

<p>1 Tuesday, 20 March 2012 2 (10.00 am) 3 MR JAY: Our first witness today is Mr Hogan-Howe, please. 4 MR BERNARD HOGAN-HOWE (sworn) 5 Questions by MR JAY 6 MR JAY: Your full name, please? 7 A. My name is Bernard Hogan-Howe. 8 Q. You've provided us with a statement dated 20 January of 9 this year. You've signed and dated it in the standard 10 statement of truth. Is this your formal evidence to the 11 Inquiry? 12 A. It is, sir, yes. 13 LORD JUSTICE LEVESON: Thank you very much indeed for the 14 work you've obviously put into this statement, in the 15 time when you haven't been having to assume all sorts of 16 other responsibilities as well. 17 A. Thank you. 18 MR JAY: Mr Hogan-Howe, you've been the Commissioner of the 19 Metropolitan Police Service, having been appointed on 20 12 September of last year. Before then, you were Acting 21 Deputy Commissioner. Between 2009 and 2011, you were 22 one of Her Majesty's inspectors of constabulary, with 23 responsibility for the London area, amongst other 24 things, and between 2004 and 2009, you were 25 Chief Constable of Merseyside police.</p> <p style="text-align: center;">Page 1</p>	<p>1 Q. I'm not going to ask you about your impressions of the 2 phone hacking inquiry. You say in your statement: 3 "It is right to observe that those relations [that's 4 to say media relations] were neither in a normal nor an 5 entirely healthy state in September 2011." 6 Can I ask you to explain in a little bit more 7 detail. In what way abnormal or unhealthy? 8 A. First of all, the phone hacking inquiry under DAC Sue 9 Akers had started in 2011, at the beginning of that 10 year, to have a deeper investigation. What that meant 11 was -- I don't suppose anybody at that stage was quite 12 sure where that investigation would lead. Would it lead 13 to one newspaper, to one proprietor or to many 14 proprietors and many news agencies? So I suppose at 15 that stage people were wary of where that inquiry would 16 lead and what the relationships with the press were like 17 as a result. 18 Secondly, the sorts of things that were being 19 discovered meant that relationships with journalists 20 were having to be looked at very carefully, because 21 obviously no one wanted to compromise that 22 investigation; they wanted to make sure that they were 23 treating the inquiry in an honourable way, with 24 integrity. 25 Q. Were you of the opinion or was it your impression that</p> <p style="text-align: center;">Page 3</p>
<p>1 A. That's right, sir, yes. 2 Q. In paragraph 5 of your statement, Mr Hogan-Howe, you 3 explain that by the time you became Commissioner, you 4 were reasonably familiar with the MPS, and then a little 5 bit later on, the next page, 55642, you say your 6 impression of media relations in the MPS in September 7 2011 was informed by this prior knowledge. May I ask 8 you: what was your impression of media relations in the 9 MPS? 10 A. This is when I returned in September of 2011? 11 Q. Yes? 12 A. I think at that time obviously the concerns around phone 13 hacking were contemporary, concerns about the 14 relationship with the press generally were clearly an 15 issue, prior to the setting up of this Inquiry, and it 16 was clear that the whole organisation was still 17 suffering from the consequence of Sir Paul Stephenson's 18 retirement, prior to my appointment, the fact that 19 John Yates had announced his retirement, together 20 with -- another assistant commissioner, which was not at 21 all related to this Inquiry, was in the process of 22 leaving. So the whole team at the top was in quite 23 a lot of flux and I think that, together with the phone 24 hacking inquiry, meant that the relationship with the 25 press was quite unstable.</p> <p style="text-align: center;">Page 2</p>	<p>1 relations between certain sections of the MPS, some 2 individuals at the top and the media, were overly close? 3 A. That was the concern that seemed to be in the public 4 mind. I think even within the Met there were concerns 5 about that. I think people have acknowledged that over 6 time -- although, in my view, the policy I think 7 Sir John, now Lord Stevens, had established during his 8 time, I think, in spirit was the right spirit, that 9 probably the practice of that strategy had led to 10 some -- too close a relationship with the press, and 11 that was the feedback I was getting both from within the 12 organisation and from those who cared about it from the 13 outside. 14 Q. The feedback you were getting, what were the 15 manifestations of the overly close relationship between 16 some members of the MPS and the press? 17 A. I suppose it was really the things that have been 18 reported to this Inquiry about social relationships as 19 opposed to professional relationships. I don't think 20 there was a concern about the fact that there were press 21 briefings and that there were briefings which were not 22 for reporting. I know that it may be that this Inquiry 23 may want to say something about the limits of how far 24 the press can be briefed outside what is reported, but 25 I think everybody accepted that that was something that</p> <p style="text-align: center;">Page 4</p>

1 happened, particularly probably in some of the more
 2 serious crimes and also to explain the more general
 3 context in which the police operate and some of the
 4 challenges that we face.
 5 So I think in that sense, everybody accepted that
 6 was a good thing, but I think it was the close social
 7 relationship that people were more concerned about and
 8 what -- at the very least, the perception it created.
 9 LORD JUSTICE LEVESON: Had you got that image or impression
 10 when you were an assistant commissioner in the Met or is
 11 that something that's evolved over the years?
 12 **A. Certainly, sir, my impression is that when I was in the**
 13 **Met, which was 2001 to 4, that during those three years,**
 14 **I didn't see that that relationship in that way existed**
 15 **then. Yes, there were times people would meet socially,**
 16 **but not with great frequency and I couldn't really say**
 17 **that I was aware of any great pattern of that type of**
 18 **meeting. Now, it may have been happening and I was**
 19 **unaware of it, but secondly, I didn't get people**
 20 **reporting back to me that was a concern for them at that**
 21 **time.**
 22 LORD JUSTICE LEVESON: Have you been surprised by what's
 23 emerged from the Inquiry?
 24 **A. Probably some of the extent of it. Probably unsurprised**
 25 **by the fact there was some contact and some of it was**
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1 social. I think that probably, in many organisations,
 2 would have been something that people might have
 3 expected, but probably the frequency of it and the
 4 extent, I think that's the thing that's been a surprise.
 5 MR JAY: When you use the verb, in the penultimate sentence
 6 of paragraph 5, "relations were distorted", can we be
 7 slightly clear, Mr Hogan-Howe, what is causing the
 8 distortion in your view?
 9 **A. Probably best represented by -- we -- I think this**
 10 **Inquiry has heard that one group of journalists who the**
 11 **Commissioner and the management board meet are the Crime**
 12 **Reporters Association. I think you've had some of their**
 13 **members here, who talked about that relationship, and**
 14 **broadly that means that the Crime Reporters Association,**
 15 **as a group, meet with the Commissioner or the management**
 16 **board about every four weeks and it's a broad briefing**
 17 **about issues that are contemporary, usually in London at**
 18 **that time, either issues that the Metropolitan Police**
 19 **will raise or that the journalists are raise.**
 20 Well, when I took my first one of those meetings --
 21 we're still having them. Those meetings are still
 22 occurring. They occur at New Scotland Yard, the press
 23 officers are there and it's a very open meeting. The
 24 big concern for the journalists was: how are we going to
 25 maintain a relationship, given that, one, this
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1 investigation is being carried out, number two, now, by
 2 the time I'd taken over, this Inquiry was well in train?
 3 So that's been a concern for them during that time
 4 and they wanted to make sure that they maintained good
 5 professional access and that any action I took on behalf
 6 of the Met didn't compromise the proper and honourable
 7 work that the media can do to help the police to either
 8 reduce crime or catch offenders.
 9 Q. In that context, Mr Hogan-Howe, we've heard that --
 10 I think it was from July 2011, so it would be
 11 Mr Godwin's decision, the lunches, the CRA lunches after
 12 the CRA briefings no longer take place.
 13 **A. (Nods head)**
 14 Q. Do you have a view about the good sense of that
 15 decision?
 16 **A. To be fair, I'd not realised that there were lunches**
 17 **before. I'd only known about the meetings every four**
 18 **weeks. I was unaware of the lunches, probably because**
 19 **I had prepared for this Inquiry. So I was unaware of**
 20 **the lunches, so if it stopped, I'm not sure I stopped**
 21 **it, but I've not tried to restart them.**
 22 LORD JUSTICE LEVESON: I think Mr Jay said that it was
 23 Mr Godwin who stopped them.
 24 **A. Right. Oh sorry, I was unaware.**
 25 **But just to give an indication that we tied to keep**
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1 some level of normality -- I know that one of the
 2 criticisms that's been aired at this Inquiry has been
 3 whether or not my response and our response has been too
 4 austere. Have we drawn the line too harshly to maintain
 5 good professional relationships? But certainly at
 6 Christmas, there are a couple of events. We put on --
 7 I think it was just before lunch. We put on an hour's
 8 buffet with a drink to -- which the CRA came into and it
 9 was just a Christmas event, and CRA always meet in a pub
 10 and invite senior members of -- well, various
 11 organisations, including the Met, to go along. We had
 12 a big debate and in the end we decided we would go but
 13 only for a short time.
 14 So we tried to maintain some normality and social
 15 element to the relationship but try to keep it on
 16 a proper footing, where we were open about it and could
 17 therefore be held to account. But it's been a difficult
 18 line to draw, given that we do want to maintain a good
 19 professional relationship, but neither do we want to be
 20 criticised as being too close and therefore having our
 21 impartiality criticised.
 22 Q. It may be understandable, in the light of recent events
 23 and pending the conclusions of this Inquiry and others,
 24 that the pendulum may have swung possibly a little bit
 25 too far in the other direction. Do you feel that that
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<p>1 might have happened, at least on an interim basis?</p> <p>2 A. I'm prepared to accept that criticism if it comes.</p> <p>3 I suppose there are a few things that I might ask the</p> <p>4 Inquiry to consider in, you know, making a judgment on</p> <p>5 that. Number one is that as I took over in September --</p> <p>6 I've already pointed out that the team was fractured,</p> <p>7 but the team I now have, which is now five months after</p> <p>8 I took over, is not the team I had back in September.</p> <p>9 There were people leaving and there were gaps in the</p> <p>10 team and there was quite a lot of disturbance to the</p> <p>11 team.</p> <p>12 Secondly, it seemed to me that obviously public</p> <p>13 confidence had been damaged in the Met and the way</p> <p>14 that -- its relationships with the press, so I needed to</p> <p>15 set a new boundary. I prefer, I think, to be criticised</p> <p>16 for setting the boundary too high than I would by this</p> <p>17 Inquiry for even having -- under warnings, having set it</p> <p>18 again too low.</p> <p>19 LORD JUSTICE LEVESON: I don't think the word "criticism"</p> <p>20 would be appropriate. You were coming in to pick up the</p> <p>21 pieces of what's happened and to try and -- I think it's</p> <p>22 your word or it's certainly a word I've used --</p> <p>23 recalibrate to make sure it's on an even keel. Nothing</p> <p>24 I'm going to say is going to undermine the enormous</p> <p>25 importance that I attach to the police generally being</p> <p style="text-align: center;">Page 9</p>	<p>1 what I've read in the press or what individuals have</p> <p>2 told me. So it seems to me the whole benefit of this</p> <p>3 Inquiry is that many witness also appear, they will give</p> <p>4 their account and it will be accepted or not, but the</p> <p>5 judgment at the end of that will be more profound than</p> <p>6 I could have reached back in September of last year when</p> <p>7 I only a partial account of what I thought the problem</p> <p>8 was.</p> <p>9 LORD JUSTICE LEVESON: You also have the benefit of</p> <p>10 Sir Denis' report and that from Elizabeth Filkin, which</p> <p>11 all feeds into what I'm doing and what you've had to</p> <p>12 consider. So I appreciate the landscape is very</p> <p>13 different now to that which obtained last September.</p> <p>14 A. I think the only thing I would add, sir, is that I am</p> <p>15 generally -- I know some journalists have appeared who</p> <p>16 have said that they feel as though there's been a more</p> <p>17 austere -- a drawing in of the Met in their</p> <p>18 relationships with the press, but I would like to</p> <p>19 genuinely understand what causes them to say that</p> <p>20 because as far as I'm aware we're still having press</p> <p>21 conferences, we are still working around, you know,</p> <p>22 about various crimes that we have to -- that are going</p> <p>23 through the court system. We are still encouraging our</p> <p>24 neighbourhood sergeants to work with the local press to</p> <p>25 get stories out there, good and bad at times.</p> <p style="text-align: center;">Page 11</p>
<p>1 able to engage with the public through the media, not</p> <p>2 merely because of the concept of policing by consent but</p> <p>3 also because of the vital importance that the public</p> <p>4 play in the prevention and detection of crime. So</p> <p>5 nothing that I am going to say will be intended to</p> <p>6 impact adversely on those features, which I consider to</p> <p>7 be absolutely critical to the way in which our democracy</p> <p>8 operates.</p> <p>9 A. I think, sir, the only other thing I'd add in terms of</p> <p>10 making the decision we've made about where we draw the</p> <p>11 line is of course, I have to try and get the message</p> <p>12 over to the 53,000 people who are employed by the Met.</p> <p>13 As anybody who has been involved in big organisations</p> <p>14 knows, you can have some wonderful policies and</p> <p>15 structures, you can do wonderful training that takes two</p> <p>16 years but you can send a very clear message quickly, and</p> <p>17 in cultural terms, I thought there was a need to do</p> <p>18 that.</p> <p>19 So the bar may be in the wrong place and I would</p> <p>20 accept, you know, it's possible to criticise where we</p> <p>21 set it, but it was to send a very quick, clear signal</p> <p>22 about where we set it until, of course, this Inquiry</p> <p>23 results, and I didn't have the benefit, as I'm sure you</p> <p>24 will have over the next few months, between all the</p> <p>25 witnesses, of knowing exactly what's happened, not just</p> <p style="text-align: center;">Page 10</p>	<p>1 So I'm not quite sure in what area they feel it's</p> <p>2 been most impacted and I genuinely would like to</p> <p>3 understand that because if we have got the line wrong,</p> <p>4 then we may need to redraw it, but I've not yet</p> <p>5 understood clearly what is the aspect of our</p> <p>6 relationship which is causing the most damage, and</p> <p>7 I think if we did understand that, it would allow</p> <p>8 certainly me to determine how we best prepare for the</p> <p>9 future.</p> <p>10 MR JAY: It may be the journalists are referring to the flow</p> <p>11 of information, to use their term, which they were in</p> <p>12 receipt of before but less of now. You might call it</p> <p>13 unauthorised disclosures or, in extreme cases, leaks,</p> <p>14 but the flow of informal information, either which</p> <p>15 provides background context to their stories or</p> <p>16 sometimes the basis of an exclusive. They may be</p> <p>17 sensing that that's dried up a bit.</p> <p>18 A. I suppose what I don't want to encourage is leaks.</p> <p>19 I mean, confidential information -- I think that's</p> <p>20 unwise. I would never want to stop somebody in the</p> <p>21 public interest who wants to -- in the genuine public</p> <p>22 interest -- wants to reveal something that is not</p> <p>23 getting out another way, and in fact there is</p> <p>24 a statutory defence for that type of sharing of</p> <p>25 information with the press. What we're trying to</p> <p style="text-align: center;">Page 12</p>

1 **interrupt is a relationship which imagines that a public**
 2 **interest story may come along one day, because of**
 3 **course, at the start of that relationship, presumably if**
 4 **there's a public interest story to come out they're**
 5 **unaware of it.**
 6 **So it's not trying to stop the individual giving**
 7 **information which might be helpful to a democracy or to**
 8 **the press or to air a concern; it is trying to make sure**
 9 **that inappropriate relationships don't develop. It's**
 10 **that that we're trying to stop.**
 11 Q. We put at one extreme whistle-blowing, which is
 12 protected by statute. The other extreme is clearly
 13 confidential information, the disclosure of which is
 14 unauthorised and inappropriate, and then we have in the
 15 middle a whole melange of information, some of which may
 16 be in the public interest, even though it's not
 17 whistle-blowing, other parts of which may be
 18 inappropriate. It's the flow of that information which
 19 it's difficult to regulate and where it's difficult to
 20 find the boundary between the public interest and not in
 21 the public interest.
 22 **A. Yes, I suppose the extremes are usually fairly easy to**
 23 **identify, in the sense that if there's a criminal case**
 24 **involved or a civil case involved, then -- or have**
 25 **a duty of confidential to somebody who's given us**
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1 **information, expecting it would be maintained at**
 2 **confidential, then we have to respect that and do**
 3 **something to make sure that that confidentiality is**
 4 **maintained. At the other extreme, you've got the**
 5 **selfish leak, and I suppose in the middle you have got**
 6 **that grey area. I suppose the difficulty has been, with**
 7 **the Metropolitan Police, probably over too many years**
 8 **now, has been -- often the stories have been about**
 9 **individuals and have become human interest stories**
 10 **rather than they become public interest stories. Best**
 11 **probably we avoid that, and anything we can do to**
 12 **prevent that, ideally that our behaviour doesn't cause**
 13 **a press story. But I suppose we need to make sure that**
 14 **the public interest stories are less and the public**
 15 **interest stories are high.**
 16 Q. Because in the grey area, there are two concomitant
 17 issues. The first is that the police officer may be
 18 making a judgment as to whether or not divulgence of the
 19 information is in the public interest, and the police
 20 officer may get it wrong.
 21 Secondly, if the journalist is in receipt of
 22 information which has been disclosed, rightly or
 23 wrongly, the journalist then has to make a judgment as
 24 to whether or not publication of the material is in the
 25 public interest, and it's regulating those sensitive
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1 decisions where the problem, I think, really lies.
 2 Would you agree with that?
 3 **A. I agree, and -- although on the whole, I think that's**
 4 **probably one of the areas in which we probably work best**
 5 **together with the press, because in sensitive areas**
 6 **where they have information which we genuinely think,**
 7 **for a criminal justice process, shouldn't be in the**
 8 **public domain, we will explain our case and my**
 9 **experience is that often the professional journalist**
 10 **will not try and -- there's no purpose in damaging --**
 11 **benefit in damaging a criminal justice process.**
 12 **Equally, sometimes the police need to be challenged**
 13 **about whether they should release more information**
 14 **because that would be for the public good. Sometimes we**
 15 **hold things back that they say, "Are you sure about**
 16 **that? These would actually help somebody defend**
 17 **themselves or it might help them be aware there's**
 18 **a problem." That has, I've found in the past, been**
 19 **a very healthy debate. It helps sometimes at press**
 20 **conferences, or in the margins after, when we would**
 21 **challenge each other as adults and I think that adult**
 22 **relationship is a good thing, and that debate usually**
 23 **enhances the product, and I think I mentioned in my**
 24 **statement that an idea or policy or strategy from the**
 25 **police that can withstand the test of a searching press**
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1 **conference is usually not bad policy. If it can't, it**
 2 **usually means you've probably got it wrong.**
 3 **So I think there is a great benefit in being**
 4 **challenged by journalists who have nothing to gain from**
 5 **destroying the idea.**
 6 Q. You mentioned as well the sort of contact which you
 7 don't think is in the public interest is the journalist
 8 cultivating an officer -- that wasn't the term you
 9 used -- maybe offering the officer a drink or whatever,
 10 in the expectation of getting a public interest story
 11 somewhere further down the line. Have I correctly
 12 understood the sort of point you're making?
 13 **A. Mm.**
 14 Q. Is that necessarily contrary to the public interest,
 15 human nature being as it is, that the drink is offered,
 16 the relationship is fostered and in due course the
 17 officer may be more likely to divulge something in the
 18 public interest. You say that officer may equally be
 19 likely to divulge something which is not in the public
 20 interest? Is that the problem?
 21 **A. I suppose it's the sort of thing where -- you know,**
 22 **there's no doubt that police officers and the press will**
 23 **meet on social occasions. The question is if the only**
 24 **reason for the meeting is around their social**
 25 **interaction and if complicated by alcohol, it seems to**
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1 me there is a risk that in fact the relationship --
 2 judgment is clouded and the relationship develops in
 3 another way. I suppose for the Police Service, it seems
 4 to be important to say that at least for appearances,
 5 but more fundamentally because of the way we should
 6 operate, because of the probity of the way we operate,
 7 we need to leave the perception that we are not tainted
 8 by being too close to any part of society. That
 9 sometimes can isolate us.

10 So I think we have to make sure we're not isolated,
 11 but I think at times that just by what might be seen by
 12 some as austere, provided we have a good professional
 13 relationship, provided we're open about it and provided
 14 that therefore we can be held account, we're using
 15 probably the right place. Will that stop all officers
 16 having a drink with a journalist? I doubt it. If you
 17 it happens once, so what? For me, it's the pattern. If
 18 it was to be a regular relationship, it's that that
 19 starts to change the nature of it. One drink, one
 20 coffee, one meal. I'm not sure that of itself is going
 21 to damage anybody's integrity or the perceptions of it,
 22 but I think sustained contact is something that can.
 23 I don't say it always will, but I think it can.

24 LORD JUSTICE LEVESON: A very good example, I suppose, of
 25 that is the perception of the whole investigation into

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1 Caryatid and thereafter, isn't it? That's probably what
 2 has caused something of the swing back: the allegation
 3 that the police deliberately didn't pursue Caryatid
 4 further, the allegation that the investigation wasn't
 5 reopened in 2009 and 2010 because of relationships or
 6 the perception that that was so, is what's led to the
 7 fact that now, of course, Weeting is defaulting to look
 8 in enormous detail at all the material, and it's perhaps
 9 not surprising that police officers have become
 10 distinctly concerned about what their seniors might
 11 think of what they're doing. Would that be a fair
 12 presentation of the picture?

13 A. I think so, sir. The first thing, it seems to me from
 14 what I've heard of the evidence and seen, is that where
 15 those relationships were started, between a journalist
 16 and/or a -- well, a police officer, I'm not sure I've
 17 seen evidence that in fact that relationship was started
 18 with the intention of preventing any further
 19 investigation of phone hacking. However, it's left the
 20 perception, at least, which is maybe rebuttable but is
 21 an assumption which has to be challenged, which is that
 22 it may have influenced in some way the thoroughness of
 23 that investigation. And that's an unfortunate place to
 24 be for a police officer, to have to start addressing
 25 that before they explain why they did or didn't do

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1 something. It can be hard enough sometimes to explain
 2 why you did or didn't do something even when it's a very
 3 straightforward case where there can be no allegation
 4 that there was bias involved, but where there's an
 5 establishment of some perception of bias, then it leaves
 6 a police officer in a difficult position if that
 7 investigation doesn't go as well as it should.

8 There are many reasons we fail. We fail sometimes
 9 through negligence. We fail through error. We fail
 10 because we just didn't do our job properly. I think
 11 people can accept human error. What the except is that
 12 if that's contaminated by a perception of prejudice.

13 MR JAY: Similar issues arise not just with the media but
 14 when the police are investigating alleged wrongdoing in
 15 government; is that right?

16 A. Yes, and I think that's an area which I think the
 17 Inquiry's touched on too, which is about: we
 18 investigate, you know, some simple crimes. A burglar --
 19 somebody who steals a car, where you have a individual
 20 and a relatively straightforward case. What can be
 21 quite hard is where we investigate large organisations
 22 and that includes the government. So particularly the
 23 Met, because of where we are and the scale of the
 24 organisation, if we investigate a very large, complex
 25 organisation, we can be investigating very discrete

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1 parts of it. The closer that discrete part gets to
 2 being a pattern of behaviour across the organisation, or
 3 the nearer it gets to the hierarchy of the organisation,
 4 the more it is of a challenge of how we maintain
 5 a relationship with that organisation going forward.

6 It's not only with central government; it can be
 7 with a local authority. There are many ways in which
 8 the police have to be careful about that relationship
 9 once we start either to deal with the organisation as
 10 a victim or as a potential offender. It's a great
 11 challenge as to where that line is drawn and I think
 12 people are -- public knowledge about the investigation
 13 we've had into the security services about some of their
 14 historical investigations. We still have to maintain
 15 relationships with those security services. We have
 16 a duty to maintain public safety, but at the same time
 17 we have to investigate fearlessly.

18 So it's not an easy line to draw at times and we try
 19 hard to get that right. I can't sit here and say it's
 20 an easy line to draw. Whether it be government, whether
 21 it be very large organisations in the press in one case,
 22 or some very large public bodies or very large private
 23 bodies, we have to think our way through it quite
 24 carefully.

25 MR JAY: A bit later in your statement, paragraph 18, you

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<p>1 identify five public interest reasons why the media 2 should be properly informed. You don't include there 3 the issue of reputation management, which arguably 4 features in the media policy. Is that something which 5 you feel is appropriately put forward by the 6 organisation? Unless you think it comes out implicitly 7 in point 4.</p> <p>8 A. I think it is implicit because -- I certainly wouldn't 9 ignore it. I think you have to at least consider that 10 that's important. In fact, if you bear in mind where 11 Lord Stevens' media strategy started, it was the 12 consequences, in a way, of the MacPherson Inquiry: an 13 organisation that was feeling pretty insecure, that was 14 on the back foot in dealing with not only the press but 15 with the public in general, and I think he was trying to 16 promote a more confident Met.</p> <p>17 Something that I've always felt strongly about is I, 18 as a now commissioner, chief constable before -- the 19 leadership of a police force or service has a duty, as 20 an ambassador, to get the story out there about what 21 they're trying to do. People may criticise about not 22 doing the right thing. They may criticise them when 23 they got it wrong and there may be many reasons for 24 criticism, but I think it's an important part of 25 leadership for a police force to get out the context in</p> <p style="text-align: center;">Page 21</p>	<p>1 be driving around in uninsured cars.</p> <p>2 So we have a big push on that and we get the press 3 involved. Two days out of every 28, the whole 4 organisation, right across London, will do this so the 5 public can see and we tell the public about that, either 6 by them driving past it or by using the press to get the 7 message over.</p> <p>8 Now, it's not the entire thing 53,000 people do 24 9 hours a day, 365 days a year, but it's one of the things 10 that we can explain clearly in a way that the press may 11 not report some of the more routine, the more mundane 12 things. They're very important, but are not as easily 13 reported.</p> <p>14 So I think -- some may call that spin, but I think 15 it's just explaining to the public that you're taking 16 something seriously, what we're doing about it, and if 17 they see 20 officers stopping lots of cars and taking 18 them off the road, it's not because they're speeding, 19 although that's important; it is because there is 20 actually a serious reason behind it and we're acting on 21 their behalf.</p> <p>22 So I think there is a great value in explaining to 23 the public the scale of the task, because of course, as 24 sometimes -- you know, in criminal courts and for the 25 judiciary, they only see the cases that come before</p> <p style="text-align: center;">Page 23</p>
<p>1 which that organisation operates, the challenge they 2 face, some of the things they try to get right, and 3 I think that dialogue with the public is vital for no 4 other reason than 60 million people pay nearly 5 13 billion in taxes every year and deserve to understand 6 what it's being spent on and how the police fulfil their 7 duties.</p> <p>8 So I think there is a vital -- probably I wouldn't 9 you the words "reputation management", but I do think 10 public information is vital to make sure the public are 11 informed about what their Police Service is trying to do 12 on their behalf.</p> <p>13 Q. The boundary between getting the best information out 14 about your service and spin is often quite difficult to 15 define, isn't it?</p> <p>16 A. It could be, but perhaps if I could offer -- well, 17 probably one example where the I think -- just an 18 example of where -- the Inquiry may make its own 19 judgment about whether it's spin. We, in Merseyside and 20 here in London, are having a big push against uninsured 21 motor vehicle. We take lots of motor vehicles off the 22 road that are uninsured and the broad argument is 23 because uninsured drivers, 70 per cent of them are 24 criminals, they have a criminal for criminality. So it 25 reduces their mobility and in any case, they shouldn't</p> <p style="text-align: center;">Page 22</p>	<p>1 them. We're not always able to put in the public domain 2 all the cases we would have liked to have brought, had 3 we had enough evidence, or all the cases where we never 4 had a suspect but there was a crime, and that's the 5 reality that people live and this is trying to fill that 6 gap.</p> <p>7 Q. Is it the job of the press in any way to help the police 8 in terms of the face the police wants to present to the 9 public?</p> <p>10 A. I think they have a duty -- I think they accept this 11 duty, which is to -- you know, in the public interest, 12 to share information that the police may offer if it 13 either stops crime or stops someone becoming a victim or 14 helps the police and the criminal justice process to 15 catch and prosecute an offender. So I think there is 16 a duty there that -- it seems to me there may not 17 a legal duty but certainly a moral duty which they 18 accept, and certainly my experience in the past is that 19 they've been vital to making sure that in really 20 difficult cases the police have done their job.</p> <p>21 And I just offer two examples from Merseyside, which 22 is, one, the murder of Rhys Jones, the 11-year-old boy 23 who was shot dead in Croxteth, and the public interest, 24 as expressed by the media, which was a huge pressure 25 around the investigation, actually caused more witnesses</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

1 to come forward and for people to help us in
 2 extraordinary ways that we might not have normally
 3 expected. The other one was the racist murder of
 4 Anthony Walker, a young man who was murdered for no
 5 other reason than he was black and he happened to be
 6 walking with a white girl in the Knowsley area of
 7 Merseyside. The furore and the anger that came from
 8 that enabled a lot of people to help us in ways that
 9 aren't always publicly known but made a real difference
 10 to that case. I don't think we'd have solved, as we did
 11 in that case, within about 48 hours. We got the
 12 offenders back from -- because they'd gone off the
 13 Holland and -- a huge amount of work produced by
 14 football clubs, Manchester City, because there was a
 15 relative there; they helped. Lawyers helped in a way
 16 that we'd not seen before. The whole extradition
 17 process worked incredibly smoothly.

18 So I give those as two examples where the interests
 19 of the press may be challenging, and they may ask a lot
 20 of hard questions and, at times, criticise the Inquiry,
 21 but those are two case where had we not had that help,
 22 I doubt we'd have had the success we had in both case.
 23 There are many other examples I'm sure we could quote in
 24 London and across the country but they were two powerful
 25 for me in Merseyside.

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1 LORD JUSTICE LEVESON: Is there a risk with those cases,
 2 these extremely high-profile cases where the press get
 3 extremely interested, that there is a prospect that what
 4 might be otherwise generally accepted canons of press
 5 reporting simply fall by the way. You don't need me to
 6 give you the examples of those in the recent past.

7 A. No, sir, and I think that example we're probably both
 8 thinking of is a pretty awful example of that and there
 9 should never -- for me, there should be no naming of
 10 suspects by the police or by the press. It's just
 11 intolerable for two reasons: one, it's improper,
 12 legally -- well, I'm not sure it's illegal but it's
 13 improper. But more importantly, it often is wrong.

14 If you look at the Reece Jones case, which took
 15 a year to actually arrest and charge the offenders --
 16 and in the end, I think we arrested and charged about 11
 17 people -- in that case, the offender was named on the
 18 wall -- on a wall in the area in which Reece Jones was
 19 murdered. It was painted on the wall the name of the
 20 offender. That was public knowledge and everybody in
 21 the area thought they knew they did it, and we thought
 22 we did too. But there's no way we confirmed that to the
 23 press, nor should we ever have done that. We worked our
 24 way methodically, over a year, to prove the case against
 25 him and the people who had helped him after the event.

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1 LORD JUSTICE LEVESON: It's not so much the identification
 2 of somebody who is "helping the police with their
 3 inquiries"; it's more -- or I ask for your comment upon
 4 whether it's more the creation of an image around that
 5 person which is potentially detrimental to the
 6 investigation and the operation of the criminal justice
 7 system in a fair and impartial way. Would that be fair?

8 A. Well, sir, for me there should be no comment by the
 9 police on suspects.

10 LORD JUSTICE LEVESON: Yes, that's fine, but I think you
 11 said no identification.

12 A. Ah, sorry. Well, I should have been more careful.
 13 I was trying to mean that there should be no background
 14 briefing on suspects. There should be no comment about
 15 suspects. Of course talk about the inquiry, about how
 16 many people are investigating, is there a line of
 17 inquiry. You know, there are times when you will
 18 announce an arrest and there are times you may not, but
 19 there should be no reason for you to say, "And this man,
 20 this woman, are people who we are interested in and we
 21 are now pursuing a case against them." I can see no
 22 benefit in that and no reason for it.

23 I suppose the only caveat to that would be if you
 24 have someone who you believe is dangerous and is on the
 25 run, as we may find in France from the events of

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1 yesterday, is that if you have someone who you believe
 2 is a strong suspect in a case and if you do not arrest
 3 them quickly, with the public's assistance, then they
 4 will go on and hurt someone else or commit some very
 5 serious crime, then on those occasions -- and I think we
 6 used that in the -- we did use it in the Anthony Walker
 7 case, is that we put into the public domain who we were
 8 looking for.

9 But it is a very hard test, because there is a risk
 10 therefore to the court process later. If you've named
 11 someone and shared a photograph, it can limit some of
 12 the evidential lines that may be available later. So
 13 it's always a case that -- that type of revelation is
 14 always made after a careful discussion, particularly
 15 with CPS and our own lawyers, to make sure that we can
 16 substantiate the dangerous and, number two, is there is
 17 reason to alert the public at large so we can locate
 18 them before they hurt someone else? That would be the
 19 only time I could see.

20 LORD JUSTICE LEVESON: Tell me: in the cases that you have
 21 been responsible for, has this been an open dialogue
 22 with the press to ensure they don't go beyond the lines
 23 that you feel appropriate or have you rather just had to
 24 leave them to get on to do what they want to do?

25 A. What's tended to happen I think has been that often they

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<p>1 will -- if we take the Reece Jones case, where there was 2 a name on the wall and they report back to us what they 3 have seen, they report what people in the area tell them 4 and they say, "We believe X is the person responsible", 5 we didn't and we shouldn't confirm or deny that. 6 LORD JUSTICE LEVESON: Let me give you a different example. 7 I know about the case because, as you are probably 8 aware, I tried those who were convicted of murdering 9 Anthony Walker. There was an issue about a website 10 where messages were left in support and raised questions 11 about risk of prejudice to a potential trial, and you 12 will remember there was a big debate as to whether the 13 trial should be in Liverpool or moved out of Liverpool, 14 and in the end it was conducted in Liverpool with a jury 15 from Lancashire. That's how we coped with that 16 particular problem. But I'm just wondering whether you 17 see a role for the police in seeking to engage with the 18 press in trying to ensure that that sort of issue 19 doesn't arise, whether it happened in that case, whether 20 you see a role for it, how you see that developing. 21 A. I think in the cases where the press come to us and say, 22 "We believe X committed this crime", we would always 23 counsel them not to share that information with the 24 public. It seems to me that if we are able to put into 25 the discussion -- we don't initiate that piece of Page 29</p>	<p>1 see challenges when they don't think that's the case. 2 Q. A related theme is the issue media ride alongs, the 3 media or perhaps other public figures coming along to 4 arrest operations by the police. I've been asked to 5 raise this with you: that the risk to Article 8, privacy 6 rights in particular and possible Article 6 fair trial 7 rights is such that as a matter of principle 8 investigating journalists who never be invited to such 9 occasions. What's your view about that? 10 A. I'm not sure I agree. I think for the reasons I said 11 earlier, I think there is a place to explain to the 12 public through the press what's happening, and provided 13 there is no identification of the suspect or information 14 for them later to be identified, then I don't see 15 that -- in my view -- I mean, obviously it will be for 16 others to do decide -- it's a risk to the judicial 17 process, and what usually happens is that the faces of 18 the people are blacked out. I suppose if there was any 19 location that was so obviously related to one person, 20 then it would be a risk to take a journalist along and 21 then show pictures before a court trial of the occasion. 22 But there's probably two broad groups of use of the 23 journalist in those cases. The first one is where the 24 publication of the material is after the conviction and 25 the other one is when it's transmitted on the day of the Page 31</p>
<p>1 information as a starting point, but if they come to us 2 with something which we know to be true, then we can 3 hardly deny the truth and if they're right, they're 4 right. But I think we have got a duty to try and 5 persuade them to use that information responsibly, which 6 often will mean not publishing it, because that, for me, 7 will compromise the criminal justice process. That's 8 what it's there for. 9 All they can be reporting, often at an early stage 10 of an investigation, is their suspicion. Well, as we've 11 seen numerous times, suspicions don't always materialise 12 into charges and charges don't always materialise into 13 convictions. So for me, there's never a reason to start 14 sharing partial information, and on the whole I've found 15 the press to be pretty good at that. The difficulty 16 comes when you have a long-running investigation where 17 the press start to challenge, on behalf of the public, 18 whether the investigation is being run in a professional 19 manner and whether or not you're taking all steps you 20 can to secure a conviction. That's where it can become 21 more challenging. 22 But I think provided the press are reassured that 23 it's a professional investigation that's being well led, 24 well-managed, they accept some of the problems we 25 sometimes face and they will hold off. You sometimes Page 30</p>	<p>1 event, and they're usually for these big operations that 2 we carry out. 3 But usually great care is taken to make sure that, 4 first of all, the press who are at the event are 5 chaperoned. They have no right of entry into the 6 properties so they should not go into the properties. 7 Number two is that the individuals who are the suspects 8 and are the subject of arrest when you get there, or 9 were being sought when you arrived, are not identified, 10 and there should be nothing, the written nor the visual 11 accounts, that allow that to happen. It is really to 12 get the story that the police are taking action in an 13 area about a particular type of crime, be it drugs or 14 whatever, not that this individual was a subject of the 15 investigation. 16 LORD JUSTICE LEVESON: Mr Hogan-Howe, could I ask you to 17 slow down a bit. 18 A. Sorry. 19 LORD JUSTICE LEVESON: Because I think we're having a bit of 20 difficulty making sure we get every word. 21 A. Sorry. 22 LORD JUSTICE LEVESON: Thank you. 23 MR JAY: May I ask you please to go back in your statement, 24 Mr Hogan-Howe, to paragraph 12, our page 55645. This is 25 a policy which one deduces that Mr Godwin imposed, that Page 32</p>

<p>1 all members of management board are being required to 2 give a record of all contact they have with the media, 3 and by implication that's the fact of contact, not 4 necessarily what was discussed, although it may include 5 the gist of what was discussed, may it? I don't know. 6 Can you assist us on that? 7 A. Yeah, generally the idea would be not to have 8 a transcript, nor trying to capture in any way the 9 conversation, but at least the reason for the meeting. 10 I suppose if there was anything critical that was 11 mentioned that there ought to be a record of, then that 12 seems to me to be wise. 13 Of course, what this doesn't distinguish in this 14 paragraph in my statement is obviously that you'd have 15 a different standard about an ongoing criminal inquiry 16 or a civil litigation or anything that was contentious. 17 You might have to come to a completely different view 18 about how much of the material was recorded. 19 Q. A number of journalists have expressed the view, not 20 necessarily in the context of the management board but 21 more widely about contact with the police, that this 22 imposes an overbureaucratic requirement and one, 23 moreover, which may well have a chilling effect, because 24 human nature being as it is, if you require a record of 25 something and possible auditing of it subsequently, <p style="text-align: center;">Page 33</p> </p>	<p>1 to capture the event, and diaries can capture the broad 2 purpose of the meeting. We're making some -- we are 3 monitoring it at board level to make sure that we are in 4 the right place, because the criticism in the past has 5 been the leaders aren't in the right place, so we need 6 to make sure we're doing it properly, and then there's 7 a more random sampling further down the organisation. 8 But I don't think there's any great forms to be filled 9 in. 10 Now, what I can't anticipate is how the journalists 11 have perceived -- how that's worked for them, but we -- 12 as I said earlier, we seem to be having the same number 13 of professional contacts in those things which we should 14 properly discuss with the public. 15 Q. I think it goes back to a point I made earlier. It's 16 the "flow of information", in inverted commas, which may 17 or may not be authorised which is, at least in part, 18 dried up. The evidence the Inquiry has received is that 19 that has been the result of this change in policy since 20 the summer of last year. Of course, the more formal 21 contacts, the interviews, the briefings, even the 22 off-the-record briefings, that hasn't altered; it's the 23 slightly more subterranean contacts which may have 24 dwindled. Would you accept that? 25 A. If that's what the journalists say, I'd have to accept <p style="text-align: center;">Page 35</p> </p>
<p>1 there will be less contact. Do you accept that? 2 A. I hope not, because I think the principle that's behind 3 this is to try and establish an open and accountable 4 relationship with the press. That's the only purpose of 5 it. Not to stop it, not to inhibit in its generosity of 6 sharing information. The idea is merely to make sure 7 that the fact of the event is recorded and that 8 therefore someone later may say, "Why did you have that 9 meeting?" and then there is no secrecy. I think if the 10 meeting was an open event, or -- an open event -- if the 11 meeting was for a good purpose, a policing purpose, 12 I can see no reason why somebody would query that. 13 I suppose if it was a whistle blower, you may come to 14 a different conclusion, but I'm not -- we're not trying 15 to stop the whistle-blowers. This is about developing 16 a pattern of relationship and by having an account, we 17 can monitor that to see whether or not an inappropriate 18 relationship is developing or whether, as has been said 19 by some of the witnesses in this Inquiry, has it been 20 a partial relationship with the press to one newspaper, 21 one journalist, disproportionate to the whole media 22 that's available? 23 So that's the purpose of it. The operation of it in 24 the first few months doesn't seem to have produced any 25 great bureaucracy because the idea is just using diaries <p style="text-align: center;">Page 34</p> </p>	<p>1 it. I have no real evidence myself one way or another, 2 really. I suppose I'd not be too disappointed if 3 tittle-tattle is stopped, but if there was things of 4 genuine public interest, then it would be a shame if 5 that sort of thing had been a problem, and if we have 6 a more accountable system, then I would be more proud of 7 that than I would be of a system for which we can't be 8 held to account. 9 So I'm not disappointed at that, but obviously the 10 outcome of this Inquiry will help us to decide whether 11 we've set the bar in the wrong place. But it is 12 certainly not intended to be bureaucratic and it's 13 certainly not intended to inhibit the proper 14 relationship between the press and the police on behalf 15 of the public. 16 Q. We move on to a separate matter, and that's of training. 17 Paragraph 15. You rightly tell us that the current SOP 18 for media contact authorises officers of inspector rank 19 and above to speak to the media without the prior 20 approval of senior officers. Just the related point: do 21 you have a view as to whether existing training in the 22 MPS for those of inspector rank and above is sufficient? 23 A. I think we're going to need to revisit that. First of 24 all, we've come to, as I said, some interim positions 25 awaiting the outcome of this Inquiry. So we've made <p style="text-align: center;">Page 36</p> </p>

<p>1 some changes to our policies, but I think one of the 2 ways to embed policy is to make sure that we train 3 people appropriately, so we've already started to feed 4 into our probational training and the promotion training 5 these types of issues that come up in this Inquiry. But 6 what I didn't want to do until, I think, the autumn, 7 when this Inquiry reports, is set up a whole new set of 8 training for up to 53,000 people and then find we have 9 to do it again and reset it.</p> <p>10 So we've come to an interim position, which may 11 change. We've shared it by normal communication 12 methods. We haven't fundamentally yet changed our 13 training, and I think it's just a bit premature for me 14 to conclude that I have exactly the right place to set 15 that training in, although people are already aware of 16 this Inquiry and they're already aware of some of the 17 risks from the past.</p> <p>18 Q. Then you say in the next paragraph, paragraph 16, our 19 page 55646, four lines down: 20 "The training [that's existing training, which is 21 I think largely provided by the DPA] seeks to help 22 officers determine what information is and is not 23 appropriate to provide to the media." 24 Can you assist us a little bit more with that, 25 Mr Hogan-Howe? How can officers make that</p> <p style="text-align: center;">Page 37</p>	<p>1 that press release at that stage?" So we try to impress 2 on our staff: "If you're not involved in an 3 investigation, don't comment on it, or if you feel as 4 though there is a need to, the very least you have to do 5 is talk to the SIO because it may be a critical part of 6 the inquiry that you are totally unaware of some of the 7 other contexts in which that inquiry is being carried 8 out."</p> <p>9 The second thing is generally we do try and promote 10 good healthy relationships, for example with the 11 neighbourhood sergeant. They're expected to know their 12 local journalist, get information out there and to 13 accept if they get a query from them about what they're 14 doing about a particular problem.</p> <p>15 So the idea is to overall have a positive 16 relationship, but I accept that as a police force, we -- 17 there are restrictions when we're investigating crime.</p> <p>18 Q. When you begin to look to the future in your statement, 19 page 55649, paragraph 22 and following -- you state in 20 paragraph 23 a clear need to review the existing 21 procedures, and that is in train. The philosophy behind 22 this is clear from the last sentence of paragraph 22: 23 "It matters not only that there is no impropriety in 24 our relationships with external organisations but also 25 that there does not appear to be any such impropriety."</p> <p style="text-align: center;">Page 39</p>
<p>1 differentiation and how does the training assist them do 2 that?</p> <p>3 A. The first thing is that I suppose we try and 4 differentiate, first of all, between a criminal inquiry, 5 a criminal investigation that the officers or staff are 6 involved in, because that's quite different from any of 7 the other things we deal with. Not everything we deal 8 with is a crime, and not everything -- action of 9 a police officer or all our staff is involved in crime 10 investigation. There are many other things we do too. 11 So I think the first thing is: is this a criminal 12 investigation?</p> <p>13 What we try to ensure, I think you'll see through 14 our policies, is if an officer or a member of staff of 15 the 53,000 is not involved in an investigation, they 16 really shouldn't be commenting on it. That's really 17 vital, because of course the senior investigating 18 officer, particularly in a very serious crime, may well 19 be held to account during the criminal justice process 20 for the press reports of their investigation and what 21 information was released by the press during that 22 investigation, for the very reasons we were talking 23 about earlier. And the SIO, the senior investigating 24 officer, is in court quite often and challenged about: 25 "Why did you say this to the press? Why you did make</p> <p style="text-align: center;">Page 38</p>	<p>1 Can I ask you specifically your views about the 2 recommendations in the Elizabeth Filkin report. You 3 make it clear that, generally speaking, you favour her 4 recommendations. Well, that's implicit in paragraphs 26 5 and 27, but is there anything in particular about her 6 recommendations rather than the narrative of the report 7 which you'd like to tell us about?</p> <p>8 A. I don't think in particular. I think the first point we 9 make is that we accept the findings. The conclusion 10 that Elizabeth Filkin draws, we accept. We're having to 11 do a little work around some of the recommendations, 12 only in the sense that for a very big organisation we 13 have to make sure those recommendations will work and 14 certainly my view of leadership is that I don't sign up 15 to just broad principles. I want to know how it's going 16 to work. How do we expect 53,000 people, plus a few 17 more who join us as volunteers, to actually 18 operationalise this?</p> <p>19 So for me, we're doing a little more work just to 20 make sure that we operationalise that, and there was an 21 appendix to Elizabeth's work which was trying to make 22 more practical some of the principled findings. There 23 are one or two areas in that which probably we want to 24 discuss a little more before we actually say that we 25 accept that in total, but on the whole the broad thrust</p> <p style="text-align: center;">Page 40</p>

<p>1 of the report we accept.</p> <p>2 Q. One or two of the journalists we've heard commenting on</p> <p>3 that report have used the words "patronising" or</p> <p>4 "condescending". Do you too he will that that comes</p> <p>5 close to the mark or not?</p> <p>6 A. I was asked that question in the press conference which</p> <p>7 we used to launch the report, and I just couldn't</p> <p>8 recognise that from my reading of it. I didn't feel</p> <p>9 patronised. I accept that some journalists did but</p> <p>10 I wasn't sure why. They mentioned, for example --</p> <p>11 I think there was something in the report about flirting</p> <p>12 and about having drinks with journalists. Well,</p> <p>13 I didn't take it in that way, and I thought it was</p> <p>14 written in a sensible style and encouraged people to</p> <p>15 think differently about something that had become</p> <p>16 a problem. So I couldn't see that myself. I didn't</p> <p>17 take it as patronising for police officers, but I can't</p> <p>18 speak really, I suppose, for the journalists who did.</p> <p>19 Q. I think we've also heard evidence -- it may be have been</p> <p>20 in the HMIC report -- that this should be seen as one</p> <p>21 aspect of a wider issue -- the sense of ethics and</p> <p>22 proper standards within the police -- and that media</p> <p>23 engagement is only one manifestation of that wider issue</p> <p>24 and a police officer should have a proper sense of their</p> <p>25 integrity, what's right and what's wrong.</p> <p style="text-align: center;">Page 41</p>	<p>1 I gave was I didn't want us to have more than four. You</p> <p>2 can have a long list which no one can remember or you</p> <p>3 can have some that can really guide people in the moral</p> <p>4 dilemmas that sometimes policing delivers.</p> <p>5 So we agreed four that the organisation consulted on</p> <p>6 and we came up with four that certainly I could stand</p> <p>7 by, and we'll do something similar in the Met. I'm not</p> <p>8 sure it's right always to impose values, but I think</p> <p>9 there are things that you can agree amongst yourselves</p> <p>10 about the things that you, as an organisation, stand</p> <p>11 for.</p> <p>12 With that piece of work to do, we only really have</p> <p>13 these points of referral, as in Nolan, as in the oath,</p> <p>14 and as in the ACPO standards.</p> <p>15 Q. You say in paragraph 29, Mr Hogan-Howe, fourth line</p> <p>16 down, page 55651, that you will not tolerate secret</p> <p>17 conversations between police officers of whatever rank</p> <p>18 and representatives of the media:</p> <p>19 "Contact with the media must always be such as</p> <p>20 serves the public interest; contact for other purposes</p> <p>21 can no longer be acceptable."</p> <p>22 One can understand clearly that secret conversations</p> <p>23 which are not in the public interest are unacceptable,</p> <p>24 almost by definition, but some secret conversations may</p> <p>25 be in the public interest. First of all, do you feel</p> <p style="text-align: center;">Page 43</p>
<p>1 First of all, do you agree with that, and secondly,</p> <p>2 if you do, how does one best foster these right</p> <p>3 attitudes, these right thought processes?</p> <p>4 A. I think Elizabeth Filkin says if we only concentrate on</p> <p>5 our relationship with the press, we will probably miss</p> <p>6 the point in terms of some of the issues we have to</p> <p>7 address. So I accept that broad point. This is</p> <p>8 a symptom of something that we have to address.</p> <p>9 I suppose we have many guides in coming to that</p> <p>10 integrity issue of how -- what standard do we apply. So</p> <p>11 we have the Nolan principles. We have the oath that we</p> <p>12 swear to uphold the palace impartially. And there is --</p> <p>13 ACPO has carried out various pieces of work about</p> <p>14 ethics. So therefore there is a body of knowledge which</p> <p>15 we can use as points for referral, but I don't think</p> <p>16 they're too unique. You can say that, but I'm not sure</p> <p>17 they're unique to the police. I think there are other</p> <p>18 organisations which would observe similar principles of</p> <p>19 integrity and probity. So for me that's important.</p> <p>20 Probably the second point for me is that -- I know</p> <p>21 I'm going to refer a little to Merseyside, but I've only</p> <p>22 been back in the Met for a few months, so my most</p> <p>23 profound experience of leading an organisation was in</p> <p>24 Merseyside, but within a year we'd come to our own</p> <p>25 judgment about what our values were and the only guide</p> <p style="text-align: center;">Page 42</p>	<p>1 that's right, and secondly, if it is right, how can one</p> <p>2 differentiate between the secret conversations which are</p> <p>3 and are not in the public interest?</p> <p>4 A. This possible it puts it too starkly or in absolute</p> <p>5 terms, but the point I was trying to get over was that</p> <p>6 when speaking to -- especially as I have to -- 53,000</p> <p>7 people, we put things as clearly as possible, without</p> <p>8 some of the caveats that, on considered reflection, you</p> <p>9 may add to that. This is getting over the broad point</p> <p>10 that in professional terms I wouldn't expect there to be</p> <p>11 secret conversations.</p> <p>12 LORD JUSTICE LEVESON: Why should there be secret -- the</p> <p>13 word "secret" just concerns me a little.</p> <p>14 A. Yeah, that's the spirit that this phrase was trying to</p> <p>15 get over. I mean, you can imagine two people who have</p> <p>16 grown to a friendship or know something private about</p> <p>17 each other and they share a secret in that sense. In</p> <p>18 human interaction, I can see how that that might happen,</p> <p>19 so that's not going to be stopped and I'm not sure</p> <p>20 anyone can condemn it, but this is really concentrating</p> <p>21 particularly on the professional and those things for</p> <p>22 which the Police Service remind accountable and making</p> <p>23 sure they are discharging their duties properly. That's</p> <p>24 the point you're trying to get over, not that there can</p> <p>25 never be a secret, but I think secret conversations</p> <p style="text-align: center;">Page 44</p>

<p>1 about their professional duties are probably 2 inappropriate.</p> <p>3 LORD JUSTICE LEVESON: If you're afraid that your superior 4 officers might be critical of you disclosing particular 5 information, then shouldn't that be something of 6 a litmus test as to whether you should be doing it in 7 the first place?</p> <p>8 A. I agree. That's really the spirit of what this is 9 trying to get over. But there will be occasions where 10 I suppose there will be secrets shared that doesn't 11 destroy anybody's credibility or honour or integrity. 12 But this is a place to rest, I think.</p> <p>13 I don't know, sir, if -- just to return -- you made 14 a question about values and just one thing struck me 15 which I thought I'd mention, which is as I arrived in 16 the Met, back in September, I offered the 17 organisation -- I said I don't think it's right to 18 impose values, but I offered the organisation three 19 values by which I hoped they could judge me, and 20 therefore -- you know, for a new start for us, which 21 were humility, integrity and transparency. They were 22 things that were important to me both in policing 23 generally but also in my dealings with the Met, let 24 alone with the public of London and the people who visit 25 here.</p> <p style="text-align: center;">Page 45</p>	<p>1 example, you sat by an editor of a newspaper. I think 2 one of your witnesses referred to that particular 3 event -- an event like that happening where I was at an 4 event. Is the answer that if you happen to be sat next 5 to an editor of a newspaper, you get up and walk to 6 another part of the room or you cannot sit together? 7 I don't think, for me, that would be a very sensible 8 solution to the problems that the Inquiry is 9 identifying, but I did remark before in meetings with 10 Mr May(sic) that that event that the editor referred to, 11 for me, from my perspective, was just an example of how 12 silly it can get, because that person walked into the 13 room, with me previously completely unaware of who he 14 was, at a social event. I sought to engage him just in 15 saying, "Good evening." He didn't look at me, spent the 16 rest of the next 15, 20 minutes not looking at me at the 17 same table and eventually he stood up because he was 18 sponsoring the event, and I then understood he was the 19 editor of a newspaper.</p> <p>20 Eventually, after about an hour had elapsed, he 21 said, "I wasn't going to speak because I wasn't sure 22 that we could." It seems to me to get to that position 23 would be silly. I don't think anybody's regarding an 24 occasional meeting with a fellow professional at which 25 you may well discuss policing or contemporary issues as</p> <p style="text-align: center;">Page 47</p>
<p>1 Now, there are reasons for each one of those, but 2 probably some the reasons we're here today underpin some 3 of the approaches I think we need to consider for the 4 future.</p> <p>5 Q. Reading on in paragraph 29, the point where I left off, 6 you say:</p> <p>7 "Furthermore, and consistent with that approach, 8 meetings should no longer be enhanced by hospitality and 9 alcohol."</p> <p>10 So you're making possibly a link there between 11 meetings which are enhanced by hospitality and alcohol 12 and secret conversations. Are you intending to?</p> <p>13 A. Not particularly. I think -- I can see the way that 14 reads, but I'm not sure I had that clearly in mind. 15 I think it was just to say that it seems to me that if 16 there is a professional need to meet, it's not clear it 17 needs to be over a meal. There are ways to meet without 18 that happening, and as soon as alcohol is involved, then 19 the risk is, going back to perceptions, that someone's 20 judgment may be clouded. So if it remains 21 a professional meeting, is there a need for it? If 22 there is no need -- and of course, as I say, going back 23 to -- do you remember the meetings that you might 24 occasionally have, where you bump into someone at 25 a social event where alcohol is available? Say, for</p> <p style="text-align: center;">Page 46</p>	<p>1 a risk to the integrity of either organisation.</p> <p>2 I only offer it as an example of how individuals who 3 are genuinely trying to do the right thing might end up 4 a silly place. I don't think this Inquiry is intending 5 that and certainly I'm not, but I can see that that was 6 the outcome on that particular occasion.</p> <p>7 LORD JUSTICE LEVESON: I think I've said over the last day 8 or so that there is a risk that there is a lack of 9 certainty and clarity, an unhappiness about what's going 10 on, that inevitably will take some time to settle down.</p> <p>11 A. (Nods head)</p> <p>12 MR JAY: A number of witnesses have made the point: well, 13 police officers are busy people, a natural occasion to 14 meet is at lunchtime or in the evening, and therefore it 15 follows from that that it could and should be over 16 a meal, because not merely is it a natural occasion, but 17 it's convenient and appropriate. Would you agree with 18 that?</p> <p>19 A. The same point's been made to me by a couple of 20 journalists. The only point I made back to them, half 21 in jest but not entirely, is that the police stopped 22 giving alcohol in interviews some time ago. I'm afraid 23 that when alcohol comes in, inhibitions are -- well, 24 there are less inhibitions. I think there is a reason 25 why alcohol is an important factor. It's not just the</p> <p style="text-align: center;">Page 48</p>

<p>1 social event; it's the impact that alcohol can have on 2 everybody's judgment. So I think it's probably best 3 avoided, but I'm not sure it has to be an absolute rule 4 if you happen to meet. 5 Q. We haven't yet looked, Mr Hogan-Howe, at the current 6 policy on gifts and hospitality, which is in the file 7 immediately to your right under tab B9. It starts at 8 page 04810. It's the gifts and hospitality policy, 9 which started -- 10 A. I'm sorry, I'm just struggling to find it. What was the 11 reference again? 12 Q. It's tab B9. 13 A. And then page? 14 Q. The first page -- 15 A. Ah, okay. 16 Q. I don't know how that volume is paginated, but it should 17 have or hopefully has the number at the bottom which 18 ends 04810. It might not. Does it say: 19 "Resources policy, gifts and hospitality. Notice 20 reference date: 8 February 2012." 21 A. It does. If it helps, the page I have is 1 of 14 on the 22 top right-hand corner. 23 Q. Yes. My copy's been cut off. 24 LORD JUSTICE LEVESON: It's printed from the intranet on 25 10 February 2012? That's the copy I have.</p> <p style="text-align: center;">Page 49</p>	<p>1 A. That's it, really. It's not intended to capture people 2 in their private moments when they're not -- that 3 whatever they're doing has nothing to do with their 4 professional responsibilities. This is purely if they 5 are invited to a social event or an event or given 6 a gift or hospitality when they're off duty, that 7 clearly that offer is linked to their role as a police 8 officer or member of the police staff of the 9 Metropolitan Police. 10 LORD JUSTICE LEVESON: So if they're a member of a football 11 team and they win a competition and they get an award, 12 that's fine? 13 A. Yes, yes, sir, by all means. I mean, there will be some 14 grey areas where you have to look into it, but on the 15 whole it's fairly clear. 16 LORD JUSTICE LEVESON: Oh yes, one could easily postulate 17 a circumstance where it's a police football team and the 18 sponsor of the event has decided the winning team should 19 receive an enormously expensively expensive glass 20 decanter. One can change the facts. 21 A. I think the other thing we have to be aware of is that 22 sometimes -- and there's been criticism about attendance 23 at sporting events in the past -- is that the offer 24 you -- you need to enquire into who is making the offer. 25 Is the organisation which is organising the event or is</p> <p style="text-align: center;">Page 51</p>
<p>1 A. (Nods head) 2 MR JAY: Is this an interim policy, as it were, which is 3 awaiting the outcome of this and other inquiries? 4 A. It's an interim policy in the sense that we've adopted 5 it from -- I think it was February, I think you referred 6 to earlier -- that we adopt from February, interim in 7 the sense that we're awaiting the outcome of the inquiry 8 to see whether or not we should amend it. 9 Q. You certainly wouldn't describe it as sybaritic. If one 10 looks at some of the detail of it -- 04812, the 11 pagination at the top, I think it's page 3 of 14 -- you 12 can see the purpose: 13 "... to protect the integrity of the MPS, ensure 14 that individual members of staff are not compromised by 15 the acceptance, rejection or offering of gifts and 16 hospitality ..." 17 So that would include the issue of perception. 18 "Scope". If you look at paragraph 4, it refers to "an 19 offer of a gift or hospitality being perceived or 20 provided, whether on or off duty". Is this intending to 21 capture attendance at sporting events which may be 22 technically off duty if it's on a Saturday afternoon at 23 Twickenham or wherever, and possibly even dinners which 24 are outside strict working hours? Is that the 25 intention?</p> <p style="text-align: center;">Page 50</p>	<p>1 it another organisation who you might be procuring 2 a contract with, at which this is access to a sporting 3 event? And then you have to query what's the 4 modification behind it. 5 LORD JUSTICE LEVESON: So that might cover, for example, 6 being invited into a box at a football match? 7 A. Yes. So therefore that type of question has to be 8 asked. So clearly the person may be off duty or not at 9 work, but the link is back to their employment, and it's 10 that, really, that we're trying to capture there. 11 MR JAY: Yes. But if there's no link at all with 12 employment, then it's outside the policy; is that right? 13 A. Sorry? 14 Q. If there's no link at all with employment with the MPS, 15 then we're outside the policy? 16 A. Yes, I think it's wise, certainly for very senior 17 people, to be more generous in their interpretation of 18 this and to overreport rather than underreport. If they 19 have nothing to hide, even if it's a private event, it's 20 always better probably to explain. Because of course 21 the test goes back to the perceptions test. If this is 22 a large public event at which a recognisable character, 23 whether they be the Commissioner or someone else who is 24 a public figure, is recognised, the public or the press 25 may always understand in what circumstance are they</p> <p style="text-align: center;">Page 52</p>

<p>1 there? They may be paid to be there and be there quite 2 legitimately, but if there is any suspicion that there's 3 another reason for them being there, then we ought to 4 probably record it and then, if asked, we can explain. 5 So it's trying to encourage people to be as open as 6 possible and the more senior the person the more that 7 responsibility lies with them, I think. 8 Q. The general principle is in the policy statement, 9 section 5: 10 "The policy of the MPS ... that police officers and 11 others must not accept gifts, hospitality or other 12 benefits or services that would place them or be 13 perceived to place them under an obligation or 14 compromise their judgment and integrity. Offers of 15 gifts and hospitality must therefore be declined with an 16 explanation of this policy. The only exception to this 17 is where it can clearly be justified that to refuse 18 would cause serious offence or damage working 19 relations." 20 Can I just understand what is being permitted here 21 and what isn't? A gift or hospitality can be accept if 22 it doesn't compromise judgment and integrity; is that 23 right? 24 A. Broadly, yes. I mean, if it helps, perhaps, the 25 Inquiry, the sort of things that sometimes happen in Page 53</p>	<p>1 proceeds to commit to a benevolent fund of some kind, 2 then people seem to accept that's a reasonable way of 3 dealing with it. So we don't get a personal benefit but 4 the charity might. 5 Q. Some further assistance here is provided by the 6 appendices, C and D, which are page 05822 -- at the top 7 of the page, it's page 12 of 14. 8 A. Thank you. 9 Q. Appendix C, gifts and hospitality that can be accepted 10 and do not have to be recorded on the register. You 11 have cups of tea, in the second item, working lunches 12 and dinners which form part of meetings, training 13 events, et cetera, where attendance is in the interests 14 of the MPS. So those don't even have to be recorded on 15 the register because they're part and parcel of work 16 events, really; is that right? 17 A. That's right. 18 Q. Then appendix D, on the other hand, examples of gifts 19 and hospitality which should never be accepted. These 20 are financial payment resulting from publication of 21 articles, repeated acceptance of gifts and hospitality 22 from the same person or organisation, even where the 23 value on each occasion is less than £25, and then gifts 24 offered from outside contractors where there's a plain 25 appearance of bias, I suppose. Page 55</p>
<p>1 this area -- for example, in the time that -- I've been 2 Commissioner now for around five months. Through the 3 post, unsolicited, I will receive a copy of a book. 4 It's neither a -- I've not known anything about the 5 book. The books are not always what I nor we would 6 necessarily want to read, but for whatever reason, the 7 office of Commissioner attracts that type of interest. 8 The Metropolitan Police provide a protection service 9 not only to the Royal Family but also to the embassies 10 in London, and often the embassy will offer a small gift 11 to represent their gratitude for the work that's been 12 carried out, and I think it's generally offered in the 13 spirit of just saying thank you. They're usually very 14 small amounts in value. 15 So it's just trying to recognise from time to time 16 if someone offers something, we try not to reject 17 something if we can, but on the whole probably best that 18 we don't accept gifts. But generally these will be very 19 low value things and certainly if there's anything of 20 a high value, then they're not accepted or -- I think 21 occasionally we've had slightly higher value gifts where 22 actually they have been auctioned off and then the 23 proceeds have gone to some charity. So we've not sent 24 the gift back, but we've made clear that we can't accept 25 it to the donor but if they accept that we use the Page 54</p>	<p>1 Then there must be cases in the middle where gifts 2 and hospitality can be accepted but do have to be 3 recorded in the register. Have I correctly understood 4 it? 5 A. That's right. 6 Q. That would include, therefore, meals, provided that they 7 meet the general test in section 5, that it wouldn't be 8 perceived to or would not place the recipient under an 9 obligation or compromise their judgment and integrity? 10 A. Yeah, I think that one of the other broad principles 11 that goes along with this is that if you are offered 12 a gift, the first thing to do is report it to someone 13 else, rather than make the judgment yourself. If you 14 have to make the judgment at the time then make it, but 15 at the very least is to let someone more senior know 16 that that's happened or that you've been offered 17 something, and therefore you have the benefit of that -- 18 the wisdom of their judgment and also their 19 responsibility for you either accepting or not accepting 20 that gift. If it was my case, I'd expect to do that 21 with the chief executive of the -- now the Mayoral 22 Office for the Police, previously the Police Authority, 23 if I needed guidance on that. 24 Q. Is the intention that this policy may be reconsidered 25 following recommendations by others, including this Page 56</p>

14 (Pages 53 to 56)

<p>1 Inquiry?</p> <p>2 A. Certainly, sir, yes. If there's any further advice or</p> <p>3 any judgments that this advice here is inaccurate or</p> <p>4 unhelpful, then of course we would reconsider. Or</p> <p>5 there's a better way of expressing the intention that</p> <p>6 lays behind these different appendices. It is a sad</p> <p>7 list, in a way, of detail which -- you might hope you</p> <p>8 don't have to create that sort of list, but that's the</p> <p>9 level we've got to of trying to give clear guidance so</p> <p>10 that there can be no confusion about what is okay and</p> <p>11 what isn't. If there's a better way of expressing it,</p> <p>12 then we would be happy to consider it.</p> <p>13 MR JAY: Those are all the points I had on that policy.</p> <p>14 LORD JUSTICE LEVESON: Anybody exercising judgment as to</p> <p>15 what's appropriate and what's not appropriate actually</p> <p>16 may not need the detail, but the detail is there for</p> <p>17 those who don't know where the line should be drawn.</p> <p>18 A. Yes, sir, that's right. If you bear in mind this is for</p> <p>19 53,000 people in various roles, some who have not had</p> <p>20 a huge amount of training, some who have come into</p> <p>21 contact with the public quite regularly. I'd have very</p> <p>22 little excuse for not understanding the principles</p> <p>23 behind this or why it's important to have these rules,</p> <p>24 but we employ analysts, cleaners, drivers. You know,</p> <p>25 there are many other people who need very clear guidance</p> <p style="text-align: center;">Page 57</p>	<p>1 A. The MOPC appoints -- actually, it doesn't directly</p> <p>2 appoint anyone now. What happened, back -- as I explain</p> <p>3 in the (inaudible), prior to the Police Authority</p> <p>4 existing, of course, the Home Secretary was the</p> <p>5 authority for the Metropolitan Police and appointed --</p> <p>6 it's Crown appointment -- the Commissioner, the Deputy</p> <p>7 Commissioner and the assistant commissioners who were</p> <p>8 there at the time. They were all Crown appointments</p> <p>9 carried out through the Home Secretary.</p> <p>10 When the Police Authority was created -- this is</p> <p>11 something of the order of 2000 -- then they took</p> <p>12 responsibility for the appointment of office of</p> <p>13 Commander, Deputy Assistant Commissioner and Assistant</p> <p>14 Commissioner, but the Commissioner and Deputy remained</p> <p>15 Crown appointments.</p> <p>16 The position now, as of January 17, is that when the</p> <p>17 MOPC was created instead of the Police Authority, the</p> <p>18 Commissioner and Deputy Commissioner remain Home</p> <p>19 Secretary Crown appointments on the advice of the Met,</p> <p>20 whereas with the other chief officer ranks are appointed</p> <p>21 and disciplined by the Commissioner.</p> <p>22 So it's gone through a transition over the last 12</p> <p>23 years, but that's the latest iteration, is as</p> <p>24 of January 12, then up to -- Commander, Deputy Assistant</p> <p>25 Commissioner, Assistant Commissioner appointed by the</p> <p style="text-align: center;">Page 59</p>
<p>1 and they haven't had the benefit of training, nor have</p> <p>2 a great history of getting involved in this type of</p> <p>3 decision-making. So it's designed for two broad groups</p> <p>4 of people: one who should know and then those who may</p> <p>5 not.</p> <p>6 LORD JUSTICE LEVESON: The other problem about it, of</p> <p>7 course, is that the further up the management chain one</p> <p>8 goes, the more careful one has to be.</p> <p>9 A. I think so, sir. I think the more responsibilities that</p> <p>10 come with the job, the more you do have to be sensitive,</p> <p>11 again, to how people see it, even if it's well intended.</p> <p>12 LORD JUSTICE LEVESON: That's the point.</p> <p>13 MR JAY: I move off that issue to a different one. It's</p> <p>14 paragraph 30 of your statement where you deal with the</p> <p>15 issue of restraint of trade, and leaving the MPS and</p> <p>16 obtaining employment elsewhere. I think in relation to</p> <p>17 ACPO-ranked police officers -- which is commander level</p> <p>18 and above?</p> <p>19 A. That's right. Well, certainly in the Met. In the</p> <p>20 provinces it's assistant chief constable is the</p> <p>21 equivalent to commander.</p> <p>22 Q. The position now is that the new authority is</p> <p>23 responsible for -- perhaps you can help me with this.</p> <p>24 After January of this year, MOPC appoints who of the</p> <p>25 ACPO rank?</p> <p style="text-align: center;">Page 58</p>	<p>1 Commissioner, although we have agreed with the MOPC that</p> <p>2 in fact we'll do it on their advice in the way that they</p> <p>3 took our advice when they were previously appointing</p> <p>4 commanders.</p> <p>5 LORD JUSTICE LEVESON: That's rather interesting, isn't it?</p> <p>6 Because in non-Met areas, presumably the Commissioner,</p> <p>7 if that's comes into force, will be responsible for</p> <p>8 appointing the Chief Constable, which is probably the</p> <p>9 same rank level as Assistant Commissioner.</p> <p>10 A. That's right, sir, yes, although obviously the singular</p> <p>11 lead of the organisation.</p> <p>12 LORD JUSTICE LEVESON: I understand that. I understand</p> <p>13 that.</p> <p>14 MR JAY: Under the MPA terms and conditions which relate to</p> <p>15 ACPO-ranked officers, which I suppose no longer applies,</p> <p>16 there was a provision, clause 25, which related to post</p> <p>17 authority employment and appointments and the consent of</p> <p>18 the chief executive of the MPA was required in relation</p> <p>19 to two categories of employment, which doesn't in fact</p> <p>20 cover media employment, on my understanding. That's the</p> <p>21 same as yours?</p> <p>22 A. That's right, sir, yes. This advice is more pointed</p> <p>23 towards procurement, so that there is not an</p> <p>24 inappropriate relationship develops between -- say, for</p> <p>25 example, I was to retire tomorrow and that I don't go</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

1 and work with an organisation that is contracting with
 2 the Metropolitan Police, because one, I might have
 3 information which may be helpful to their bid, number
 4 two is it might be seen that they have an inappropriate
 5 influence. So that's where that advice is pointed
 6 towards, is ensuring that that doesn't happen, or if it
 7 is to happen, it's at least being considered by the
 8 chief executive to whether that's an inappropriate
 9 relationship.

10 Q. The issue then of restraint of trade clauses which might
 11 apply to media employment after leaving the MPS is
 12 terrain which is previously uncharted, isn't it?

13 A. It is, sir, yes.

14 Q. You're suggesting at the end of paragraph 30 that such
 15 restraint of trade clauses should be limited to
 16 a reasonable period, which you suggest might be 12
 17 months. Have I correctly understood it?

18 A. Yes, sir. I mean, it seems to me that something of the
 19 order between 12 months and two years is probably where
 20 this might settle, but I certainly would advise
 21 a cooling-off period.

22 Q. Thank you.

23 A. I think just to offer -- you might imagine that after
 24 this Inquiry that it seems blindingly obvious, but
 25 I think equally it's a little difficult sometimes for

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1 retiring colleagues to make judgments on colleagues
 2 they've just left behind, when of course some the
 3 consequences of their tenure must overhang their
 4 departure.

5 Q. Can I move on to the issue of leaks now, Mr Hogan-Howe.
 6 Page 55656. It's paragraph 43 and following. Since
 7 you've started as Commissioner, there have been nine
 8 separate investigations, five investigations linked to
 9 information leaks to national newspapers. So this is
 10 covering a six or seven-month period, is it?

11 A. That's correct, sir, yes.

12 Q. Are you able to assist at all your view as to the
 13 motivation behind these leaks to the media?

14 A. I'm afraid I'm not because I just don't know the outcome
 15 of those particular inquiries, but I think we tried to
 16 explain the statement -- if not, I can now -- which is
 17 that often this is started by a report within the press
 18 that indicates there is a police source. That doesn't
 19 always indicate it's a member of the Metropolitan Police
 20 or even it's a police officer.

21 If it appears to be an unauthorised leak, then we
 22 want to establish: well, was it an unauthorised leak?
 23 Because sometimes what appears to be unauthorised --
 24 when you start asking questions, you discover in fact it
 25 was an authorised leak, but just the management board

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1 weren't aware of it. That's fine if it is with a proper
 2 thing, but where we can't establish that early on, we
 3 try to find out why did that particular information
 4 leak.

5 LORD JUSTICE LEVESON: It's interesting that everybody's
 6 saying, "Oh, well, it's all very much more difficult
 7 while the Inquiry is ongoing and we're not having the
 8 same contact", and yet still, in the period since you've
 9 started, there have been a number of incidents of which
 10 you have some concern.

11 A. Yes, sir. I think there is an irony there. One thing
 12 I would like to make clear -- I've tried to make it
 13 clear in my statement -- I would never argue for every
 14 leak to be investigated. I think you can drive yourself
 15 barmy, I think, if we did that. It is where the
 16 consequences are serious or it might display a pattern
 17 of behaviour that we want to investigate. It's those
 18 things that are of concern to me, not, as I said
 19 earlier, tittle-tattle. If it happens, it happens,
 20 but -- big organisations, that will happen from time to
 21 time, but it is if it starts to damage our reputation in
 22 terms of the integrity of how we handle confidential
 23 information and sometimes secret information, which it
 24 is vital we have that -- for the trust of our partners
 25 and of the public that we are able to maintain that sort

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1 of secrecy.

2 MR JAY: But it's self-evident that no amount of recording
 3 of contact with the media or at least the requirement
 4 for such recording would prevent the sort of leaks
 5 you're referring to here, would it?

6 A. No, sir, I don't think so, but I think what it does mean
 7 is that if we do establish the source of the leak and
 8 then we ask them did they report that meeting, did they
 9 report their account, then there's a starting place for
 10 an investigation, both for a monitoring exercise or
 11 audit, to say: is that an appropriate link? Is that an
 12 appropriate sharing of information? It allows us to
 13 have that conversation.

14 If someone has chosen not to point out the contact,
 15 then it puts them in position where they have to explain
 16 more, and that is the nature of any investigation of
 17 that type.

18 Q. If you're fortunate enough to ascertain the source of
 19 the leak in circumstances where it hasn't been recorded,
 20 then you're already sort of part of the way down the
 21 road to establishing that it was unauthorised.

22 A. I think so. It's not conclusive evidence, but it's
 23 a starting point that builds an assumption that might be
 24 challenged later, but the person who has a duty and
 25 a policy that says that's what they should do, they have

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1 **to explain, presumably, why they choose to ignore it.**
 2 Q. And turning it around the other way, if you do record
 3 the fact of the contact, that assists you because it
 4 suggests that you're being open and therefore the
 5 dissemination is likely to be authorised, or at least
 6 not inappropriate.
 7 **A. That's right, sir, and I think the balance between what**
 8 **is public interest in a newspaper and what we would**
 9 **prefer to keep confidential I realise is a difficulty of**
 10 **judgment, but I feel strongly that police are expected**
 11 **to keep secrets. We're expected, on behalf of national**
 12 **interest -- or sometimes people just give us information**
 13 **and trust us with that information, believing that we**
 14 **will keep it as a private matter, unless of course the**
 15 **legal process later says it should be disclosed.**
 16 **Whether it be government or commercial partners or**
 17 **local authorities, when they tell the police things,**
 18 **I think they expect that we keep it confidential and if**
 19 **we investigate -- probably just one thing to add: if**
 20 **we're investigating someone's life, as we do when we**
 21 **have a victim of the crime, people are invited into**
 22 **their life to complain about an assault or a burglary,**
 23 **and in the process of that they share a lot of private**
 24 **information. It may be they've met someone they don't**
 25 **want to talk to someone else about. There can be many**
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1 reasons why people's private modifications need to be
 2 kept discrete, and they will share that with us because
 3 they trust us not to leak it, and I think if we see
 4 a great deal of leaking by the police -- whether people
 5 be famous or whether they be a member of the public,
 6 they would expect that we can maintain that privacy and
 7 I think they deserve to expect that the police should
 8 maintain that so far as we can.
 9 LORD JUSTICE LEVESON: So that would cover photographers
 10 turning up at somebody's home who had been burgled, that
 11 somebody happening by chance to be well-known?
 12 **A. Yes. For me, I don't care whether you're famous or**
 13 **you're a member of the community. You have the same**
 14 **expectations of privacy. So far as we can maintain it,**
 15 **from the information we have, we, the police, should not**
 16 **be promoting to the press that someone's been the victim**
 17 **of crime for the only reason that they happen to be**
 18 **famous. For me, that could never be right.**
 19 MR JAY: Is this a convenient moment?
 20 LORD JUSTICE LEVESON: Yes. We'll take just a few minutes.
 21 Thank you.
 22 (11.27 am)
 23 (A short break)
 24 (11.36 am)
 25 MR JAY: Mr Hogan-Howe, may I deal with the Police National
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1 Computer. You worked for two years with the HMIC. That
 2 was 2009 and 2011?
 3 **A. That's right, sir.**
 4 Q. So you are aware, therefore, of significant problems
 5 with the PNC over a number of years and alleged or
 6 actual abuse. Could you help us, please, with the scale
 7 of that problem, both in the Met and elsewhere?
 8 **A. I'm sorry, sir, I'm not sure I could give you exact**
 9 **details of numbers, but we could certainly provide the**
 10 **Inquiry with that detail if you would like it.**
 11 **I think over the years it's been a chronic problem**
 12 **for the Police Service about unauthorised leaks of**
 13 **information, sometimes where officers and staff have**
 14 **used it for domestic purposes, but unauthorised, and**
 15 **occasionally -- fairly rarely, but occasionally -- where**
 16 **they've been paid for information that's been passed on**
 17 **to people who shouldn't have had it.**
 18 Q. Do you have any view as to the additional safeguards
 19 which might be imposed to prevent the type of abuse
 20 you've just referred to?
 21 **A. I am not -- it may always be that there could be more**
 22 **done, but I'm not sure the scale of the problem is such**
 23 **that there would be any need at the moment to increase**
 24 **the safeguards. They're fairly rigorous. First of all,**
 25 **there is a password access to computers, which means**
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1 **that the user of the computer can be identified fairly**
 2 **quickly. The biggest difficulty often is when there are**
 3 **printouts from computers, and if they are not managed**
 4 **properly, then wide access to the printout can lead to**
 5 **a wider dissemination than is legally allowed. That is**
 6 **a risk that we have to keep an eye on.**
 7 **The other area that is pretty helpful in helping us**
 8 **to monitor this type of problem is that certainly in the**
 9 **Met, we have a covert professional standards department.**
 10 **We have an overt one, so if a member of the public**
 11 **complains against a police officer, they will overtly**
 12 **investigate that, but then we have a covert team, quite**
 13 **a large team, who, if there is a suspicion of this type**
 14 **of misconduct, will covertly investigate it, either**
 15 **through the IT systems and through any other legal**
 16 **investigative technique that we have available.**
 17 Q. There was an FOIA request reported in the Telegraph
 18 in July 2011 that the MPS confirmed that over 200
 19 officers and support staff in the Met have been
 20 disciplined for unlawfully accessing the Police National
 21 Computer in the previous ten years, 106 of whom had
 22 accessed the information in the last three years. That
 23 gives us some sense of the scale of the problem, but
 24 I suppose you would say that's against the background of
 25 millions of accessing of the computer over the last ten
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1 years?

2 **A. I think so. First of all, it's serious. I would never**

3 **dismiss the seriousness of it. Each incident is serious**

4 **because -- for the reason I said before the Inquiry**

5 **broke, that we have a duty to protect information, and**

6 **we have a legal duty to protect information. So each**

7 **incident would be serious.**

8 **But if one was to consider over the ten years, each**

9 **year we'd employ 53,000 people and we turn over probably**

10 **5,000 to 10,000 people a year, the numbers involved --**

11 **admittedly, the ones we discover -- are relatively small**

12 **in a very big organisation. But each incident should be**

13 **taken seriously. I'm not sure yet it's a very serious**

14 **problem organisationally, although others may conclude**

15 **it is.**

16 **Q. I've been asked to put this question to you in relation**

17 **to data protection offences in particular, and this**

18 **covers the PNC: that you obviously know about Operation**

19 **Motorman, which was the ICO investigation nine years ago**

20 **now, and then operations Reproof and Glade, which were**

21 **police operations. All of them ended either with no**

22 **proceedings being brought or, it might be said,**

23 **a singular lack of success. The question is: what is**

24 **your view of the fact that the attempts to prosecute**

25 **inquiry agents have been difficult and that no**

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1 journalists have been prosecuted?

2 **A. I think that's unfortunate. Certainly I think the**

3 **Police Service can show that it's taken these**

4 **allegations seriously by the fact, as you explained, is**

5 **that 200 people have at least had an internal discipline**

6 **inquiry. Where it can be proved there's a breach of the**

7 **criminal law, then that course has been pursued, but**

8 **it's hard to imagine that with so many people in the**

9 **police are leaking this information. They must be**

10 **leaking it to someone. What I'm not sure -- but we**

11 **perhaps could find out for you -- is what proportion of**

12 **the leaks are related to domestic issues and what**

13 **proportion are to leaks for payment or for some other**

14 **inappropriate intention.**

15 **Q. If you're outside the domestic issue, there's a fairly**

16 **clear presumption that payment is likely to have passed**

17 **hands for the information, isn't it?**

18 **A. If I was the investigator, that would be my starting**

19 **point, to exclude that before I considered other**

20 **motives, but of course there are potentially other**

21 **motives.**

22 **Q. Can I ask you, please, about the Directorate of Public**

23 **Affairs, which is paragraph 69 and following,**

24 **page 55665. I suggest to you the press view, that some**

25 **members of the press say the DPA, to use the terminology**

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1 of one of them, is a necessary evil. It has to be there

2 because there can't be instantaneous access to police

3 officers who are investigating crimes. But should the

4 DPA, in your view, be the conduit to the officer who

5 will be providing the information or should the DPA be

6 providing the information itself?

7 **A. I think a mixture of the two works quite well. I think**

8 **if -- it seems to me the DPA work quite well. If the**

9 **press office -- sorry, if the press require a lot of**

10 **detail, say a set of crime statistics or they're**

11 **inquiring about factual matters which the press office**

12 **can help with, or about policies or things of that type,**

13 **it seems to me the press office are in a good place to**

14 **provide material and search out that information which**

15 **is generally available but the press can't get hold of**

16 **it directly.**

17 **If, however, you're talking about a police operation**

18 **or a police criminal investigation or anything that's**

19 **related to the Police Service as it operates, it seems**

20 **to me that the leads in the organisation, who are**

21 **generally the police officers but sometimes police**

22 **staff, are the ones who should directly speak to the**

23 **press to express what the policy is or talk about**

24 **a particular problem.**

25 **So I think the two working, hopefully in harmony,**

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1 **can work as a partnership pretty well when it's working**

2 **in a good way.**

3 LORD JUSTICE LEVESON: So you would recognise a concern.

4 You would be concerned if the feedback came that

5 actually journalists were finding it increasingly

6 difficult to get to speak to SIOs or officers in

7 particular areas within their expertise?

8 **A. Definitely, yes. I mean, it's certainly something that**

9 **I always see -- when -- on the occasions that I have met**

10 **editors or senior people within a local newspaper or**

11 **sometimes a national one, one of the things I --**

12 **particularly the local ones, say Merseyside, I always**

13 **wanted to know what was their journalists' experience of**

14 **their work with Merseyside police, because they have**

15 **a unique experience of that and one I don't have.**

16 **Sometimes they are competitive beasts and they want**

17 **what they want and it needn't necessarily be what they**

18 **should be getting, so the press office has a guardian**

19 **role on our behalf. But it was more than that; I wanted**

20 **to know how they were dealt with, whether they thought**

21 **they were being dealt with professionally, whether the**

22 **reasons offered nor not getting information was valid.**

23 **So I'm always keen to know whether or not the DPA**

24 **press office are acting as our ambassadors, or too much**

25 **as a guardian and preventing access. Certainly I'd**

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1 expect them to get access to the SIO and personally
 2 I don't like to see, when there is a police incident or
 3 an incident the police are dealing with, a press officer
 4 giving an account of what's happening. I think the
 5 public should be more reassured by a senior police
 6 officer who stands there and explains what's happening,
 7 what they've done, and then is held to account as
 8 individual if it goes well or if it goes badly, and
 9 I don't think a press officer is in the right place to
 10 be able to do that directly and be the spokesperson on
 11 behalf of the organisation about an operational matter.
 12 That's a professional view I hold and I accept that not
 13 everybody would agree with that.

14 LORD JUSTICE LEVESON: I think the press probably would, but
 15 possibly you could help us with this: can you contrast
 16 your experience as Chief Constable of Merseyside,
 17 dealing with, presumably, the Liverpool Daily Post and
 18 Echo, as then was, daily newspapers morning and evening,
 19 and the press back here in the Met?

20 A. It is very different. The big -- obviously the big
 21 newspaper here -- there is only one: the Evening
 22 Standard. But the Evening Standard has both a local
 23 London effect but it also has a national impact too, not
 24 least of which is it feeds into the national dailies on
 25 the following day. So we have to acknowledge that it

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1 has a significance beyond a local paper.
 2 Secondly, obviously any story that's reported in the
 3 national newspaper becomes a national story, not just
 4 for London. So the dynamic that's at play is
 5 significant and then secondly, not only have you got the
 6 national dimension through the national newspapers, but
 7 of course something that happens in London as the
 8 capital city can be nationally significant but also
 9 internationally significant. A murder here with
 10 a foreign link can often have an impact beyond anything
 11 that we can sometimes anticipate. As we've seen over
 12 the last few months, there have been attacks on
 13 embassies in other countries which have led to attacks
 14 on embassies in London, and we have a duty to maintain
 15 the safety of all those people who are in those
 16 embassies.

17 So I think for many reasons, the dynamic with the
 18 press here is quite different, and then finally the
 19 impact of the 24-hour reporting through the mass media.
 20 The pressure of that here is -- it's pretty voracious
 21 and of course, they have space to still and we have
 22 stories to fill it. So that is a competitive
 23 environment, which I think only now we're starting to
 24 see the latest ramifications, which is social networking
 25 and individuals reporting on major public stories.

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1 So I think that impact in London -- I can't say by
 2 what factor, but it's hugely amplified to my experience
 3 which I saw in South Yorkshire and in Merseyside, but
 4 also the last time I was in London, and I left in 2004,
 5 returned now in 011. That dynamic, I think, is
 6 a major -- more of an impact than I've seen previously.

7 LORD JUSTICE LEVESON: How do you believe the police should
 8 use, if at all, the more modern methods of
 9 communication? I'm talking about media such as Twitter.

10 Q. I think we need to get into using that media. In fact,
 11 we've started in two big respects. One is that we now
 12 have not only a policy but we actually have all the
 13 boroughs and the specialist departments, who are now
 14 being encouraged to use social networking rather than
 15 discouraged -- in both the IT we have, computers, but
 16 also our policies in the past have discouraged that, and
 17 so we've now changed that so in fact it's the reverse,
 18 and the second thing is to actively allow our own staff
 19 access to the Internet. The situation in the past had
 20 been is that you could have access to the Internet as
 21 one of the 53,000 if you could show good reason to do
 22 it, and you end up in this terrible irony where there's
 23 open access for the public to information that could be
 24 helpful to enquiries or to try and find a missing person
 25 or many of the reasons which -- for information that's

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1 on the Internet that helps us to do our job, and yet you
 2 would have to believe that we employ 53,000 criminals
 3 because we don't give them access to the joy of the
 4 Internet. So we just changed that and the reverse
 5 assumption is going to apply.

6 So both in our use of social network and in our
 7 access to Internet, we're encouraging our staff to use
 8 it, not to have to explain why they want to use it.

9 LORD JUSTICE LEVESON: Of course, that carries with it its
 10 own responsibilities.

11 A. It does. There may be an inquiry in ten years' time to
 12 say why ever did I do that, but I think the main thing
 13 for me is I prefer to monitor the risks of doing it than
 14 I would like to sustain the risks of not doing it.
 15 I think the risks of not doing something are pretty
 16 high. When people go home and get access to an
 17 Internet, that is a great opportunity. We employ some
 18 great people and we pick them to be -- for their
 19 integrity, not because they're bad people, and we train
 20 them and they do some fantastic things on our behalf,
 21 and then to say: for the few who might abuse it, we're
 22 not going to give access to the whole organisation,
 23 I think -- for me, it's barmy. So we have decided to
 24 change that assumption, but it will bring its own risks
 25 and we have a plan in place to monitor that.

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<p>1 Now, no doubt some will let us down and we'll have 2 to deal with them appropriately, but I prefer that 3 problem rather than an organisation that's a few years 4 behind the times. 5 MR JAY: The last point, I think, Mr Hogan-Howe, relates to 6 the HMIC report. You say in paragraph 98 -- this is our 7 page 55675 -- that you fully accept the recommendations 8 in that report. The position is that the Deputy 9 Commissioner is reviewing the recommendations and will 10 report in due course, or at least communicate the fruits 11 of that review to HMIC; is that correct? 12 A. That's correct, sir, yes. 13 Q. Could you give us the some timescales for that? 14 A. We expect to report in April, have a paper back to our 15 management board in April this year. Then we'll share 16 the outcome with the HMIC and if this Inquiry would like 17 to see that -- 18 LORD JUSTICE LEVESON: It would be very useful. I entirely 19 endorse your view that it's sensible to have one go at 20 all this, and if you have the HMIC and Filkin and me, 21 whatever I may say, whether it's good or bad, you need 22 to be able to view it all of a piece. I'm sure that's 23 right. 24 A. That's really helpful, sir. I think the -- one thing 25 that we know already, for example, though, is that the <p style="text-align: center;">Page 77</p> </p>	<p>1 we can achieve some kind of philosophical position where 2 people in the dark hours, when there's no one there to 3 guide them, know which way to turn, then that's usually 4 the best thing. We could have a long list of individual 5 small examples or get one thing that says: actually, if 6 the answer to that is: "I don't think that would be 7 a good idea", like: "Would you put it in the Daily Mail? 8 Would you tell your parents?", whatever that test is, if 9 you're not happy with that -- the answer to that 10 question, then probably don't do it. 11 LORD JUSTICE LEVESON: The trouble with going into too much 12 detail as that somebody says, "Well, hang you, you 13 didn't mention that. You mentioned that but not this." 14 You can be overly legalistic about documents which go 15 into too much detail. 16 A. Mm. And I think I would like to get over the point -- 17 I hope it's come over -- is that I think the spirit of 18 what Lord Stevens started is the spirit I'd like to 19 continue with. I do want a good adult, open, 20 challenging relationship with the press, but I don't 21 want us to be left in a position where our integrity is 22 perceived to be compromised. Clearly, not to be 23 compromised is the main thing, but certainly no 24 perception of compromise, which leaves us in the 25 position that if something goes badly, the reason that <p style="text-align: center;">Page 79</p> </p>
<p>1 HMIC talks about areas which Elizabeth Filkin doesn't. 2 So, for example, it talks about how we work with people 3 who procure contracts, that we need to monitor certain 4 things there. So there are things that are additional 5 to Filkin and some which may not be directly linked to 6 this Inquiry. 7 LORD JUSTICE LEVESON: Of course. 8 A. But you know, we will try and keep them together as long 9 as we can and we will certainly share our conclusions 10 from that April meeting. 11 LORD JUSTICE LEVESON: Thank you. 12 MR JAY: Those are all my questions, thank you. 13 LORD JUSTICE LEVESON: Mr Hogan-Howe, thank you very much 14 indeed. Six months in, is there anything else you would 15 like to say that might assist me in the work I have to 16 do? 17 A. No, sir. First of all, I owe you an apology because 18 I've been calling Mr Jay "Mr May" for the entire 19 inquiry, which is my mistake entirely. I got your name 20 wrong. It wasn't that I misremembered. So I apologise. 21 But I think in terms of the Inquiry, I mean, it 22 seems to me that it's really important that we, the 23 police, get this right. I think, as you've indicated 24 already, to keep it as simple as possible, to give 25 people guidance in those areas -- I always think that if <p style="text-align: center;">Page 78</p> </p>	<p>1 we didn't do something was because the relationship was 2 perceived as being inappropriate. 3 So any guidance we can be given on that would be 4 really helpful, and as I said for me, for me, having to 5 talk to the 53,000 people we have and keep it simple for 6 me tends to be really helpful in getting the message 7 over culturally, quickly. So I think any guidance on 8 that would be appreciated. 9 LORD JUSTICE LEVESON: Thank you very much. You probably 10 know that I've asked each of your predecessors whether 11 they had any ideas that they should feed in to me. You 12 have the advantage of being represented before the 13 Inquiry, and I have no doubt that you'll have the 14 opportunity therefore, through Mr Garnham, to comment 15 upon whatever else emerges, but if there's anything that 16 in the ensuing weeks you feel you want to feed in, 17 please do not hesitate to do so. 18 A. Thank you, sir. 19 LORD JUSTICE LEVESON: Thank you very much indeed. Thank 20 you for your time. 21 Right, Mr Barr? 22 MR BARR: Sir, the next witness is Mr Penrose. 23 MR JUSTIN KEITH PENROSE (sworn) 24 Questions by MR BARR 25 MR BARR: Mr Penrose, can you tell us your full name, <p style="text-align: center;">Page 80</p> </p>

1 please?

2 **A. It's Justin Keith Penrose.**

3 Q. You've provided a witness statement to the Inquiry. Are

4 the contents true and correct to the best of your

5 knowledge and belief?

6 **A. Yes.**

7 Q. You tell us that you are currently the crime

8 correspondent at the Sunday Mirror.

9 **A. That's correct.**

10 Q. You've come to that position having forged a career

11 originally on the Kent Messenger group, and then by way

12 of a stint working for, first of all, the Sun and then

13 the Ferrari Press Agency; is that right?

14 **A. That's correcting.**

15 Q. And you've been working for the Sunday Mirror

16 since August 2004?

17 **A. That's right.**

18 Q. You're a member of the Crime Reporters Association?

19 **A. That's correct.**

20 Q. You tell us a little bit about that in your statement.

21 Can I pick up, first of all, at paragraph 6 of your

22 statement, where you describe a state of paralysis at

23 the moment in relations between the media and the police

24 and say that the police tend to be less forthcoming and

25 more unwilling to talk to the press.

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1 **A. That's correct.**

2 Q. You've heard this morning the Commissioner saying that

3 he is not aware of any decline in the amount of formal

4 communication, briefings and the like. Do you agree

5 with him about that?

6 **A. I do -- formal briefings, yes, because when there's**

7 **a big case or, as he referred to his monthly**

8 **Commissioner's briefings, they are still happening.**

9 **What I was making reference to really was if, for**

10 **example, we would like to do an article on a particular**

11 **area, then that's largely being stopped. It may be**

12 **a certain squad or certain investigation, or -- you**

13 **know, things of that nature, it's just not really**

14 **happening.**

15 **There's also -- I had discussions with some officers**

16 **who have been wanting to put information out about**

17 **successes that they have had, and they've just been**

18 **prevented, as far as I've been told.**

19 Q. Have they told you who is preventing --

20 **A. They said they'd gone to the Press Bureau and said, "Can**

21 **we do something on this?" and they've been told no.**

22 Q. You're also referring to the more informal channels of

23 conversation that you describe later in your statement?

24 **A. Yes.**

25 Q. You tell us at paragraph 8 that when you first got the

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1 job of crime correspondent you were invited by the then

2 chief press officer, Bob Cox, to come and meet the press

3 officers. Whereabouts did you meet them?

4 **A. At New Scotland Yard.**

5 Q. Was there any hospitality afforded to you when you

6 attended?

7 **A. I may have had a cup of tea.**

8 Q. In paragraph 10, you tell us about pre-verdict

9 briefings. Can I just be clear what the benefit to you

10 of those briefings is? Is it so that you are fully

11 aware of the facts when the verdict comes in, so that if

12 the verdict is a guilty verdict, you can publish

13 straight away with confidence?

14 **A. That's correct.**

15 Q. Would it be right that if the verdict is not guilty,

16 then it all falls away?

17 **A. Absolutely.**

18 Q. You tell us at paragraph 12 that you've been out on

19 police operations. You describe going out in an armed

20 response vehicle and also accompanying officers on

21 stop-and-search operations targeted at knife crime.

22 **A. That's right.**

23 Q. Do you think that that sort of opportunity is a good

24 thing or a bad thing?

25 **A. I think it's a good thing because it's -- I think what's**

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1 **being lost so far over this period of months is the good**

2 **things that the Metropolitan Police and other police**

3 **forces do. I mean, the idea of going out with the armed**

4 **response vehicle was to sort of give some kind of idea**

5 **as to what armed officers do on a daily basis and to**

6 **give the public a general overview of what they do.**

7 **The knife operation was alongside a -- as you can**

8 **see in the exhibits -- an article on the successes that**

9 **the Met had had in seizing knives over the previous,**

10 **I think, year or few months.**

11 Q. Did you feel properly equipped, from an ethical point of

12 view, to deal with any of the issues which might have

13 arisen while you were out and about on operations? I'm

14 thinking here about issues to do with not compromising

15 police operations, the identity of suspects, privacy

16 issues and that sort of thing.

17 **A. Absolutely 100 per cent. I mean, you know, every time**

18 **we do something with the police, we are working with**

19 **them. We're not working against them. If something had**

20 **happened in one of those operations, then discussions**

21 **would then take place with the press office as to what**

22 **exactly could be printed and what couldn't. We're not**

23 **in the business of going against what they would -- what**

24 **would be agreed upon before we set out on that outing**

25 **with the police.**

Page 84

<p>1 Q. In that vein of co-operation, you tell us at 2 paragraph 14 about an incident where you obtained 3 information about a criminal offence and you passed it 4 to the police. The suspect in that case was a Mr Siraj 5 Ali, who had been responsible for attempted bomb attacks 6 on 21 July 2005. Can I ask you how you came about that 7 information? Was it as a result of a tip or did you 8 positively go out to investigate Mr Ali?</p> <p>9 A. What happened was that two weeks prior to, I think, the 10 article that eventually went in about him being 11 recalled, we ran a story about Mr Ali's being released 12 from prison and the fact that he was in a bail hostel. 13 We were then contacted by somebody, who wasn't a police 14 officer, who said that he believed that Mr Ali was 15 smuggling drugs in the bail hostel. This was a clear 16 breach of his licence conditions. As a result, he 17 obtained some footage of Mr Ali. We then obviously 18 called the Metropolitan Police and they came, took that 19 footage. He was then tested on one occasion and was 20 clear, two days later tested again and then recalled to 21 prison because he'd tested positive.</p> <p>22 Q. As a newspaper reporter with responsibility for crime, 23 do you ever instigate investigations into people who you 24 suspect of criminal wrongdoing?</p> <p>25 A. I would say no, simply because we don't really have the Page 85</p>	<p>1 been a restaurant around Scotland Yard.</p> <p>2 Q. Was there any alcohol consumed?</p> <p>3 A. I don't recall.</p> <p>4 Q. You tell us at subparagraph D that you also attended 5 a lunch as part of a group with Andy Hayman. At the 6 time you made your statement, you weren't able to recall 7 who else was present, but we've drawn your attention to 8 a document provided by Mr Hayman, his electronic diary. 9 Has that refreshed your memory --</p> <p>10 A. It has.</p> <p>11 Q. -- as to who was there? That record says that as well 12 as yourself, there was Martin Brunt from Sky, Guy Smith 13 from BBC London and Richard Edwards of the Standard. 14 Does that mean the Evening Standard?</p> <p>15 A. It does, yes.</p> <p>16 Q. Can you recall the topics of conversation at that lunch?</p> <p>17 A. Those lunches in -- were at a time where there was 18 a heightened fear of terror because of the attacks in 19 2005, and the lunches were largely to give sort of 20 context and an overview of the current counter-terrorism 21 situation. They were on the basis that they were 22 completely non-reportable, but I don't remember 23 thinking: "He shouldn't have said that" or anything of 24 that nature. It was to give a general overview, as 25 I say, and context. Page 87</p>
<p>1 resources to do such investigations.</p> <p>2 Q. Moving on now in your statement to paragraph 15, where 3 you describe contact at various levels with people 4 within the Metropolitan Police Service. You tell us 5 about attending commissioners' briefings and having met 6 commissioners at Press Bureau Christmas drinks. Can you 7 give us a flavour of the sort of messages that 8 the commissioners have sent out during these briefings?</p> <p>9 A. Well, it's likely to be talking about anything that they 10 either proactively would like in the newspapers but also 11 he takes a range of -- all the commissioners I've dealt 12 with have taken a range of questions during those 13 briefings about stuff that is going on at the current 14 time.</p> <p>15 Q. You tell us at paragraph 15C that you had lunch once 16 with the Assistant Commissioner John Yates, possibly in 17 2009. Can you recall what you discussed at lunch with 18 Mr Yates?</p> <p>19 A. I've been trying to think. I really can't recall much 20 of what was said at that meeting. Certainly, nothing 21 that springs to mind, nothing that resulted in any kind 22 of story. It was more to meet Mr Yates as a senior 23 member of the police force.</p> <p>24 Q. Whereabouts was the lunch?</p> <p>25 A. I can't remember exactly the restaurant. It would have Page 86</p>	<p>1 Q. The record tells us that the lunch took place at 2 Boisdales restaurant. Can you recall whether there was 3 any alcohol involved?</p> <p>4 A. I think there was on that occasion.</p> <p>5 Q. Have you been to lunch with any other very senior 6 members of the Metropolitan Police Service or is it just 7 Mr Yates and Mr Hayman?</p> <p>8 A. Well, I think I say in my statement I had one lunch with 9 Mr Fedorcio.</p> <p>10 Q. We'll come to that in a moment. I'm thinking about 11 operational officers at the moment.</p> <p>12 A. Not that I can recall. Not of assistant -- DAC level.</p> <p>13 Q. Can I take it, therefore, that the approach of these two 14 very senior officers stood in some contrast to the 15 behaviour of the other very senior officers who have 16 served whilst you've been a crime reporter?</p> <p>17 A. I couldn't judge, sir. I think maybe I just had not 18 been to lunch with others. That doesn't mean that other 19 people weren't having lunches. I just -- I couldn't 20 really comment.</p> <p>21 Q. You do tell us, as you mentioned a moment ago, about 22 a lunch you had about 18 months after you began as crime 23 correspondent with Mr Fedorcio. Can you recall where 24 that took place?</p> <p>25 A. I believe that was at Shepherds. Page 88</p>

22 (Pages 85 to 88)

<p>1 Q. Is that a restaurant?</p> <p>2 A. It's a restaurant close to the Home Office.</p> <p>3 Q. Who attended that lunch?</p> <p>4 A. Myself and Mr Fedorcio.</p> <p>5 Q. What was the purpose of the meal?</p> <p>6 A. We hadn't had an opportunity, apart from the occasional</p> <p>7 word at press briefings, to really get to know each</p> <p>8 other, and it was simply on that basis of introducing</p> <p>9 myself better than just going: "Hello".</p> <p>10 Q. Did you notice any change in your relations with the</p> <p>11 Directorate of Public Affairs?</p> <p>12 A. No.</p> <p>13 Q. Did it improve them or ...?</p> <p>14 A. It -- to be honest with you, it did nothing to my</p> <p>15 relationship with Mr Fedorcio. I mean, he knew who</p> <p>16 I was. I would like to say at this point though that at</p> <p>17 that lunch he made it very clear that it was paramount</p> <p>18 that the Metropolitan Police didn't leak information,</p> <p>19 didn't leak stories, and I was left with, you know, on</p> <p>20 no uncertain terms, that if I was going to get any</p> <p>21 stories, it certainly wouldn't be from him or from the</p> <p>22 Press Bureau, in the sense of stories that are not</p> <p>23 formally put out.</p> <p>24 Q. In your dealings with Mr Fedorcio and the DPA, did you</p> <p>25 believe that you were being treated equally with other</p> <p style="text-align: center;">Page 89</p>	<p>1 Q. Are you able to make any comparison between the sort of</p> <p>2 numbers that you were holding and those that your</p> <p>3 competitors had?</p> <p>4 A. I wouldn't know, sir.</p> <p>5 Q. You tell us at paragraph 17 about the mutual interest</p> <p>6 that there can be when the police and the media work</p> <p>7 together, and you give, as an example of that, the</p> <p>8 common interest in reporting matters accurately. But</p> <p>9 there will, of course, be occasions when there is</p> <p>10 a conflict of interest, for example, if you want to run</p> <p>11 a negative story about the Metropolitan Police, and</p> <p>12 later in your statement you tell us of just such a story</p> <p>13 which you ran about the failure to apprehend the</p> <p>14 night-stalker earlier than in fact happened. When you</p> <p>15 are researching and working on a negative story about</p> <p>16 the Metropolitan Police, have you found that they've</p> <p>17 remained co-operative or do they seek to clam up and</p> <p>18 dissuade you from investigating?</p> <p>19 A. Who are you referring to here?</p> <p>20 Q. The Metropolitan Police Service in general.</p> <p>21 A. In general? No, I find that when you go to the Met with</p> <p>22 a negative story, they will be -- as far as I'm aware --</p> <p>23 honest and open about it. Whether they would be</p> <p>24 proactive with that information is, of course, another</p> <p>25 matter.</p> <p style="text-align: center;">Page 91</p>
<p>1 competitors or did you ever sense that there was</p> <p>2 favouritism at the DPA?</p> <p>3 A. I think -- so there's a distinction that needs to be</p> <p>4 made, really, in that daily and Sunday newspapers are</p> <p>5 very different beasts and by the very nature of things</p> <p>6 happening during the week, they will be reported in</p> <p>7 daily newspapers. There's always going to be a greater</p> <p>8 emphasis on dailies, but sometimes I did feel that more</p> <p>9 could be done for Sunday newspapers.</p> <p>10 Q. So the division really between the dailies and the</p> <p>11 Sundays as opposed to one newspaper and another?</p> <p>12 A. Yeah, absolutely. I don't think it was a degree of</p> <p>13 favouritism for the dailies. It's just I think the</p> <p>14 mindset was generally: "We need to get this out."</p> <p>15 Q. You tell us at paragraph 16 that Mr Yates gave you his</p> <p>16 work mobile phone number. Was that unusual for such</p> <p>17 a senior officer?</p> <p>18 A. I wouldn't have thought so.</p> <p>19 Q. Did you have the mobile phone numbers of other very</p> <p>20 senior officers at the Metropolitan Police?</p> <p>21 A. Well, I hadn't been out with them on any occasions and</p> <p>22 I think I may have had -- I'm -- I mean, I don't know if</p> <p>23 I did, but I was certainly given cards at briefings by</p> <p>24 other officers. I couldn't tell you if they had their</p> <p>25 mobile number on those cards or not, though.</p> <p style="text-align: center;">Page 90</p>	<p>1 Q. I'm getting the sense that you might have to prod them</p> <p>2 a little bit more if you're after the bad news rather</p> <p>3 than the good. Is that fair?</p> <p>4 A. Well, I just think that they won't put out bad news as</p> <p>5 a general rule, because I think it would damage the</p> <p>6 image of the Metropolitan Police. If I was to get</p> <p>7 a story about the Metropolitan Police that was negative,</p> <p>8 and I went to them with that, they would either confirm</p> <p>9 or deny that, and in my experience they have largely</p> <p>10 been truthful.</p> <p>11 Q. You tell us at paragraph 19 of your statement of an</p> <p>12 occasion which arose when the police asked you, for</p> <p>13 operational reasons, not to publish a story by Doreen</p> <p>14 Lawrence and Duwayne Brooks. You tell us that you</p> <p>15 agreed not to run this story. Was that because of the</p> <p>16 reasons that the police gave for not wanting it</p> <p>17 published?</p> <p>18 A. Yes, absolutely.</p> <p>19 Q. And then -- and I'm sure this must have been much to</p> <p>20 your frustration -- you say that the story then appeared</p> <p>21 in the Sun the following week?</p> <p>22 A. No, that's the story that is the one afterwards.</p> <p>23 Q. That's a different story?</p> <p>24 A. Yes, the story that you make reference to there is -- as</p> <p>25 I say, we had a story about --</p> <p style="text-align: center;">Page 92</p>

<p>1 Q. I see, my mistake.</p> <p>2 A. Yes.</p> <p>3 Q. So is it your understanding that when the police ask,</p> <p>4 for operational reasons, that newspapers don't publish,</p> <p>5 that on the whole that's abided by across the board?</p> <p>6 A. In my experience.</p> <p>7 Q. Can we move now to the socialising that you tell us</p> <p>8 about at paragraph 22 of your witness statement. You</p> <p>9 say that you've been out socially with various officers</p> <p>10 of most ranks. When you say "most ranks", can you give</p> <p>11 us an idea of the span of ranks that you have</p> <p>12 entertained?</p> <p>13 A. Between constable and chief superintendent.</p> <p>14 Q. You say that these have included taking senior officers</p> <p>15 out to lunch. What other sort of social opportunities</p> <p>16 have you taken with officers from the Metropolitan</p> <p>17 Police Service?</p> <p>18 A. It could be anything between sort of going for a coffee,</p> <p>19 going for a sandwich, going for a pint after work.</p> <p>20 I mean, it's just general normal social situations such</p> <p>21 as those, really.</p> <p>22 Q. Is the purpose of these events, from your point of view,</p> <p>23 to cultivate contacts and to encourage the flow of</p> <p>24 information, the stories, whether immediately or in due</p> <p>25 course?</p> <p style="text-align: center;">Page 93</p>	<p>1 A. Yes.</p> <p>2 Q. When you've been given information off the record on</p> <p>3 these social occasions, have you ever had any instances</p> <p>4 where you've been given opinions by officers which are</p> <p>5 not the Metropolitan Police house line?</p> <p>6 A. When you say "opinion", you mean opinion on --</p> <p>7 Q. On a particular subject. We had a witness yesterday who</p> <p>8 told us about being given various opinions about, for</p> <p>9 example, knife-proof vests and things like that.</p> <p>10 A. Occasionally, but it's not something that I would ever</p> <p>11 then use in a story. I see it as one officer's opinion.</p> <p>12 Q. Have you ever come across senior officers briefing</p> <p>13 against each other?</p> <p>14 A. It's not something I've been made aware of, no.</p> <p>15 Q. Have you ever been given or offered information about</p> <p>16 the involvement of a famous person with the police,</p> <p>17 whether as a victim of crime or because they've got into</p> <p>18 trouble?</p> <p>19 A. From a police officer? Not that I recall.</p> <p>20 Q. What about a civilian member of police staff?</p> <p>21 A. In my experience, a lot of celebrity stories tend to be</p> <p>22 from members of the public or people that are associated</p> <p>23 with those celebrities rather than from the police.</p> <p>24 I think there's a real perception that the police are</p> <p>25 a leaky sieve, and in my experience that's not</p> <p style="text-align: center;">Page 95</p>
<p>1 A. It's to cultivate trust, as far as I'm concerned.</p> <p>2 I think the trust is all important because I think</p> <p>3 what's being lost is that these are highly professional</p> <p>4 people, who -- some have been in the job for 20, 25</p> <p>5 years, but when they're dealing with heinous crimes,</p> <p>6 murders and robberies and such, they need to trust the</p> <p>7 person they are speaking to about the information that</p> <p>8 they are releasing. They need to feel confident that</p> <p>9 I will use that information in the right way and that</p> <p>10 I'm not going to print something that could jeopardise</p> <p>11 that inquiry, and I think going out for a drink and</p> <p>12 getting to know people -- they get to know me, that they</p> <p>13 can trust me. As a result, they tell me information</p> <p>14 and, you know, to think that all information the police</p> <p>15 give is somehow shady and illegitimate is just</p> <p>16 incorrect. Most of the time, it's about the inquiries</p> <p>17 that they're working on.</p> <p>18 Q. Have you found it to be an effective and productive</p> <p>19 method of engendering trust and encouraging the flow of</p> <p>20 information?</p> <p>21 A. I do find it helps build up trust, because the more you</p> <p>22 get to know somebody, the more you know about them, the</p> <p>23 more you can work out whether you can trust them or not.</p> <p>24 Q. And the information that results, is it given to you</p> <p>25 sometimes on the record and sometimes off the record?</p> <p style="text-align: center;">Page 94</p>	<p>1 necessarily been the case.</p> <p>2 Q. Have you ever had a police whistle-blower come to you?</p> <p>3 A. How do you define whistle-blower? In the sense of the</p> <p>4 night-stalker story that you mentioned?</p> <p>5 Q. Someone who is coming to you to give you information</p> <p>6 which is not in the public domain, which is in the</p> <p>7 public interest, but not necessarily a matter which the</p> <p>8 Metropolitan Police have been broadcasting?</p> <p>9 A. Oh, yes. As I say, the example that you referred to</p> <p>10 about the mess-up in the night-stalker investigation.</p> <p>11 Other times where a police officer has been fired for</p> <p>12 gross misconduct, you could argue that's certainly in</p> <p>13 the public interest, that the public have a right to</p> <p>14 know if a public servant has been fired for doing</p> <p>15 something terrible.</p> <p>16 Q. When you get that sort of story, what is your</p> <p>17 understanding of when it is in the public interest to</p> <p>18 publish otherwise confidential information about the</p> <p>19 Metropolitan Police?</p> <p>20 A. Well, it's just that. You know, it has to be in the</p> <p>21 public good, in the sense of releasing information that</p> <p>22 would not come out otherwise. I think part of our job</p> <p>23 is certainly to hold the police to account, and, as</p> <p>24 I have found in my time, the police will not put out</p> <p>25 information that is negative for them.</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

<p>1 Q. You tell us in your statement that some of the contacts 2 that you've cultivated within the police you've come to 3 consider as friends. Can you give us some idea about 4 how many people you would put into that category? 5 A. Couple of handfuls, a dozen or so. 6 Q. You tell us later in your statement about the regional 7 forces and your experience of dealing with them. Can 8 I ask you to contrast and compare your experience of 9 dealing with regional forces and the Metropolitan Police 10 Service? Have you noticed significant differences? 11 A. It tends to be -- regional forces only tend to really 12 engage with the national press when they have a huge 13 story on their grounds. Say, Surrey Police with 14 Milly Dowler, Kent Police with the Securitas robbery. 15 Apart from that, they don't tend to engage in the same 16 way as the Metropolitan Police do. 17 Q. You give the example of Milly Dowler and you tell us, at 18 paragraph 27 of your statement, how they organised 19 briefings and indeed some functions, which included 20 a few beers in a bar between senior officers, press 21 officers and reporters. Am I understanding it right 22 that that was, in your experience, a wholly unusual 23 thing for a regional force to do? 24 A. Yes, it didn't happen very often. 25 Q. Did you have any informal contact with police officers</p> <p style="text-align: center;">Page 97</p>	<p>1 remember the exact context of that, but his name 2 certainly was in the local paper. 3 Mr Duffy then traced him through by use of the 4 electoral roll, knocked on his door and asked him if 5 he'd like to speak to us. You can see the results of 6 the interview that was published. 7 Q. Can you help me, do you know whether anyone involved 8 with the Sunday Mirror's activity in relation to this 9 story was a private investigator? 10 A. Not as far as I'm aware. 11 Q. Anybody with ex-special forces experience? 12 A. It couldn't be further from the truth. 13 Q. Are you able to help us as to whether or not there was 14 any counter-surveillance technique involved when 15 Mr Stevens was driven to the car park where he gave the 16 interview? 17 A. I -- sorry if I appear flippant, but I almost laughed 18 out loud when I heard that quote. 19 LORD JUSTICE LEVESON: It is interesting, but do you have 20 a comment on the publication in the Sunday Mirror of 21 a very, very lengthy article with somebody in respect of 22 whom proceedings are then active? 23 A. Well, I believe that the tapes we then handed over to 24 the police as a result of our interview would do more to 25 help the investigation than hinder it, sir.</p> <p style="text-align: center;">Page 99</p>
<p>1 in the Milly Dowler investigation? 2 A. No, not that I recall. 3 Q. Can we move now to paragraph 30 of your witness 4 statement, where you mention, amongst others, the 5 example of the Suffolk police's investigation of the 6 Suffolk strangler. I think you're aware of some 7 evidence that was given yesterday by Mr Harrison, 8 suggesting that the Sunday Mirror had interviewed 9 a suspect and had taken him away in a car which 10 exhibited defensive counter-surveillance driving. 11 We've been given a copy of an article dated 12 17 December 2006, published in the Sunday Mirror and 13 I have been told by your counsel that the relevant 14 section is in the first column near the bottom, where 15 the text tells us that the person in question, 16 a Mr Stevens, was spoken to by a Sunday Mirror 17 reporter -- not you but a Michael Duffy -- in a car park 18 near his home and not in a hotel, as Mr Harrison 19 described yesterday. What's your personal knowledge of 20 these events? 21 A. Well, I was in Suffolk at the time, but my job was 22 largely to deal with the police, but I was aware in the 23 morning that -- one morning, we were going through the 24 newspapers and Mr Stevens' name was referred to as 25 someone who had associated with prostitutes. I can't</p> <p style="text-align: center;">Page 98</p>	<p>1 MR BROWNE: I don't think, with respect, proceedings were 2 then active. He wasn't arrested until the following 3 day. 4 MR BARR: I think the factual position, if you look at the 5 paragraph above, the one I was reading from -- it says: 6 "Stephen said he was quizzed by cops once in a car 7 and three times at Ipswich police station. The first 8 interview was just days after Tania was reported missing 9 on October 30. The second interview was conducted under 10 caution and recorded." 11 LORD JUSTICE LEVESON: Thank you. 12 MR BARR: You've heard the Commissioner this morning express 13 concern about publishing the name of suspects. On any 14 view, Mr Stevens was a suspect and had been questioned 15 several times. Having heard the Commissioner, do you 16 now have concerns about the approach to this story? 17 A. I think this story was a unique position, in the sense 18 of Mr Stevens was declaring himself as a suspect. 19 I think you'll read there he actually said, "If I was 20 the police, I'd arrest me too." I mean, you know, that 21 is a unique situation. That's not something certainly 22 that has ever happened in my career, that I've been 23 speaking to someone who has declared themselves as 24 a suspect. In any other given situation, if you say 25 that somebody is a suspect, then of course the chances</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 are they will go on the run, which is -- in the story 2 that I referred to that we didn't run, which was that 3 a former Flying Squad officer held up a bookmakers -- 4 clearly, it was a story that was of interest to me. 5 I called the police and said, "This is the story we're 6 planning on running." I was then asked not to run that 7 story because, although he had been named internally on 8 the intranet at Scotland Yard, there were hidden cameras 9 that he wasn't aware of, so he was not aware that the 10 police knew who he was. Now, we did not run that story 11 for that reason.</p> <p>12 Q. Can I move now to paragraph 42 of your witness 13 statement, which is dealing with ethical issues. You 14 confirm that you never paid police officers for stories, 15 but you go further than that and say that you seek to 16 avoid putting the police in a position where they feel 17 that they should provide information to you in exchange 18 for anything that they consider that they are getting 19 from you.</p> <p>20 Isn't the difficulty with that that where, as you've 21 described, you're sometimes giving hospitality to senior 22 police officers, that hospitality might give rise to an 23 expectation that they will then co-operate with you 24 without hesitation?</p> <p>25 A. I think there needs to be a common sense approach.</p> <p style="text-align: center;">Page 101</p>	<p>1 experience you have some officers who are quite 2 confident in dealing with the press, and they, in my 3 experience, know what they can and cannot say. Other 4 officers clam up and will not speak to you, even if it 5 would benefit their investigation. So yes.</p> <p>6 Q. Your statement is very sceptical about the possibility 7 of requiring police officers to record contact with the 8 media. Do you think that if they clearly understand 9 what's permissible and what's not, so there's no concern 10 about whether they will be effectively confessing to 11 something they shouldn't have done -- do you think in 12 those circumstances there would be any difficulty with 13 a minimal level of recording, something which is not 14 going to be administratively burdensome?</p> <p>15 A. The problem I have, in speaking to officers about this, 16 is that these standard operating procedures that the 17 Commissioner referred to, they're not only for 18 association with reporters but also for association, for 19 example, with criminals. What's happened, I understand, 20 in the past is that say, for example, an officer's 21 brother was arrested over something. Well, then what 22 happens, as I understand, is that there's a risk 23 assessment on that officer as to what risk he then poses 24 to the organisation in the area that he is in.</p> <p>25 Now, I would imagine -- I've been told that the same</p> <p style="text-align: center;">Page 103</p>
<p>1 I mean, you can see from my records I've lunched with 2 the senior officer you've mentioned once. I'm hardly 3 showering them with hospitality, and I think that, yes, 4 if you are taking the same officer out on a weekly 5 basis, then clearly the perception of that would clearly 6 be wrong. If it's the occasional meeting, then no, 7 I don't see that that is in any way considered -- should 8 be considered as me expecting anything back for it.</p> <p>9 Q. Trinity Mirror has a system for recording hospitality. 10 Is it right that you don't record the name of the person 11 that you've given hospitality to or do you?</p> <p>12 A. It depends. On these occasions, I certainly would have 13 declared the name.</p> <p>14 Q. In the hospitality register?</p> <p>15 A. (Nods head)</p> <p>16 Q. Has the Metropolitan Police, or indeed any other police 17 force, ever tried to dissuade you from publishing 18 a story which is critical of the police force?</p> <p>19 A. No, I don't believe so.</p> <p>20 Q. Moving to the future, do you think that giving police 21 officers clear guidance as to what they can and cannot 22 properly say to the media would assist in encouraging 23 clear and confident communications in the future?</p> <p>24 A. I would encourage training of any sort for police 25 officers, certainly media training, because in my</p> <p style="text-align: center;">Page 102</p>	<p>1 thing would happen with association with the press. The 2 point here is that that officer, I understand, will then 3 be very likely not to be placed on investigations where 4 there is sensitive material or involving certain 5 people --</p> <p>6 LORD JUSTICE LEVESON: Well, who has said that to you? Are 7 you saying that people are likening the problems arising 8 from a relationship with a criminal with the 9 relationship with a journalist? I mean, that's 10 ridiculous, isn't it?</p> <p>11 A. Mr Hogan-Howe said -- he was referring to -- his comment 12 was: "I believe we stopped serving alcohol to suspects 13 a long time ago." I refer to the same thing. We are 14 being treated almost like criminals to a certain extent.</p> <p>15 LORD JUSTICE LEVESON: I think you're taking Mr Hogan-Howe's 16 comment entirely out of context, but there it is.</p> <p>17 MR BARR: That was, in fact, the last of my questions. 18 Thank you very much.</p> <p>19 LORD JUSTICE LEVESON: Thank you very much.</p> <p>20 MR BROWNE: Sir, could I just say, before he leaves the 21 witness box, one or two things about the Sunday Mirror 22 article which wasn't before the Inquiry yesterday when 23 Mr Harrison gave evidence and which you've only had 24 a few moments to look at?</p> <p>25 First of all, the assumption that was made by</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 Mr Duffy, the reporter who found Mr Stevens, was that he 2 had been ruled out by the police. 3 LORD JUSTICE LEVESON: Well, Mr -- 4 MR BROWNE: That's clear from the second column on page 4, 5 about halfway down. 6 The other point that perhaps I can be forgiven for 7 raising now is the evidence that was given -- 8 LORD JUSTICE LEVESON: No, Mr Browne, I don't want a speech 9 about it because each one of these witnesses might 10 generate some points. I'm sure you'll be able to make 11 submissions about this in due course. If there's 12 a specific error that you feel ought to be corrected, by 13 all means, but if I start to permit you to develop an 14 argument, then I am going to be in terrible trouble with 15 others who want to do likewise. 16 MR BROWNE: Well, yes, but my clients, it was suggested 17 yesterday, had put a Sunday Mirror surveillance team on 18 to the police, who were in turn surveying Mr Stevens. 19 There clearly was no surveillance team. The evidence of 20 Mr Harrison was unsourced hearsay about something that 21 had been said to him during the course of a briefing on 22 either Tuesday or Wednesday -- 23 LORD JUSTICE LEVESON: Put in some evidence, Mr Browne. I'm 24 not hearing this now. If you want to do something, by 25 all means do, but I think that to start to receive</p> <p style="text-align: center;">Page 105</p>	<p>1 Q. But subject to that one correction, are the contents of 2 your witness statement true and correct to the best of 3 your knowledge and belief? 4 A. They are. 5 Q. You tell us that you are the crime correspondent at the 6 Daily Mirror. You started your career working on the 7 Hackney Gazette. You've worked for the news agency 8 National News, and you started work for the Daily Mirror 9 in June 2005. You became the crime correspondent 10 relatively recently, in May of last year. 11 A. That's correct. 12 Q. Like many of the crime reporters, you've described the 13 current relations between the Metropolitan Police and 14 the media as being in a state of some flux. 15 A. Mm. 16 Q. Do you agree with the last witness that it's not so much 17 official briefings that have been affected, but the more 18 informal contacts and the result of requests made to the 19 DPA? 20 A. Yes, I would agree with that. 21 LORD JUSTICE LEVESON: Can I just understand that a little 22 bit? Do I gather that there is a different approach 23 from the DPA now than there used to be, as a result of 24 which officers won't talk, or is it the other way 25 around?</p> <p style="text-align: center;">Page 107</p>
<p>1 submissions at this stage, on the evidence I've heard, 2 will start to take me a very great deal of time. 3 MR BROWNE: I'm only concerned, in the light of what 4 Mr Harrison said, that the Inquiry should be fair to the 5 Sunday Mirror reporters involved and to Mr Duffy and to 6 Mr Penrose. 7 LORD JUSTICE LEVESON: Mr Browne, I hope that I've been 8 trying to be fair to everybody throughout. 9 MR BARR: Sir, the next witness is Mr Pettifor. 10 LORD JUSTICE LEVESON: Thank you very much. 11 MR THOMAS DANIEL PETTIFOR (affirmed) 12 Questions by MR BARR 13 MR BARR: Mr Pettifor, could you tell us your full name, 14 please? 15 A. Thomas Daniel Pettifor. 16 Q. I understand you want to make a correction to 17 paragraph 8 of your witness statement. On the fourth 18 line up from the bottom, it says June 2004. 19 I understand that should become June 2005; is that 20 right? 21 A. That's correct. 22 Q. There are also some additions you wish to make to your 23 witness statement, and we will deal with those as we go 24 along. 25 A. Okay.</p> <p style="text-align: center;">Page 106</p>	<p>1 A. What I was saying there was that official contact -- so 2 briefings that we'd have, pre-trial briefings -- remain, 3 the monthly commissioner briefings remain, but informal 4 contact -- whether that comes from the DPA or not 5 I don't know, but informal contact with officers is more 6 difficult. 7 LORD JUSTICE LEVESON: Do you find -- perhaps I should have 8 asked the last witness -- that you're more likely to be 9 stopped by the DPA from speaking directly to an officer 10 than you used to be? So in other words, they're no 11 longer acting as a conduit -- 12 A. No, if I make a request to speak to an officer, they're 13 always very helpful to put that request to the officer, 14 as I understand it. 15 LORD JUSTICE LEVESON: But the officer doesn't respond as he 16 used to? Or -- 17 A. There may be more of a reticence amongst officers to 18 speak to me if I make an approach not through the DPA. 19 LORD JUSTICE LEVESON: Just phone them up? 20 A. Yes. 21 MR BARR: You tell us at paragraph 12 of your witness 22 statement that you probably speak to Scotland Yard press 23 office twice a day on average, but you also tell us that 24 they sometimes call you, putting through senior 25 investigating officers at court, so that you can</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 publicise a particular case. How often do you get calls 2 from the press office?</p> <p>3 A. Fairly rarely, actually. If they know that the Mirror's 4 interested in a story, they might -- or that a story 5 would be of interest to us, they might contact us, but 6 I can't think -- I'm just trying to think of an example. 7 I can't think of one at the moment.</p> <p>8 Q. How often do you speak to SIOs at court and on the 9 telephone?</p> <p>10 A. I try to -- well, it all depends, but fairly regularly. 11 Maybe once, twice a week I would go to court and speak 12 to officers and on the telephone it could be -- well, it 13 varies between twice to five times a week, maybe.</p> <p>14 Q. In your answers to question 13, so far as they relate to 15 operational officers, you describe really very little 16 contact with very senior members of the Metropolitan 17 Police. Is that simply a reflection of the fact that 18 you've been doing this job for less than a year, or is 19 there something more to it?</p> <p>20 A. I hope it's just the fact that I haven't been doing it 21 for very long. As I say, there is a -- we're in a state 22 of flux at the moment, so there may be a bit more of 23 a distance being kept by senior officers and the press, 24 but I'd say it's because I've only been doing the job 25 for a short time.</p> <p style="text-align: center;">Page 109</p>	<p>1 to the back of the queue."</p> <p>2 MR BARR: Have you yet got to the head of the queue?</p> <p>3 A. I haven't had that interview yet, but I don't think the 4 current Commissioner is going to be giving interviews to 5 any particular newspaper, apart from the Evening 6 Standard, maybe.</p> <p>7 Q. You tell us about attending the Scotland Yard summer 8 party last year, and you say there were a lot of people 9 there, maybe a hundred or so.</p> <p>10 Can I be clear: was this a party simply for the 11 press?</p> <p>12 A. It was described as the Scotland Yard summer party. 13 I mean, there were officers there. I think there were 14 freelance journalists and a lot of journalists, so 15 I think it was mainly for the press.</p> <p>16 Q. And if I've understood correctly, reading it with 17 paragraph 18 of your statement, there was 18 a complimentary bar?</p> <p>19 A. Yeah.</p> <p>20 Q. You tell us that -- looking now at question 15 -- when 21 you speak with press officers, you're primarily doing so 22 to check facts. Are you also trying to obtain stories 23 when you deal with the DPA or are they not a good source 24 of stories?</p> <p>25 A. Do you mean exclusive stories?</p> <p style="text-align: center;">Page 111</p>
<p>1 Q. In terms of your dealings with Mr Fedorcio, you tell us 2 that you spoke to him, along with other reporters, on 3 the day the royal wedding last year, and that a month 4 later, in May of last year, he came to the 5 Daily Mirror's offices.</p> <p>6 As a result of meeting him there, you emailed him 7 asking, I think, for access to the Commissioner for an 8 interview. You've exhibited the email to your 9 statement. It got a response from Mr Fedorcio, and he 10 didn't promise you an interview. He told you that the 11 Commissioner would be speaking at a forthcoming CRA 12 briefing, and what he also said was:</p> <p>13 "But I do have a queue filled by your colleagues and 14 competitors. We'll see."</p> <p>15 Did you get any sense that you were being played off 16 with your competitors for access to the Commissioner or 17 am I reading too much into that?</p> <p>18 A. I think you are. That's a fairly straightforward 19 statement. I'd just started in the job. I think any 20 crime reporter would make an application to interview 21 the Commissioner when they got a job, so I'd just got at 22 the taxi rank, as it were, put in my application, my 23 request. There would have been -- everyone else would 24 have been asking for the same thing.</p> <p>25 LORD JUSTICE LEVESON: And all he's saying is: "You can go</p> <p style="text-align: center;">Page 110</p>	<p>1 Q. Of any kind.</p> <p>2 A. Well, I would be doing a story all the time when I'm 3 speaking to the DPA, but normally I wouldn't be 4 expecting to get an exclusive story from the DPA. 5 I would be checking facts. Unlike Justin, who works for 6 the Sunday Mirror, I often have to do day-to-day stories 7 that are moving quite fast and I need to check facts 8 with the DPA and they're very good as helping me with 9 that.</p> <p>10 Q. That's where you find them most useful?</p> <p>11 A. Yes.</p> <p>12 Q. Paragraph 18 is one of the paragraphs that you want to 13 make an addition to. As I understand it, what you would 14 like to add to paragraph 18 is that you were also given 15 a glass of wine when you were reporting the royal 16 wedding?</p> <p>17 LORD JUSTICE LEVESON: All right, don't worry about that. 18 Thank you.</p> <p>19 MR BARR: And a similarly quite straightforward addition to 20 paragraph 19. I think you say that you have also met 21 another detective chief inspector for lunch?</p> <p>22 A. Detective constable.</p> <p>23 Q. Detective constable, I'm sorry.</p> <p>24 You tell us that you find the briefings at the 25 Metropolitan Police provide valuable. What I'd like to</p> <p style="text-align: center;">Page 112</p>

<p>1 ask you: to what extent do you find the informal 2 contacts that you might have with the Metropolitan 3 Police Service staff valuable as well? 4 A. By informal contacts, what do you mean? 5 Q. When you're speaking to them in any other way other than 6 at an official briefing or press conference, whether 7 you're speaking to them outside court, whether you're 8 taking them for a coffee -- 9 A. Yes. I mean, that's really helpful, not necessarily for 10 stories gathering in the short term but just for 11 understanding the job that they do, and for me to have 12 a deep background knowledge of policing, so that when 13 big stories do break, hopefully I can explain the 14 context to my editor and I can write a more accurate 15 story. So it is very helpful in that respect, and also 16 you can really get deep into policing issues when you're 17 talking to people privately, and it can give me ideas 18 for stories in future. 19 Q. How do you compare the way in which the Metropolitan 20 Police Service interacts with the media and the way in 21 which regional forces interact with the media? 22 A. As I say, I don't have much contact with regional forces 23 because the Mirror has regional reporters who cover 24 their areas and speak regularly to the police there. 25 I've said that the smaller forces may be slightly</p> <p style="text-align: center;">Page 113</p>	<p>1 there's a problem? 2 A. Having just started the job, it's hard to gauge that. 3 You've heard evidence from other crime reporters and 4 former crime reporters who have been doing this job for 5 over two decades, so I would expect them to have more 6 access than me after doing a job for eight months, ten 7 months. 8 Q. How frequently do you have off-the-record conversations 9 with the Metropolitan Police Service? 10 A. Well, if I go down to court and speak to an officer 11 during a trial that's concluding or ongoing, that would 12 normally -- I mean, "off the record" is a slightly vague 13 term that I don't really like using, but it would be 14 a non-attributable conversation, just to give me context 15 on the story. So it could be a couple of -- three times 16 a week, maybe, that I would have non-attributable 17 conversations with officers. 18 Q. Does that mean that it's quite an important part of the 19 information flow between the police and yourself? 20 A. I'd say so, yes. 21 LORD JUSTICE LEVESON: But it's rather important to 22 understand that. What you're saying is you're 23 interested in a particular case, you go and chat to the 24 officer in the case to get some context or background, 25 not because you're going to report it but just to make</p> <p style="text-align: center;">Page 115</p>
<p>1 less -- harder to contact just because they have smaller 2 teams, but I wouldn't like to make a comment 3 particularly because I've been doing this job for 4 a short time and haven't had much experience of dealing 5 with other forces. 6 Q. Do they offer less hospitality? 7 A. Well, I've never had a face-to-face meeting with an 8 outside force, so ... 9 Q. Can we move now to paragraph 30 of your witness 10 statement, where you tell us about going along with the 11 Metropolitan Police to watch their operations. In 12 relation to the people trafficking operation, you say 13 the Metropolitan Police offered to take you along. Do 14 you know anything more about how that opportunity came 15 to have been presented to you via your newspaper's news 16 desk? 17 A. All I know is that we were running a campaign on people 18 trafficking, highlighting the issue, and that my line 19 manager approached me and said that this would be a good 20 thing to do. I'm not sure whether one of our executives 21 had contact with the Met over our campaign. I don't 22 know who was overseeing the campaign. 23 Q. In terms of access to witness operations taking place, 24 are you content that your newspaper gets an equal share 25 of the opportunities or do you have any sense that</p> <p style="text-align: center;">Page 114</p>	<p>1 sure that what you do report is accurate, fair and 2 balanced? 3 A. Yes. 4 LORD JUSTICE LEVESON: That's rather different from going to 5 an officer to say, "Tell me about some entirely specific 6 piece of work", which isn't connected with a case 7 they're doing and you're just looking at, for example, 8 knife crime in Hackney or whatever. How would you go 9 about getting in touch with an officer if you wanted to 10 do that? 11 A. If I wanted to speak to an officer off the record about 12 a specific subject? 13 LORD JUSTICE LEVESON: Or about knife crime in Hackney, say. 14 A. I'd go, probably, to the regional press office, the east 15 area press office, and ask them to put me in contact 16 with an officer. 17 LORD JUSTICE LEVESON: But you're not there necessarily 18 seeking an off-the-record meeting; you're wanting 19 information. You've described your off-the-record 20 material in relation to a specific case -- 21 A. Yes. 22 LORD JUSTICE LEVESON: -- because you're not seeking to 23 quote the officer; you're simply trying to understand 24 the context? 25 A. Yes.</p> <p style="text-align: center;">Page 116</p>

<p>1 LORD JUSTICE LEVESON: That's rather different from the sort 2 of meeting you might have if you're investigating 3 a specific topic. Is that fair? 4 A. That's fair, yes. 5 LORD JUSTICE LEVESON: Right, okay. Thank you. 6 MR BARR: Have you ever been offered a story about 7 involvement of a famous person with the police, either 8 in the role of victim or someone who's got into trouble? 9 A. Not by a police officer. 10 Q. A civilian member of police staff? 11 A. No. 12 Q. Have you ever been approached by a police 13 whistle-blower? 14 A. What, a police officer who is a whistle-blower? 15 Q. Or civilian staff. 16 A. No. 17 Q. You tell us at paragraph 42 of your witness statement 18 that you currently have mobile phone numbers for 12 19 officers. Can you indicate the range of ranks that they 20 span? 21 A. They would be mainly above inspector, actually. 22 Q. Do you have any below? 23 A. There's one detective constable. 24 Q. I understand that at paragraph 49 of your witness 25 statement, you wish to make an addition, that you also</p> <p style="text-align: center;">Page 117</p>	<p>1 make a minimal record of the fact of contact with 2 a journalist? 3 A. I'd be interested to know what the point of -- I mean, 4 having this record of meetings with the press is 5 obviously not going to alleviate the problem of 6 corruption, which is obviously a very, very small 7 problem, and if it was to flag up people meeting the 8 press very regularly -- I mean, I've heard people saying 9 three times a week, which obviously doesn't happen -- 10 I don't know if it would work, because perhaps officers 11 just wouldn't meet the press or they wouldn't log it. 12 Q. But it would allow a monitoring of the position, 13 wouldn't it? 14 A. I understand that. 15 Q. That's truly a good thing, isn't it? 16 A. Hm, if it makes officers more paranoid than perhaps they 17 are now, then it's not a good thing, and I think it's 18 important that we have a flow of information that isn't 19 necessarily official to find out things that, as Justin 20 said, the police forces would never put out and we'd 21 never know about if we didn't have this flow of 22 unofficial information. 23 Q. But putting aside the whistle-blower, doesn't it make 24 more normal interactions between the police and the 25 media that much more transparent?</p> <p style="text-align: center;">Page 119</p>
<p>1 know of a former Trinity Mirror reporter who has worked 2 for a police press office; is that right? 3 A. Yes, currently works. 4 Q. The other reporter who you mention in paragraph 49, who 5 was not a Trinity Mirror reporter -- 6 A. Press officer, sorry. 7 Q. -- which newspaper did that person work for? 8 A. He worked for the Sun. 9 Q. Looking to the future, do you see a benefit in police 10 staff having clear guidance as to what they can and 11 cannot say to the media? 12 A. By police staff, do you mean police officers? 13 Q. Officers and civilian staff. 14 A. I believe they have guidance already, but if there was 15 a national -- I mean, there should be national 16 guidelines for all the forces. I think Lord Justice 17 Leveson is looking at that. And I believe that there 18 should be a charter of open information. There should 19 be more information being given out and officers should 20 be trained to look for what they can give us rather than 21 think about what they can't give us. 22 Q. Do you think that if officers have the benefit of 23 national guidance as to what they can and can't say to 24 give them the confidence to speak to you, that there 25 really will be any chilling effect if they also have to</p> <p style="text-align: center;">Page 118</p>	<p>1 A. I would have to think about it. My gut reaction is that 2 it will freeze up information flow more than it is 3 already is at the moment. Whether -- I mean, I think 4 transparency at senior levels is a very good thing. 5 I think DAC and above showing their hospitality records 6 in all forces will alleviate problems, perhaps, that 7 have arisen that led to this Inquiry. I think at senior 8 level is important to have transparency. 9 MR BARR: Mr Pettifor, thank you very much -- 10 LORD JUSTICE LEVESON: Let me just ask you one thing. If 11 you are right and there should be a greater willingness 12 on the part of the police to share information, and 13 indeed I think the Commissioner didn't in any sense 14 dissent from that proposition, then that information 15 becomes official information. 16 A. Yeah. 17 LORD JUSTICE LEVESON: If it's official, what is the need 18 for unofficial information? 19 A. I think you've hit the nail on the head there. If the 20 official information parameter broadens so much that we 21 have all of this information out there, then it will 22 very much reduce the need for unofficial channels, and 23 if police forces actually said, "Right, we've got this 24 negative -- what could be a story, or this negative 25 occurrence that's happened, let's put it out there,</p> <p style="text-align: center;">Page 120</p>

<p>1 let's not worry too much about it", I think that would 2 really help. 3 LORD JUSTICE LEVESON: I'm not sure that you're going to 4 persuade them to make a positive feature of the things 5 that they're not happy about -- 6 A. I'm not saying a positive feature; I'm saying they 7 release this information. 8 LORD JUSTICE LEVESON: -- but it may be that they should be 9 more prepared to deal in the same way with potential 10 negative stories as they deal with positive stories. 11 A. Yes. 12 LORD JUSTICE LEVESON: Which is a slightly different point. 13 Anyway, there it is, thank you very much. 14 A. Okay. 15 LORD JUSTICE LEVESON: Right. 16 Mr Browne, I don't intend in any sense to close down 17 the concern that you have. I understand, and 18 I understood when the evidence came, that Mr Harrison 19 was giving hearsay of what he understood, which may or 20 may not have been right. But you'll appreciate that 21 I am looking at the entire area at a high level, and not 22 wishing to condescend to a detailed analysis that would 23 occur if each time there was a disagreement, somebody 24 wanted to make a statement about it. That's the point 25 that I was making.</p> <p style="text-align: center;">Page 121</p>	<p>1 accords with the evidence of Mr Justin Penrose, who was 2 part of the team in Ipswich, is that in fact the 3 interview did not take place in a hotel, as Mr Harrison 4 suggested, but in fact in a pub car park, see six lines 5 from the bottom of the first column, and lasted over two 6 hours, as is clear from eight lines down from the top of 7 the fourth column. So it doesn't look as though the 8 police were surveying Mr Stevens at the time -- 9 LORD JUSTICE LEVESON: Well, you don't know that, do you, 10 because this is where it all gets rather difficult. The 11 police may very well have been watching him, may very 12 well have lost him, your reporter taking him to a car 13 park may very well have not wanted to have been seen by 14 another reporter, not seeking to evade the police. 15 There are all sorts of issues. That's what concerns me 16 about investigating the facts. 17 MR BROWNE: Forgive me, it is in fact simpler than it might 18 first appear, which is that Mr Driscoll's evidence 19 was -- I'm so sorry, Mr Harrison's evidence was that 20 Mr Stevens was taken to a hotel to be interviewed. In 21 fact, he was interviewed over a period of two hours in 22 a pub car park. 23 Well, thank you for allowing me to say that. 24 LORD JUSTICE LEVESON: All right, thank you very much. 25 2 o'clock.</p> <p style="text-align: center;">Page 123</p>
<p>1 MR BROWNE: I understand that, but when I raised the issue 2 of fairness, it was simply this, that on more than one 3 occasion allegations have been made to which there was 4 a good response, and the allegations are publicised, 5 they are very often reported in other organs of the 6 press, and it's really no good, if one is concerned with 7 fairness, that subsequently, tucked away in some written 8 closing submission, would be the answer. 9 Now, you have said -- 10 LORD JUSTICE LEVESON: Rather like a correction by the PCC. 11 MR BROWNE: Well, I won't follow that here, but the point 12 I'm -- was simply this, that what is clear from this 13 article -- and I'm not going to make a speech -- is, 14 firstly, the sequence of dates, that the article was 15 published the day before the first briefing and two or 16 three days before the second, which was said to have 17 raised the question of the so-called Sunday Mirror 18 surveillance team. In fact, what one sees from this 19 article is, firstly, that there was no team, no 20 specialist inquiry agent, no special forces, as was 21 put -- 22 LORD JUSTICE LEVESON: Well, you don't necessarily see it 23 from the article because it wouldn't necessarily be 24 admitted in the article if it was true. 25 MR BROWNE: Well, what one sees from the article, and this</p> <p style="text-align: center;">Page 122</p>	<p>1 (1.01 pm) 2 (The luncheon adjournment) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 124</p>

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