

IN THE MATTER OF:

AN INQUIRY UNDER THE INQUIRIES ACT 2005

CHAired BY THE RIGHT HONOURABLE LORD JUSTICE LEVESON

FIRST WITNESS STATEMENT OF MICHAEL SULLIVAN

I, **MICHAEL SULLIVAN**, of The Sun, 3 Thomas More Square, London E98 1SN
WILL SAY as follows:

1. I am the Crime Editor of the Sun which is published and owned by News Group Newspapers Limited. News Group Newspapers Limited is owned by NI Group Limited.
2. I am making this statement in response to a notice dated 3 January 2012 pursuant to section 21(2) of the Inquiries Act 2005 ("the Notice") addressed to me at The Sun.
3. I understand that the Notice has been sent to me in connection with Part 1 of the Inquiry chaired by the Right Honourable Lord Justice Leveson into the culture, practices and ethics of the press including contacts and the relationship between the press and the police and the conduct of each, the Terms of Reference for which were published by the Right Honourable Mr David Cameron MP, the Prime Minister on 20 July 2011. The Notice requires me to provide evidence to the Inquiry Panel in the form of a witness statement and to provide any documents in my custody or under my control as specified in the Notice.

4. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of belief and believe them to be true.
5. I am not authorised to waive any privilege on behalf of News Group Newspapers Limited or NI Group Limited and nothing in this statement is intended to constitute a waiver of privilege on behalf of either of them.
6. I have worked for The Sun newspaper since 1990. In September of that year I was made a crime reporter and in 2001, I was promoted to crime editor. I still retain that position. Before The Sun I worked for National News, a London-based press agency. Prior to that, I worked for the St Albans Review weekly newspaper.

RELATIONS BETWEEN THE MEDIA AND THE METROPOLITAN POLICE FORCE

What have been your impressions, over the years, about the culture of relations between the Metropolitan Police Service and the media?

7. The culture between the Metropolitan Police Service and the media has changed a great deal over the years as both have evolved. When I first started, press conferences and briefings on big stories were typically attended by film crews from the BBC and ITN, a couple of radio reporters and crime correspondents from the national press and Evening Standard.
8. Some newspapers had their own phone line in the press room at New Scotland Yard, a throwback to the generation before when crime reporters were based there full-time and worked closely, at first hand, with police officers.
9. The growth of electronic media, and in particular the advent of 24-hour television, means that similar press conferences on big stories are now attended by many more journalists. The emphasis is on a fast-time response with more demands on journalists and police alike to get the story 'out there' as quickly as possible. Accuracy can suffer as a result, as proved by Sir Ian Blair's comments on the day of the shooting by armed officers of Jean Charles de Menezes. A press conference was held at the QE2 Centre to hold the sheer number of journalists.

10. Above all, the expansion of the media means that press officers are now an essential barrier between journalists and investigating officers, who simply do not have enough time to do their job and handle calls from us. This in turn has inevitably led to more central control on the release of information. But there is no standard practice on how much information to give out, and some forces provide more than others.
11. It is, however, the crime reporter's job to get behind the story for the bigger picture and more detail on a story. We try to do this by building up trust with press officers and, when appropriate, through direct contact with police officers.
12. In an ideal world, any journalist would want to talk to the person with information directly to hand. Most crime reporters accept, however, that in practice it might not be possible to achieve that if an officer is working on a fast-time investigation. We therefore have to rely on press officers, who mainly do an excellent job. However, this type of second-hand information exchange does present a risk of being detrimental to the public interest if there is too much control from press officers.
13. I attended one Ministry of Justice press conference on an important case, in which there had been a multitude of failures by probation staff. There were at least 20 press officers present at the press conference from every government agency imaginable.
14. This made it very difficult afterwards to talk with any of the professionals who spoke at the conference. When I tried to ask one to expand on an important point afterwards, he was happy to do so but was then hurried away by an impatient and rather angry-looking government PR who seemed to think I had crossed a boundary by daring to ask a question outside the controlled environment of the conference.
15. Problems can also occur when the PR chain becomes too long and relatively simple statements have to go through a number of people before they are authorised for release to the media. This is particularly the case around counter-terrorism where, seemingly, the Met will not release anything unless they have clearance from other agencies. It means we sometimes hear information from abroad about incidents which have happened in the UK, where presumably information has been shared with partners in those countries who have a more open approach to the media. On the day the ink jet cartridge bombs were found, the Met press office were releasing very little information about it and even tried

to play down the significance of it until President Obama read out a statement that night.

Describe the personal contact which you had with the Metropolitan Police at the various stages of your career?

16. I used to speak on the telephone to Metropolitan Police personnel at least ten times a day, mainly press officers and less often, police officers about incidents and stories. There is an email system which the Press Bureau at New Scotland Yard now uses to send out information so I make fewer calls than I once did. When I first became a crime reporter, I would make check calls every hour or so to see if anything was happening, as was usual practice.
17. It is always good to put a face to a name on the phone and there are normally at least two social events a year when crime reporters, Met press officers and some police officers will meet for drinks. These occasions are arranged between the Directorate of Public Affairs and the Crime Reporters Association, of which I am a committee member.
18. There are other occasions when you may bump into someone you know well in court, or in a pub or café near New Scotland Yard, and you may have a drink and chat together.
19. Over a period of years, most crime reporters will get to meet many hundreds of press officers and police officers. I may only speak to one of those people once every two or three years and sometimes even longer periods than that. There are others I speak to every two or three days on the phone during the course of my work.
20. The majority of people I have encountered from the Met remain purely professional contacts because of the irregularity of contact. There are others you get to know more socially while chatting on the phone and at briefings and press conferences.
21. Those relationships are not necessarily based on whether the person gives the journalist a story or not. Professional boundaries still remain but a good working relationship is mutually beneficial.

22. Looking back over my career as a specialist crime reporter, I would estimate I have spent as much of my time with police and civil staff from the police, other law enforcement agencies, legal professionals and fellow crime reporters as I have with my own colleagues on the newspaper I work for.
23. When he was commissioner, Lord Stevens described crime reporters as part of the extended police family. This should not be taken out of context because he also applied the same description to members of independent advisory groups who worked closely with the Met and helped move them on from the problems around the murder of Stephen Lawrence.

Without prejudice to the generality of the question above, please set out the contact which you have had with the person occupying at any given time the following posts giving, as best as you can remember, the dates and summarising the gist of the communications which you had with: (a) The Commissioner of Police of the Metropolis; (b) The Deputy Commissioner of Police of the Metropolis; (c) Assistant Commissioner of Police of the Metropolis; (d) Deputy Assistant Commissioner of Police of the Metropolis; and (e) Head of Public Affairs. In each case, who initiated the contact and why?

24. (a) - Over the last 20 years I have met all six commissioners at briefings for the Crime Reporters Association, which are held at New Scotland Yard roughly once a month. They became more spaced out under a couple of them.
25. In addition, I have been present when four commissioners attended 'get to know you' meetings with senior Sun executives at Wapping. These were typically alcohol-free light lunches in the boardroom. I cannot recall any of the five visiting our office more than once during their tenure.
26. I attended dinners with two of those commissioners on three or four occasions, but always in the presence of other crime reporters and Directorate of Public Affairs staff.
27. (b) - The Deputy's job is mainly administrative and I have therefore rarely had much contact at all with any of them. I did meet Sir Paul Stephenson twice in the company of other crime journalists while he was Deputy Commissioner. I also met Lord Stevens when he held the post. This was at a dinner attended by Dick Fedorcio, Director of Public Affairs, and another member of the CRA to discuss what we needed as a group from the Met and vice versa. They paid for the meal.

28. (c) - I have met several Assistant Commissioners on a professional and, more rarely, on a social basis. I have to come to know a small number relatively well, having first met them while they were in more junior ranks.
29. I have also attended several lunches with other reporters and ACSO (Assistant Commissioner Specialist Operations) organised by the Crime Reporters Association and the Met. These were informal occasions designed purely to provide journalists with off-the record guidance, not for publication or broadcast, on terrorist threat levels and outlines of investigations which had led to charges. On-going investigations were not discussed. A press officer was always present.
30. (d) - As with the above, I have met DAC's on a professional level and socially on a limited number of occasions. Those who I have got to know were mainly first encountered years earlier while they were junior ranks.
31. (e) - During my time as a crime reporter, I did not know the first two holders of that post, Mike Granett and Sarah Cullum, particularly well. However, I have established a good relationship with the present incumbent, Dick Fedorcio.
32. We would normally speak once every week or so by phone on a professional level. Dick will call me if there are any problems with The Sun's coverage of stories involving the Met, and vice versa. We keep in close touch and if there are any issues between the Met and The Sun, we provide a good point of contact for each other.
33. Until last year, Dick and his staff often joined the CRA for a drink or two after commissioner's briefings to iron out any potential difficulties on stories and to chat generally. Only a small amount of time was taken up discussing work issues. I met Dick for lunch roughly four times a year, mainly with other CRA members present.
34. It is hard to remember on any of the above whether they or I initiated contact, though I would imagine it was mainly me trying to get information on stories. As far as any social meetings were concerned, there was never any specific purpose on any of those occasions other than to foster good relations.

Did you ever have the personal mobile telephone number or home telephone number of the people listed at (a) – (e) above?

35. I had a mobile number for one commissioner but never used it on the grounds I did not want to compromise them if I had received a story elsewhere that day which could embarrass them professionally. I have never held phone numbers for any deputy commissioners. I have had mobile and home numbers for a small number of AC's and DAC's. They were almost all given to me when those officers were more junior in rank.

Describe what you were seeking to gain from the Metropolitan Police through your personal contacts with MPS personnel?

36. Essentially, information for stories and an understanding of the work the Met carries out in order for me to do my job efficiently.
37. I have sought to build a relationship of trust with contacts in the hope they will also share important background information with me to give context to stories, which is not always published. For example, if there is a murder and police are looking for a specific suspect known to the victim, then it is useful to know that while reporting on the crime to avoid causing unnecessary fear to readers by giving them a misleading impression the murder was a random act which has put them at risk. Information like that might be given off the record and be accompanied with requests not to publish any names or pictures of anyone of interest to the police whom we have obtained information about from neighbours, friends or relatives.

Describe in general terms and using illustrative examples what you consider the Metropolitan Police Service has been seeking from you in personal dealings with them during your career?

38. I am a crime reporter working for a newspaper read by eight million people a day. It is a very useful tool for the Met to get its message across about any issues of the day and on-going cases.
39. The Sun is largely supportive of the Met and police in general, but there are occasions when our paper holds them to account. A crime reporter can be a good friend in those times. We can be relied upon when writing damaging stories to include any comments the Met wish to make in their defence although we would

not seek to favour the police in those circumstances or try to unduly influence a story to keep friends in the service happy.

40. To explain further, if rioters storm Millbank Tower because of insufficient officers on guard outside, a murderer or rapist is allowed to remain at large through police errors, or a mock terrorist bursts into Prince William's birthday party, the Met will offer an apology by way of statement. But they may also seek to give an explanation to crime reporters about the background to the incident and any extenuating circumstances which led up to the problem.
41. Likewise, if our newspaper obtains information about any crime, for example we were handed photos of the victims of Thomas Hardy after they had been murdered, then the Met will deal with me to make sure that information is dealt with appropriately. This type of contact happens on a fairly regular basis.
42. Above all, the main thing the Met seeks from me and the paper I represent is information. The Sun has a proven success rate over many years of helping police bring serious criminals to justice. We have run many appeals on behalf of the Met on murders, terrorism and other serious offences. We also have a close relationship with Crimestoppers, who recognise our value as a tool for obtaining information on crime.
43. I was told recently by a retired officer that my name, and that of another crime reporter, was brought up by a trainer on a detective training course he attended at Hendon a few years ago as journalists who could be trusted and be of potential use. The instructor – who I don't know – said he had called me a few years previously about a job he was investigating and got a result from an appeal in the paper. He urged officers to think proactively of newspapers like The Sun as a way of getting information from the public about missing people they are looking for or on crimes they investigate. In short, to engage with the media.

Have you ever attended a formal press conference called by the MP? If so, for what purpose was it called and do you think that it was valuable?

44. I attended press conferences called by the Met on a regular basis. Perhaps once every fortnight. Some are valuable, others less so. Some conferences are held on specific incidents which have occurred, for example, a murder, large scale robbery or terrorist incident. Other conferences will be held to promote a specific campaign such as knife crime. Others are held at the end of trials, typically when the jury has retired to consider verdicts. These will focus on background to cases,

such as the Stephen Lawrence murder when press conferences about the DNA science and the history of the case were held by the Met and CPS on successive days after the jury had gone out to deliberate and before they returned.

RELATIONS WITH OTHER POLICE FORCES

What have been your impressions, over the years, about the culture of relations between police forces other than the MPS and the media?

45. In general terms, I rarely dealt with any forces outside the South East because we have district reporters on The Sun who cover policing stories on their patch and they will forge a working relationship with police personnel in their areas. My impression when I did speak with other forces, mainly when our district reporters are on holiday or dealing with a big general news story, is they have improved their approach to the media over the last few years. By this I mean that the information is easier to obtain and verify with press offices. But some are better than others.
46. I am told by colleagues who covered the story that phone lines to the Cumbria press office went unanswered for long periods of time in the days following the Derrick Bird shootings. The office itself was simply unoccupied and journalists were left trying to check stories without any means. Very few forces outside London operate a press office at weekends because of resource issues and typically the duty inspector at headquarters control will deal with specific inquiries.
47. It can be frustrating when you are connected through to an inspector who tells you to ring back on Monday morning for an answer or comment on a story you are intending to publish that day. You can hardly blame the inspector as he will have more important matters to deal with.
48. However, these days most forces have an on-call duty press officer to deal with emergency calls from the media at weekends and I have received an excellent service from some of them dealing with questions on a Sunday when there are very few people at work.

Have you had personal contact at Chief Constable, Deputy Chief Constable, or Assistant Chief Constable level? If so, as best you can remember, please state the dates and summarise the gist of such communications?

49. I have met a few ACPO-ranking officers at annual conferences, such as ACPO's own one. The Sun and Police Federation also hold a Police Bravery Awards evening annually where I have met Chief Constables who I know previously from them having worked in the Met or forces in the South East.

Describe the personal contact which you had with other police forces at the various stages of your career. The Inquiry would like an overall picture of the type, frequency, duration and content of your Contact with other police forces.

50. I have spoken by phone with press officers from Kent, Surrey, Essex and Sussex Police on a regular basis. Normally, once every few weeks.
51. Sometimes, a force will have a big story on its patch and contact becomes much more regular and I will meet police and press officers face to face.
52. For example, crime reporters were regularly in touch with Surrey Police over the abduction and murder of Amanda 'Milly' Dowler.
53. Back in 1996, 1997 and 1998 I also spent a lot of time travelling to Kent, who dealt with the murders of Lin and Megan Russell, as well as the road rage murder of Stephen Cameron by Kenneth Noye, during those years. During the course of working on those stories, I regularly spoke with senior investigating officers and press officers.

Describe what you were seeking to gain from these contacts with other police forces?

54. I was seeking to gain information about the cases and put them into context. There were on occasion also useful bits of information I picked up from elsewhere which I needed to bounce off a contact. For example, I was aware that Noye was on the run in Southern Spain before he was arrested and then agreed with the senior investigating officer that we would not publish that until he was captured.

Describe in general terms and using illustrative examples what you consider that other police forces have been seeking from you in personal dealings with them during your career?

55. As with the Met, those police forces have sought to utilise me as a representative of a mass daily newspaper to generate information on crimes they are investigating. They have also put across any concerns they may have about coverage or story proposals, as above with the Noye example.
56. In some cases, the media is an essential tool for police to use and if they have a good working relationship with a crime reporter then that will be of potential benefit to all concerned.

GENERAL MATTERS

Have the police either formally or informally ever given you prior notification about proposed arrests, raids or other action? If so, please elaborate.

57. Once every year or two, I have been invited on mass raids with other journalists. This is done to promote specific campaigns on subjects such as burglary, domestic violence and uninsured or stolen cars. Though because of increasing political involvement in policing, these invitations now also come from the Mayor's Office, or until recently the Met's governing authority.
58. Back in late 2000, some reporters, including myself, were also informed in advance about raids on a large number of suspects rounded up in the initial investigation into Damilola Taylor's murder so we could attend a 6am briefing that day.
59. There have been one or two occasions where I have also been told informally by contacts that they are going out on a raid by way of conversation but I have never tried to utilise that for a story or put calls into the Met Press Bureau. I am aware of the pitfalls of blowing police operations with advance publicity and am not aware that I have ever written a story which has put any such activity into jeopardy.

Have you ever been offered "off the record" briefings by the police? If so, please elaborate.

60. I have attended a substantial number of 'off record' briefings over the years, though they are much less frequent nowadays.
61. In the past, I have attended such briefings on high profile on-going murder investigations. For example, when the serial killer Colin Ireland was at large, having murdered five gay men in a short period of time, there was a daily briefing for crime reporters. Some of it would have been for the record, and other bits of the briefing off the record. That was quite a common occurrence.

What role do you consider that the Metropolitan Police Service Directorate of Public Affairs (especially its Press Bureau) and corresponding parts of other police forces fulfil? What, in practice, do they do?

62. They are there to provide the public with information about incidents and events. They do that through the media and that's why it is essential that channels of communication remain as open as possible. The DPA and other press offices will also seek to represent the interests of their forces on specific matters. As well as daily incidents dealt with by the Press Bureau and their like, publicity departments are also involved in advertising campaigns on issues such as terrorism and dealing with long-term television projects, of which there are now a plethora on our screens.

How, in practice, do you get access to the police?

63. I call them by phone. I contact relevant staff dealing with specific types of stories in different geographical areas. On occasion, I will come up against a brick wall while dealing with the press office and if I have a number for an officer dealing with an incident or case I am working on, I will call them directly to see if I can get more information.

Does the Head of Public Affairs at the Metropolitan Police Service and/or corresponding persons in other police forces act, or seek to act as gatekeepers controlling access by the media to other police personnel?

64. Very much so. One of the duties of the head of the DPA is to scrutinize all media stories and look for examples where a journalist may have more information in an article or broadcast than the given 'party line.' If they have any concerns, the

Directorate of Professional Standards is notified and this can lead to leak inquiries being instituted.

65. I am led to understand that analysts are also used to scan stories looking for potential leaks. Such is the extent of media monitoring in the Met, that I believe that they even have charts on individual reporters with a system of marking to show if they are regarded as being favourable or not towards the Met.

If so, what is your attitude to this state of affairs?

66. I can understand the need for balances and checks on information being released to the media. The chart system, if true, sounds like a waste of time and I cannot see how that will inform them properly about an individual reporter's stance on the Met. Those things become quite obvious over a period of time and often only represent the attitudes of media employers.

To what extent, in your opinion, does the MPS' Press Bureau, and corresponding parts of other police forces, exist to manage the relevant police force's corporate image in the media?

67. The Press Bureau, and corresponding press officers, mainly deal with on-going incidents. There is a separate corporate press office in the Met, and other forces will have a senior press officer or two, who deal with presentation and image.

Is it necessary for police forces to have a press office, and what is your view as to the utility and role of police press offices?

68. It is absolutely vital that police forces have press offices to deal with the proliferation of media which now exists, both in traditional and electronic terms. It is hard to imagine how police officers by themselves could deal with any major incident without a press office.

Is it common for persons working for police press offices to have a background in the media?

69. When I first became a crime reporter, most press officers working for the Met were former journalists. There are not as many as there were and over the last few years administrative assistants have been appointed as press officers where they have shown potential to do the job. Some are excellent despite not having media backgrounds.

70. Twenty years ago, many outside forces, Hampshire, the City of London, Hertfordshire and Norfolk to name a few, still retained police officers to deal with the media but I am not aware of any police forces who still do so.

What proportion of personnel working in police press offices do you estimate have a media background?

71. I would estimate it at twenty per cent.

Is any particular form of media background predominantly found amongst police press officers (e.g. tabloid, broadsheet, television)?

72. Most police press officers with a media background have worked on local papers. I believe that a few have tried 'Fleet Street' and done casual shifts on papers like The Sun and Evening Standard and then taken jobs as police press officers, predominantly with the Met because it is the local force to them, as it were.

To the best of your knowledge is there any discernible patterns in the movement of personnel from the media into police press offices and vice versa?

73. There is no distinct pattern other than a few cases, where I say above, in which journalists working in the provinces have moved to London to try national papers and then taken jobs with the Met.

ABOUT HMIC

What is your view of the recommendations contained in the recent report "Without Fear or Favour" insofar as they concern relations between the media and the police?

74. I thought it was a reasonable report, more so than the report produced by Elizabeth Filkin for the Metropolitan Police.
75. The HMIC report did acknowledge, importantly in my opinion, that information on stories can come from a wide variety of sources and not just the police. Unfortunately, there is a perception that every time journalists write an exclusive story on a crime matter, it must have been leaked by a police officer. Since last summer, I have received a number of calls from the Met's DPS when I have

written stories with information not released by the Met. Presumably, these calls were part of leak inquiries. On none of those occasions was the information I received given to me by a police officer.

76. The main problem with the HMIC report was the recommendation that police officers should record all meetings with journalists. This runs the risk of a journalist meeting somebody who notifies their line manager, and then getting information for a story later in the day which casts unfair suspicion on that officer.
77. It also puts an effective block on police officers being able to brief a journalist off the record about information of important public interest.

Do you consider that there are further or different steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate? Please explain when answering this question what you consider to be appropriate contact between the police and journalists in a democratic society?

78. I believe appropriate contact between journalists and police officers should be able to occur when it is in the public interest to do so.
79. The vast majority of that contact is completely open but there are rare occasions when it is necessary for it not to be so. For example, if I am writing a story about a serial rapist or murderer who was allowed to remain at large because of failings in the judicial system then I believe that it is right and in the public interest that we should be able to meet without that officer being put in fear of being disciplined because they did not want their management to know they were meeting me. The management team could be culpable for those failings and may not wish to see them aired in public.
80. Likewise, there could have been failings by health authorities or social services, where an officer believes it is in the public interest for those matters to be reported. However, the officer's bosses may not wish to disclose that information for fear of causing offence to agency partners.
81. Perhaps the ACPO media committee could consider setting up forums with both media and police present to establish what is appropriate contact between officers and journalists? Sensible guidelines are required, more so than ever at the moment, to make police and media alike feel comfortable over what is appropriate.

- 82. However, I do not believe that the insistence that all contact between reporters and police officers should be recorded will work because of practicalities. I know of several journalists and police officers who are married to each other. Likewise, reporters and police may belong to the same sports clubs, have gone to school with each other or live in the same area. It would seem to me to be a breach of human rights to insist that such contact in private life should be recorded.
- 83. If a reporter and officer become friends, they should also be able to meet socially in their private time without a recording of it being made. Clearly, it would be incumbent on both not to cross any professional boundaries.
- 84. I believe that the facts stated in this witness statement are true.

Signed:

Michael Sullivan

Dated: *28th February 2012*