. It 6 sounds much more positive than I'm trying to be, but 7 it's to raise the issue with you. This could have been: 8 "This doesn't have to be decided today. These are the 9 bits of work that actually we ought to do to check we've 10 got everything in place, that there aren't victims who 11 have not been warned, that there aren't -- and then we 12 can put it all out there."? 13 A. I think your suggestion is that he engaged in a slightly 14 wider review than perhaps he did. With hindsight, 15 I think Mr Yates would wish he'd have done that. 16 LORD JUSTICE LEVESON: Yes, no doubt about that. 17 A. Yes. But I think -- I would come back to what I tried 18 to outline before about -- I think the error here, where 19 we got it wrong, was very quickly come to a defensive 20 mindset based on a number of things, not least, if you 21 will, that Mr Clarke was a man of huge integrity and not 22 least, if you will, not challenging the decision or 23 getting into the nuts and bolts of the decision as to 24 what Mr Clarke did in 2006. That is where I think this 25 thing went wrong.</p> <p style="text-align: center;">Page 81</p>	<p>1 happened back in 2006 in relation to the original 2 investigation; is that correct? 3 A. I'm not in -- I think I would just listen to a headline 4 that disturbed me for that period of time of asking him 5 to look at this, what's in it. I don't think I would 6 probably have given it a great deal more thought or 7 expectation. 8 Q. If he had found additional evidence -- and that's the 9 term you used in the final sentence of paragraph 94 -- 10 what, if anything, would you have expected him to do? 11 A. I would have expected him to consider that additional 12 evidence and make a judgment. Would it be right and 13 proper to reopen the investigation, review it further, 14 and I think he would expect that of himself. But it 15 would be a judgment that would have to take account of 16 the proportionality, the best use of resources and the 17 likelihood of success. 18 Q. Yes. So taking it in stages, if he had concluded that 19 there was evidence which had undubitably come to light 20 after 2006 and was capable of being persuasive, he would 21 still have had to have carried out a proportionality 22 exercise and determine whether it was right in all 23 circumstances, having regard to the police's other 24 priorities, as to whether the investigation should be 25 reopened; is that correct?</p> <p style="text-align: center;">Page 83</p>
<p>1 LORD JUSTICE LEVESON: I think your answer is there in your 2 expansion. It's extremely persuasive, but actually the 3 defensive mindset might be a very, very good example of 4 the nature of the relationship and culture between the 5 press and the police, not here because it's the press 6 who are being investigated but because it is the press 7 that are making the allegation about the Metropolitan 8 Police, and your natural response is to fight back, 9 rather than to say, "What is there in this coal(?)" 10 That's actually saying what you've said in a slightly 11 different way. 12 A. I think we ended up defending instead of challenging. 13 Do I believe that there was a deliberate attempt to back 14 off because it was News International? No, I do not, 15 sir. 16 LORD JUSTICE LEVESON: I'd better let you carry on your 17 work. 18 MR JAY: I was going to approach it through this angle, 19 Sir Paul: when you asked Mr Yates to establish the facts 20 of the case, first of all, do you remember using that 21 terminology or are you simply accepting Mr Yates' 22 version of what he believes you told him? 23 A. I'm very happy to accept Mr Yates' version. It was just 24 something to be picked up. 25 Q. Clearly, you were intending him to establish what had</p> <p style="text-align: center;">Page 82</p>	<p>1 A. I think it's the case with virtually most things that 2 the police do, and that is making sure that what sort 3 of -- when you enter into an investigation, what is the 4 best use to police resources, what's proportional and 5 what's the likelihood of success, to make sure we do not 6 waste precious resource. 7 Q. Additional evidence could be interpreted in one of two 8 ways. It might be interpreted as something entirely 9 fresh which wasn't available back in 2006, or it might 10 be interpreted as being something which was in the black 11 bags which had been seized in 2006 but hadn't been fully 12 analysed, but had it been analysed, evidence would have 13 emerged or inferences would have come out. Which of the 14 two interpretations do you think should be applied, or 15 perhaps both? 16 A. I'm not entirely sure. I still go back to saying -- 17 I think the adoption of a strategy that said, "We'll 18 only do something if there's new and additional 19 evidence" was logical, providing it wasn't based on the 20 flawed concept that the original investigation had dealt 21 with all matters adequately. I still think that's where 22 the problem lies. 23 Q. I think that accepts that if there was something in the 24 bag which had only been half analysed or not analysed at 25 all because the parameters of the original investigation</p> <p style="text-align: center;">Page 84</p>

<p>1 were narrow, and that had come to light subsequently but 2 was still part of the seized material in 2006, well, 3 then that should have been considered as part of 4 Mr Yates' establishment of the facts; is that correct?</p> <p>5 A. A better understanding of the parameters and constraints 6 of the original investigation and the nature of what was 7 in the black bags may well have led to additional 8 activity.</p> <p>9 Q. And an understanding, is this right, that the primary 10 reason in 2006 for not widening the investigation may 11 well have been an evaluation of overwhelming resource 12 considerations and Mr Clarke's estimation that there 13 were more important priorities; is that right?</p> <p>14 A. You're asking me to give a definitive answer to matters 15 that I know really no more about than you know based on 16 Mr Clarke's evidence the other day. But it's logical.</p> <p>17 Q. Part of the assessment in 2009 which Mr Yates may or may 18 not have done -- there were two extra considerations. 19 The first consideration is whether the terrorist threat 20 in 2009 was as great as it was in 2006. Do you follow 21 me?</p> <p>22 A. Mm-hm.</p> <p>23 Q. As to that, do you have a view on that?</p> <p>24 A. It was different. It was particularly pressurised in 25 2006, but I would say that in 2009 the counter-terrorism</p> <p style="text-align: center;">Page 85</p>	<p>1 a matter for him.</p> <p>2 Q. Do you feel that there's a sense here that the 3 criticisms that come from the Guardian -- Mr Clarke was 4 a man of the greatest integrity. The team carrying out 5 the investigation was one of his best teams in 2006, but 6 to put it in the vernacular, when we say "sort it out", 7 we mean, effectively: "There's absolutely nothing in 8 this. There never was going to be anything in this. 9 Let's put a lid on this by the end of the day." Would 10 you accept that as a possible criticism?</p> <p>11 A. I think they make that criticism, so it's a real 12 criticism, but I don't accept the nature of it. I would 13 expect to be done properly.</p> <p>14 LORD JUSTICE LEVESON: Except that's really an articulation 15 of your defensive mode.</p> <p>16 A. I think understanding why we did what we did is useful 17 in then trying to come to a judgment as to whether there 18 was impropriety or otherwise. I believe we can see why 19 we got to where we did, but it's regrettable.</p> <p>20 MR JAY: The Inquiry heard evidence from the Information 21 Commissioner in relation to decisions taken back in 22 2003, 2004 whether or not to prosecute journalists, and 23 it's one possible interpretation that resource 24 considerations entered into the equation. Possibly 25 a fear of taking on journalists. Is that something or</p> <p style="text-align: center;">Page 87</p>
<p>1 remained right up there as my number one priority.</p> <p>2 Q. The second consideration was -- and this is one that 3 Lord Justice Leveson has alluded to -- that the police 4 were already going to have to do a lot of work 5 associated with the civil claims; in other words, 6 third-party disclosure. They were going to have to and 7 indeed did put material onto the HOLMES system to enable 8 the third-party disclosure obligations to be fulfilled, 9 and given that the police were going to do that amount 10 of work, it wasn't necessarily a huge step to reopening 11 the police investigation more widely?</p> <p>12 A. You'll have to forgive me not having the precise 13 detailed knowledge, but my understanding is that there 14 had been a requirement for Mr Yates to put these matters 15 on the HOLMES system. My understanding is that that 16 wasn't a successful operation.</p> <p>17 Q. No, that's correct. Were you expecting Mr Yates to take 18 a look at this and, as it were, sort this out by the end 19 of the day?</p> <p>20 A. I really didn't have any expectation about it, frankly. 21 I did what I did with many, many sort of headlines of 22 the day: gave it to someone and left them to deal with 23 it. But I would have had no expectation -- I'd have 24 neither been surprised or otherwise if he came to an 25 early conclusion or a late conclusion. I think that was</p> <p style="text-align: center;">Page 86</p>	<p>1 are those matters, in particular a fear of taking on 2 journalists, which would have inhabited the thinking of 3 the Metropolitan Police?</p> <p>4 A. No, I don't think so. I'd be very disappointed if that 5 was the case. Resource considerations are something 6 that -- every public body has to sort of make those 7 judgments. It is about rationing at the end of the day. 8 But actually, fear of taking on a powerful enterprise 9 I do not think comes into it and I'd be strongly 10 disappointed if that was ever the case.</p> <p>11 Q. We know you had meetings with the Guardian's editor 12 in December 2009. It's paragraph 100 of your statement. 13 Were you trying to persuade Mr Rusbridger to drop the 14 Guardian's campaign in these areas?</p> <p>15 A. No. I've said that in my statement. I don't believe 16 I was. I think I'd be extraordinarily naive to think 17 that I could go along and persuade Mr Rusbridger to drop 18 this campaign. That would have been a very silly thing 19 to do. But it is fair to say that in my dipping in and 20 dipping out, I still didn't understand what these 21 differences were around this -- what seemed like 22 a rather technical offence, I have to say. In going to 23 see him -- I'd seen him before. It seemed like the 24 right and responsible thing to do when he was making 25 allegations about the organisation I led. There was</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

1 a backcloth, as I mentioned earlier, that this was very
 2 much about sort of politics over substance, which
 3 I think was clearly -- well, I know it was clearly
 4 a mistake -- and I went along to try and understand the
 5 difference. I would and I did outline the situation as
 6 I'd been briefed by Mr Yates. It was a civil meeting,
 7 but quite clearly there was no meeting of minds there,
 8 and I just -- to try and move it forward, I suggested:
 9 "Well, why doesn't Mr Yates come and speak to you
 10 personally and see whether we've got this right or wrong
 11 and try and bring this thing together?" But clearly we
 12 never did. I don't know if the meeting took place.

13 Q. You told us towards the start of your evidence that part
 14 of the rationale for engaging with the press is to put
 15 them right where, in your estimation, the press is
 16 acting unfairly or may be barking up the wrong tree.
 17 Was this such an occasion in December 2009, that you
 18 honestly felt the Guardian was getting it completely
 19 wrong and therefore there was a need to put them back on
 20 the right track?

21 A. I don't think it was my job or even expectation that
 22 I could put the Guardian back on the right track.
 23 I went along there -- I just did not get the difference,
 24 frankly. I just didn't get the difference. I was being
 25 briefed that there was -- I've gone through the

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1 defensive mindset, but I was being briefed that actually
 2 there was no good value in expending additional police
 3 resource to open this up. It seemed to me the right and
 4 proper thing to do, to go along and understand their
 5 point of view, understand the context.

6 If, out of that, there had been a sudden dawning
 7 realisation on either side, then quite clearly,
 8 logically, people would change their position. I didn't
 9 expect to persuade them or put them on the right track.

10 Q. When you say you didn't get the difference, it suggests
 11 that your mindset in December 2009 was this: that there
 12 was no evidence, in the words of Mr Williams, the
 13 detective chief superintendent, and Mr Yates to the
 14 Select Committee, of wrongdoing outside the rogue
 15 reporter and Mr Mulcaire. That was a view which you
 16 shared, and therefore you couldn't see that there was
 17 any validity in the position that Mr Rusbridger of the
 18 Guardian was adopting, whereas, had you been properly
 19 briefed, or briefed on a different version -- namely:
 20 "There was evidence which we found back in 2006, but we
 21 weren't going to pursue it for good resource reasons" --
 22 then you and Mr Rusbridger would have been on more or
 23 less the same wavelength and the only argument might
 24 have been what was it right for the police to do, having
 25 regard to proportionality and pressure on resources. Do

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1 you see that?

2 A. But if that had been the case, if I had -- I think we're
 3 able to agree on this. Had I got a different briefing
 4 and therefore come to a different conclusion, there
 5 wouldn't have been a need for a meeting with
 6 Mr Rusbridger because we'd be taking different action.

7 Q. I suppose this is a hypothetical question, but had you
 8 received the different briefing, which it's clear that
 9 you would have done certainly by December 2009 if not
 10 earlier, and it was in your mind that there was evidence
 11 which we found back in 2006, which, if pursued, might
 12 well have broadened the net of those involved, but the
 13 reason why we didn't pursue those lines of inquiry was
 14 resources -- if you'd been told that, that that was the
 15 thinking in 2006, and you, of course, were Commissioner
 16 in 2009, might you have told Mr Yates and those within
 17 what was then SO15 that this was in fact something that
 18 we should be pursuing, we should be investigating,
 19 because, after all, it's in the public interest that
 20 these matters are investigated?

21 A. Yes, what is fair to say, that following the New York
 22 Times article on September 2010, of course I had
 23 discussions with Mr Yates. They weren't hugely detailed
 24 discussions because, again, I have to say this still was
 25 not a priority against the priorities of

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1 counter-terrorism, the Olympics and all the various
 2 other things I was dealing with. I certainly got
 3 further briefings from him and yes, I would have
 4 challenged him to say, "Are we absolutely sure we
 5 shouldn't open this up any further?"

6 I was satisfied with the briefings that I was
 7 getting and I'm as good as the briefings I get. I don't
 8 recall getting a different briefing in December 2010,
 9 but of course December 2010 was, without -- obviously
 10 a difficult month for me and it's when I went off for my
 11 first operation.

12 Q. Of course, the decision to initiate Operation Weeting
 13 was made in January 2011 and it was a decision which, in
 14 effect, you didn't make; it was one that your deputy
 15 made?

16 A. Absolutely. But it was, in my opinion, quite clearly
 17 the right decision based on the information they had.
 18 My understanding is that information was very much
 19 driven by the further disclosure from
 20 News International.

21 LORD JUSTICE LEVESON: Because nobody had yet gone back to
 22 see what you already had in your locker.

23 A. Yes, absolutely.

24 MR JAY: Yes, I think that's clear, Sir Paul. I'm not going
 25 to cover the section of your statement which deals with

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<p>1 when you were Chief Constable of Lancashire police. You 2 were asked to cover that by the statutory notice which 3 was served on you. But are there any matters there that 4 you would like to draw to our attention, or are you 5 happy that we take them as read? 6 A. I'm very happy to take as read. 7 MR JAY: Those are all the questions I have for you, 8 Sir Paul. Thank you very much. 9 LORD JUSTICE LEVESON: Thank you very much indeed, Sir Paul. 10 A. Thank you, sir. 11 MR JAY: Sir, the next witness is Elizabeth Filkin. 12 I haven't had the chance to speak with her, but given 13 the nature of her evidence, I don't think I need to, so 14 I'm going to call her now, if that's convenient. 15 MS ELIZABETH JILL FILKIN (affirmed) 16 Questions by MR JAY 17 MR JAY: Thank you very much. Would you kindly give us your 18 full name, please? 19 A. Elizabeth Jill Filkin. 20 Q. Thank you. You provided us, Ms Filkin, with a short 21 statement dated February 2012, which is numbered 02193, 22 which gives the background to your report. The report 23 is entitled "The ethical issues arising from the 24 relationship between police and media", dated January 25 2012, which starts in our bundle at 4447.</p> <p style="text-align: center;">Page 93</p>	<p>1 the Law Society, I do their appointments for their 2 regulatory body and I do the same for the pharmacists. 3 So I do those sorts of things and I do odd jobs, such as 4 this one. 5 LORD JUSTICE LEVESON: I hope this job isn't described as 6 odd. 7 MR JAY: But no previous involvement with the workings of 8 Metropolitan Police or indeed any police service? 9 A. No, none at all, none at all. 10 Q. You were asked in July 2011 by Sir Paul Stephenson to 11 undertake a review of relationships between the police 12 and the media? 13 A. Yes. 14 Q. And you carried out that exercise over about five 15 months? 16 A. That's correct. 17 Q. And we see the fruits of it in your report. But can 18 I ask you, please, aside from the terms of reference, 19 which are clearly set out, in your own words to explain 20 how you got your evidence together for the purposes of 21 this report? 22 A. Well, I did it in a variety of ways. I put out 23 a request on the internal intranet for the Metropolitan 24 Police asking anybody within the Metropolitan Police who 25 would like to give me information, evidence or opinion</p> <p style="text-align: center;">Page 95</p>
<p>1 A. That is correct. 2 Q. Can I ask you, please, first of all, before we look at 3 the report, if you could tell us something of your 4 background. You are a former Parliamentary Commissioner 5 for Standards, and you occupied that position 6 between February 1999 and 2002; is that correct? 7 A. Yes. 8 Q. Can I ask you, please, though: very briefly, your career 9 before and after those dates? 10 A. Well, I'm afraid it's rather boring and lengthy. 11 I started life in community work. I was then chief 12 executive of Citizens Advice. I was then director of 13 community services at London Docklands and I was then 14 promoted as deputy chief executive at London Docklands. 15 I was then the revenue adjudicator and then that was 16 extended to Customs and to the Contributions Agency. 17 In many of those roles, I was fortunate enough to be 18 allowed also to take on non-executive directorships, 19 which extended my knowledge, and so I was very glad to 20 be able to do that. So that was a range of public and 21 private companies, such as the Britannia Building 22 Society and Logica and so forth. 23 Since leaving Parliament, I've done a variety of 24 things. I chair a housing company, I provide regulatory 25 input, I did to the Financial Services Authority and to</p> <p style="text-align: center;">Page 94</p>	<p>1 to be in contact with me, either in writing or in 2 person, and I offered to do that in confidence if people 3 wished that. 4 I requested interviews with a range of people across 5 the Metropolitan Police Service, all of whom I'm very 6 pleased to say agreed to be interviewed by me, and I did 7 the same with a list -- and they're all listed at the 8 back of my report, the people I saw -- who were 9 journalists, editors, politicians, business people, who 10 I thought might have something to give me. 11 I also sat down with a number of internal groups in 12 the Metropolitan Police, and the Metropolitan Police has 13 a range of staff groups, of different groups, different 14 ethnic backgrounds, et cetera, to get their opinions, 15 too. 16 I also was informed by the internal enquiries that 17 the Metropolitan Police Service were conducting, which 18 you're well aware of, I know, and I was informed about 19 what they were doing and what they were finding as they 20 went, and indeed I asked to look -- and did look -- at 21 a number of internal processes that the Met has, for 22 example, for collecting complaints from the public, for 23 freedom of information requests, and from their speak-up 24 arrangements, whereby staff can bring problems 25 confidentially or anonymously to senior management's</p> <p style="text-align: center;">Page 96</p>

<p>1 attention.</p> <p>2 Q. Thank you. You've clearly obtained evidence from</p> <p>3 a range of sources. How did you try and ensure that the</p> <p>4 evidence you were getting was representative across the</p> <p>5 board, as it were?</p> <p>6 A. Well, I did the best I could in those circumstances.</p> <p>7 I was trying to ensure that I got a range of, for</p> <p>8 example, journalists' views by not only seeing the</p> <p>9 journalists who wanted to see me and who requested to</p> <p>10 see me but to interview some the journalists who write</p> <p>11 scrutinising articles about the Metropolitan Police</p> <p>12 Service, and I did the same sort of thing within the</p> <p>13 Met. I asked to see people who other people told me</p> <p>14 held different opinions. So I tried to ensure that that</p> <p>15 was as wide a view as possible.</p> <p>16 Q. I think some of the citations you give are not</p> <p>17 attributed to any individual person, presumably on the</p> <p>18 basis that that person did not wish that to happen?</p> <p>19 A. That's correct.</p> <p>20 Q. How did you satisfy yourself in those cases -- because</p> <p>21 presumably it was a stipulation which they gave before</p> <p>22 you spoke to them that that would be the case -- that</p> <p>23 what they were telling you was likely to be reliable?</p> <p>24 A. Well, by exercising my own judgment about whether people</p> <p>25 were trustworthy when I talked to them. What I said to</p> <p style="text-align: center;">Page 97</p>	<p>1 quotes, to illustrate what had been told to me by quite</p> <p>2 a lot of people.</p> <p>3 LORD JUSTICE LEVESON: So the great advantage of the work</p> <p>4 you've done is that it rather foreshadows some of what</p> <p>5 I have to do and therefore it would be perfectly in</p> <p>6 order, would it, for me to be able to use what's been</p> <p>7 said to you for the purposes of the Inquiry that I am</p> <p>8 conducted?</p> <p>9 A. I would sincerely hope so.</p> <p>10 LORD JUSTICE LEVESON: Thank you.</p> <p>11 MR JAY: Mrs Filkin, the key messages, paragraph 1.2,</p> <p>12 internal numbering page 7 of 56, which is therefore</p> <p>13 likely to be around 4454. You pick those up in the body</p> <p>14 of the report, as we're going to see in a moment, but</p> <p>15 they're usefully collected there.</p> <p>16 Can I ask you a question about the background, which</p> <p>17 is the next page. In the middle of the page:</p> <p>18 "There was speculation that cosy relationships</p> <p>19 involving excessive hospitality between some senior</p> <p>20 police officers and News of the World journalists</p> <p>21 undermined the willingness of the police to pursue</p> <p>22 possible criminal offences beyond the two convictions in</p> <p>23 2007."</p> <p>24 There's arguably a difference between matters of</p> <p>25 perception and matters of fact.</p> <p style="text-align: center;">Page 99</p>
<p>1 everybody that I interviewed was that I was having</p> <p>2 confidential conversations with them, and that if</p> <p>3 I wished to quote from them, I would come back to them</p> <p>4 to ask them if I might quote them and to ask them if</p> <p>5 I might attribute the quotation. And as you will have</p> <p>6 seen, a large number of people did allow me to attribute</p> <p>7 their quotations to them, but some did not. And I have</p> <p>8 respected that, but I didn't quote people without making</p> <p>9 any comment about it where I didn't think -- I didn't</p> <p>10 support people unless I thought that what they were</p> <p>11 saying was trustworthy. That didn't mean to say</p> <p>12 I didn't also include some quotes from people whose</p> <p>13 views I did not accept.</p> <p>14 LORD JUSTICE LEVESON: So this is very important. This</p> <p>15 means that I can take your report -- obviously where</p> <p>16 people have identified themselves it's hearsay but</p> <p>17 identified hearsay, but where people haven't identified</p> <p>18 themselves, it's unattributed hearsay but validated by</p> <p>19 you, first of all because you've believed it, and</p> <p>20 secondly because you have taken other steps to do what</p> <p>21 you can to work around it to ensure that what you are</p> <p>22 saying accurately reflects the position as you found it?</p> <p>23 A. Yes. I've hardly -- I've rarely quoted anybody who gave</p> <p>24 an opinion unless that was given to me by quite a lot of</p> <p>25 other people. So I tried to use the examples, the</p> <p style="text-align: center;">Page 98</p>	<p>1 A. Absolutely.</p> <p>2 Q. Is this something which you were keen to explore?</p> <p>3 A. Well, since it was very largely the reason that Sir Paul</p> <p>4 Stephenson had invited me to do this piece of work, it</p> <p>5 was obviously very pertinent to the piece of work.</p> <p>6 I have to say that the vast majority of the people that</p> <p>7 I spoke to during the inquiry, that was of great concern</p> <p>8 to them, particularly people inside the Metropolitan</p> <p>9 Police Service, who were embarrassed by much of the</p> <p>10 coverage, who were concerned that it might turn out to</p> <p>11 be true, who felt that they had done their duty</p> <p>12 throughout their careers and this was being now</p> <p>13 seriously undermined, and they were worried that public</p> <p>14 trust would be undermined.</p> <p>15 Q. Because perception can undermine public trust, even if</p> <p>16 there may be little substance --</p> <p>17 A. Absolutely.</p> <p>18 Q. -- underlying the perception. The issue of cosy</p> <p>19 relationships involving excessive hospitality</p> <p>20 undermining the willingness of the police to pursue</p> <p>21 possible criminal offences, that's not something which</p> <p>22 I understand you were specifically investigating. You</p> <p>23 were looking at the wider picture from which, I suppose,</p> <p>24 inferences might be drawn in relation to the specific</p> <p>25 issue, which is closer, of course, to what this Inquiry</p> <p style="text-align: center;">Page 100</p>

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<p>1 is doing. Have I correctly understood it?</p> <p>2 A. Absolutely.</p> <p>3 Q. Mr Nick Davies expressed views to you. This is on</p> <p>4 page 9 of 56:</p> <p>5 "While Scotland Yard's public position remained that</p> <p>6 it did all that its resources and the law permitted,</p> <p>7 some police sources admit privately that they fail to</p> <p>8 fully investigate the case ..."</p> <p>9 Et cetera. Did you ask him further about that?</p> <p>10 A. Yes, I did. I asked him about it in detail, and it was</p> <p>11 clear to me from what he said, as I think he makes clear</p> <p>12 in his quote, that he was being given information by</p> <p>13 certain people from within the Metropolitan Police</p> <p>14 Service, that there was more information. And he said</p> <p>15 also to me that he raised this on several occasions with</p> <p>16 the Department of Public Affairs when he was ringing up</p> <p>17 as a journalist for information, and they were giving</p> <p>18 him what he thought by then was inaccurate information</p> <p>19 which his sources provided.</p> <p>20 They, of course, were presumably being briefed, as</p> <p>21 the Commissioner was at the time, in the same way, but</p> <p>22 he raised with them on several occasions that he thought</p> <p>23 they were giving out inaccurate information. What</p> <p>24 I don't know is how that was then processed within that</p> <p>25 department, and whether anybody took that any more</p> <p style="text-align: center;">Page 101</p>	<p>1 would also see that they had a role in protecting that</p> <p>2 scrutiny, that that scrutiny was valuable to them in</p> <p>3 helping them do their job properly. Though I have no</p> <p>4 doubt that scrutiny is sometimes grossly inaccurate and</p> <p>5 can sometimes be harmful, it can also be extremely</p> <p>6 beneficial, and it may -- even though it may be very</p> <p>7 uncomfortable sometimes for the police, it's very</p> <p>8 important that they work constantly to protect such</p> <p>9 scrutiny and to allow such scrutiny to take place.</p> <p>10 Q. Thank you. You refer subsequently to the need for</p> <p>11 transparency and trust. That comes through a number of</p> <p>12 citations. There's one quite interesting one at the top</p> <p>13 of page 12 of 56, which I take to be an academic work,</p> <p>14 is that right, from Dr Hohl:</p> <p>15 "The police are the civic guardians of the</p> <p>16 community's moral architecture and people look to the</p> <p>17 police to typify and represent these moral values and to</p> <p>18 defend and reassert them when they are perceived to come</p> <p>19 under threat."</p> <p>20 Of course, the role of the media in relation to that</p> <p>21 you've explained. Then you support the view of</p> <p>22 Chief Constable Andy Trotter, chair of ACPO, expressed</p> <p>23 in 2010, in the guidance which you set out in this page.</p> <p>24 A. Yes, and I should say, in relation to your comment that</p> <p>25 the quote at the top of that page is an academic one: it</p> <p style="text-align: center;">Page 103</p>
<p>1 seriously than we have heard in relation to other people</p> <p>2 who were raising that.</p> <p>3 Q. Thank you. On page 10 of 56, you deal with the wider</p> <p>4 issues of the importance of a good working relationship</p> <p>5 between the MPS and the media. Some of these have, of</p> <p>6 course, been covered elsewhere. You say, level with the</p> <p>7 lower hole punch:</p> <p>8 "It is particularly important for the police to</p> <p>9 maintain a strong working relationship with the media</p> <p>10 given the coercive powers afforded to policing. The</p> <p>11 police should actively protect proper scrutiny of their</p> <p>12 work."</p> <p>13 Can I ask you, please, to develop that point in your</p> <p>14 own words? What were you driving at there?</p> <p>15 A. What I was trying to convey was that the police have</p> <p>16 very, very extensive powers, and those powers, for the</p> <p>17 rest of us, need to be under constant scrutiny, to make</p> <p>18 sure they haven't overstepped their mark in the powers</p> <p>19 that they have and they've operated those powers</p> <p>20 properly.</p> <p>21 Obviously, they have to do that themselves as well,</p> <p>22 but we need outside agencies who constantly also</p> <p>23 scrutinise what these very powerful organisations do,</p> <p>24 and the media is important for doing that. And I would</p> <p>25 hope that as an important public institution, the police</p> <p style="text-align: center;">Page 102</p>	<p>1 is, but it does include, the team of academics, the</p> <p>2 person who is employed by the Metropolitan Police</p> <p>3 Service to provide information on -- statistical</p> <p>4 information and so forth.</p> <p>5 Q. Thank you.</p> <p>6 A. So it's, if you like, operationally informed.</p> <p>7 Q. Chapter 3 now, Mrs Filkin. This is "Key problems</p> <p>8 identified in the relationship between the MPS and the</p> <p>9 media". The first problem, "Improper disclosure of</p> <p>10 information to the media". Some journalists told you</p> <p>11 they have several hundred police officers and staff on</p> <p>12 their phone contact list. You have no evidence of how</p> <p>13 many may be proper or improper contacts. However, it</p> <p>14 does indicate the potential risk and its scale. The</p> <p>15 reasons, I suppose, are obvious. The journalists will</p> <p>16 be phoning up the police officer unmediated by the DPA</p> <p>17 on a mobile phone or whatever and hoping for a quote or</p> <p>18 something that could be used, preferably exclusively.</p> <p>19 Then there's a citation from a journalist at the</p> <p>20 Sun. Then you say:</p> <p>21 "It is clear, both from what appears in the media</p> <p>22 and from what I have been told, that there is contact --</p> <p>23 which is neither recorded nor permitted -- between the</p> <p>24 media and police officers and staff at all levels. This</p> <p>25 results in improper disclosure of information."</p> <p style="text-align: center;">Page 104</p>

<p>1 Can I ask you: from what I've been told, this is 2 presumably what you've been told by those who would 3 prefer not to be named in your report; is that right? 4 Or do I have it wrong?</p> <p>5 A. Well, some who have preferred not to be named, but some 6 of the people who are named are saying similar sorts of 7 things. They're not saying they have done that 8 themselves, but they've said that occurs. So some the 9 people, some of the quite senior people who I quote are 10 saying similar sorts of things.</p> <p>11 Q. Hm. When one is looking at the motivation here, this is 12 section 3.1.1, you refer to vanity, buzz, flirtation, 13 a sense of power and control and professional advantage 14 during employment within the MPS or to gain future 15 employment elsewhere."</p> <p>16 Then you say there may be a link to receipt of 17 hospitality or other favours, and then a bit later on 18 this page:</p> <p>19 "It was the general view however that receiving or 20 providing excessive hospitality, cash or other favours 21 are not acceptable for public servants."</p> <p>22 Presumably it would be the universal case that that 23 would be the view in relation to cash, but excessive 24 hospitality or other favours, you're referring to 25 hospitality really, I suppose, or other favours in kind.</p> <p style="text-align: center;">Page 105</p>	<p>1 junior levels, but it was very much in that period of 2 time seen to be identified with certain members of the 3 senior staff and management team.</p> <p>4 Q. Is this an issue more of perception rather than of frank 5 corruption? Obviously if there's going to be money 6 passing hands, then we're in the realm of frank 7 corruption, it goes without saying, but how would you 8 analyse this?</p> <p>9 A. I think before I started doing the piece of work, 10 I would have shared that distinction. What I was trying 11 to convey here was that people across the Met saw these 12 things all as one and thought they should all be 13 described as corruption. Of course, you have to then 14 get into the issue of how do you define "excessive", but 15 from what people had seen from the publication of the 16 registers, most of the people that I spoke to within the 17 Met felt that people had been receiving excessive 18 hospitality.</p> <p>19 LORD JUSTICE LEVESON: Most of the people you spoke to in 20 the Met?</p> <p>21 A. Most of the people who I had these conversations with 22 referred to the publication of these registers with some 23 shock and felt that that was an indication of excessive 24 hospitality, which they, as you say, perceived as 25 improper.</p> <p style="text-align: center;">Page 107</p>
<p>1 You're not referring to anything else?</p> <p>2 A. Because the publication of the hospitality register and 3 so forth, which had occurred for the first time shortly 4 before the summer of last year, many of the police 5 officers and staff that I interviewed were obviously 6 highly shocked by the amount of hospitality that the 7 senior people appeared to be receiving; either 8 hospitality in the sorts of things of dinners and 9 lunches and so forth at rather expensive restaurants, 10 but also some of them were receiving very large numbers 11 of tickets to very expensive sporting events, so there 12 were a set of things which some senior people had been 13 receiving, others had not, others had not accepted, and 14 that was clear. But many, many of the lower ranks 15 people, as I think one of the senior people who was 16 quoted said, felt -- I think his quote is that people 17 were filling their boots, and that was a very general 18 view.</p> <p>19 Q. And this was a phenomenon that you were perceiving at 20 senior levels rather than junior levels within the 21 Metropolitan Police?</p> <p>22 A. That was what people were telling me, that it was very 23 much a senior issue. Not entirely a senior level. It 24 was -- people would say, well, people, yes, have drinks, 25 people might be bought the odd meal and so forth at more</p> <p style="text-align: center;">Page 106</p>	<p>1 MR JAY: If one were to analyse it further, the impropriety 2 is because it is evidence of corruption, in other words, 3 something is certainly being given in exchange, or it's 4 improper because that's how it might be viewed? How 5 would you see it?</p> <p>6 A. I would say that people were saying it isn't a proper 7 thing for public servants, trying to carry out a role 8 which, above all things, must be seen to be independent 9 and impartial, to be seen to be receiving a lot of 10 hospitality from particular individuals or businesses.</p> <p>11 Q. Thank you. The next page and paragraph 3.1.2, you've 12 been given examples where:</p> <p>13 "... inappropriate information has been provided to 14 the media to dilute or prevent the publication of other 15 information which could be damaging to the MPS or senior 16 individuals within it."</p> <p>17 I think someone said that's "burying bad news" in 18 a different context, but you've given us the examples, 19 one from Mr Davies and then one from an anonymous police 20 officer. We've looked at that one. These are just 21 illustrations of a range of examples you were given; is 22 that right?</p> <p>23 A. Yes. I can't, of course, say how frequent this was, but 24 it was enough people referred to this sort of activity 25 for me to feel it was proper to put in those</p> <p style="text-align: center;">Page 108</p>

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<p>1 descriptions, and people told me of a variety of</p> <p>2 different occasions in which information, for example,</p> <p>3 about senior officers' private lives was kept out, so</p> <p>4 they claimed, of the media by the person in the media</p> <p>5 who had that information getting an exclusive story as</p> <p>6 a trade.</p> <p>7 Q. Then tip-offs, paragraph 3.1.3.</p> <p>8 "It is also said the media is sometimes tipped off</p> <p>9 by police officers and staff who, as part of their job,</p> <p>10 have come into contact with celebrities or others in the</p> <p>11 public eye."</p> <p>12 This would be plainly illegitimate, would indeed be</p> <p>13 an offence if money passes hands, as you make clear, but</p> <p>14 the tipping off relates to what? That it relates to</p> <p>15 a story, preferably an exclusive, which relates to the</p> <p>16 celebrity, or is it that a celebrity is about to be</p> <p>17 arrested and therefore the media come along and watch?</p> <p>18 What sort of things are you --</p> <p>19 A. Well, I think it goes -- from what I was told, it went</p> <p>20 across that whole range. Some of it was about people</p> <p>21 allegedly ringing up in excitement to the newspaper to</p> <p>22 say that, "Celebrity X has just come into my police</p> <p>23 station", and when that poor celebrity got outside,</p> <p>24 there were lots of cameras there because the media had</p> <p>25 delivered the cameras. But people also said to me that</p> <p style="text-align: center;">Page 109</p>	<p>1 worked from one or other paper or had been freelance and</p> <p>2 made very general comments about this being common</p> <p>3 practice amongst newspapers and so forth. So it wasn't</p> <p>4 people saying to me, "I know it happened because</p> <p>5 I worked on the X news desk". They were making much</p> <p>6 more general statements than that.</p> <p>7 Q. I understand. And there was a limit, I suppose, as to</p> <p>8 how deep you could drill into this in evidential</p> <p>9 terms --</p> <p>10 A. Of course.</p> <p>11 Q. -- and how much people were prepared to tell you, for</p> <p>12 obvious reasons. You asked questions, you listened and</p> <p>13 see how far you could get.</p> <p>14 A. And it's other people's responsibility to do the</p> <p>15 forensic investigations, obviously.</p> <p>16 Q. Of course. "Disaffected staff":</p> <p>17 "It has also been said to me that staff disaffected</p> <p>18 or in dispute with the organisation can become a source</p> <p>19 of improper and damaging disclosures."</p> <p>20 Then you give one example, which the Inquiry has</p> <p>21 already received evidence about, which was proven in</p> <p>22 a criminal court, and you exclude from these examples</p> <p>23 whistle-blowing, general public interest reporting of</p> <p>24 wrongdoing.</p> <p>25 You say in the last sentence of this subsection:</p> <p style="text-align: center;">Page 111</p>
<p>1 they thought that in some instances people were paid for</p> <p>2 information about celebrities. Of course, the</p> <p>3 enquiries, the internal Met police enquiries which are</p> <p>4 current and which you've had drawn to your attention</p> <p>5 last week, I hope, will get to the bottom of this as to</p> <p>6 how extensive that was.</p> <p>7 Q. Yes, and that meshes with the next section, "Bribery and</p> <p>8 financial award":</p> <p>9 "Most inside the MPS think that payment for</p> <p>10 information is received by few. This conflicts with</p> <p>11 what some journalists have told me and with what some</p> <p>12 have now said to [this] Inquiry."</p> <p>13 Outside the one newspaper which has been named by</p> <p>14 Deputy Assistant Commissioner Akers, are you able to</p> <p>15 assist the Inquiry at all -- without naming the</p> <p>16 newspapers, of course -- as to whether this phenomenon</p> <p>17 of paying for information does relate to other titles?</p> <p>18 A. Certainly some people within the Metropolitan Police</p> <p>19 said this, a few, and some journalists, and indeed some</p> <p>20 politicians told me it related to a number of newspapers</p> <p>21 across Fleet Street, but I couldn't confirm whether or</p> <p>22 not that's true, but I did have it said to me.</p> <p>23 Q. Was that said to you by journalists who were or had been</p> <p>24 working within the papers concerned?</p> <p>25 A. No. On the whole it was said to me by people who had</p> <p style="text-align: center;">Page 110</p>	<p>1 "Many of those who whom I have spoken have said that</p> <p>2 these systems are not always trusted and therefore not</p> <p>3 used to their full potential."</p> <p>4 What were you referring to there?</p> <p>5 A. Well, the Metropolitan Police Service has an internal</p> <p>6 speak-up process, which I think they take seriously --</p> <p>7 I had looked at it in some detail -- and staff can</p> <p>8 report concerns, either personally or indeed anonymously</p> <p>9 on the telephone to that operation and those reports are</p> <p>10 looked at very carefully. I believe that the current</p> <p>11 Commissioner is looking at all those reports as they</p> <p>12 come in. So there is a process.</p> <p>13 What quite a lot of staff said to me, which is why</p> <p>14 I wrote what I did, is, "Oh, well, I wouldn't use it</p> <p>15 because I don't know what they do with it and I don't</p> <p>16 trust it", and so in many instances I would say, "Well,</p> <p>17 wouldn't it have been the sort of thing you could have</p> <p>18 brought to the attention of your manager?", and I would</p> <p>19 get the same reply.</p> <p>20 Obviously for some people there were concerns or</p> <p>21 fear about their own future if they were in any way</p> <p>22 regarded as -- the term that they would use to me -- as</p> <p>23 a trouble-maker. But it was clear from looking at the</p> <p>24 system that quite a lot of staff did use it and do use</p> <p>25 it. But it's very important, of course, that the</p> <p style="text-align: center;">Page 112</p>

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<p>1 Metropolitan Police Service do some more to make sure 2 that people do use it if they need to and can trust it. 3 Q. We had something or at least one insight into the 4 culture of the organisation from Sir Paul Stephenson. 5 He used the word "defensive", admittedly in a particular 6 context. I know it's very difficult to generalise about 7 culture of organisation, particularly one as large as 8 the Metropolitan Police with 54,000 employees, but does 9 the term "defensive" fit in with your analysis of the 10 evidence you received? 11 A. Yes. And I would very much support his view, because it 12 became mine, that the Metropolitan Police Service has 13 not done enough to create what I'd call a challenging 14 environment, where you're rewarded if you challenge what 15 people, your peer group, say or you're rewarded if you 16 challenge senior people. 17 The police service operates or says it operates as 18 a command and control operation. In fact, it doesn't. 19 Often command and control operates in very small pockets 20 or small areas within the Met, so it doesn't operate 21 corporately in that way, in my view. But there is 22 obviously a tradition -- and there is value in the 23 tradition -- of people getting on and doing what they're 24 told, and that can be in conflict with creating the sort 25 of organisation in which people feel valued if they give</p> <p style="text-align: center;">Page 113</p>	<p>1 think and speak up, and I know that various people 2 within the Met have made efforts to do that and do make 3 efforts to do that, and that's a long-term and ongoing 4 job for all the managers at all levels in the 5 organisation. 6 MR JAY: Would you mind if we come back to that towards the 7 end of your evidence, and we'll break now. 8 A. Of course. 9 LORD JUSTICE LEVESON: 2 o'clock. Thank you very much 10 indeed. 11 (13.01 pm) 12 (The luncheon adjournment)</p> <p style="text-align: right;">Page 115</p>
<p>1 a different opinion, and I think that does lead in some 2 instances to defensiveness. 3 And I quote a journalist who, in summary in my 4 report, said to me quite clearly that a lot of police 5 officers and staff, quite rightly, are brought up to be 6 secretive, not to disclose information -- and of course 7 I would support that, if it's confidential information, 8 very much -- and they therefore find it difficult to be 9 open and challenging about things which they don't need 10 to be secretive about or defensive about. 11 Q. How does a hierarchical organisation, particularly one 12 whose very raison d'etre is to uphold law and order, 13 create a challenging environment in the sense in which 14 you deploy that term? 15 A. Well, I think it's the same issue for many large 16 organisations, and I think you do it in a whole variety 17 of ways. You do it, critically, through the leadership. 18 How a management team goes on, how the person at the top 19 of the organisation goes on, whether they're seen to be 20 open to comment and differences of opinion, given in 21 a considered and considerate way, will affect the way in 22 which the organisation goes on. 23 I think also there are all sorts of smaller ways 24 that organisations can proceed to try to encourage the 25 people quite low down the organisation to say what they</p> <p style="text-align: center;">Page 114</p>	

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