

<p>1 2 (2.00 pm) 3 MR JAY: Sir, the next witness is Mr Christopher Jefferies, 4 please. 5 LORD JUSTICE LEVESON: Thank you. 6 MR CHRISTOPHER JEFFERIES (recalled) 7 Questions by MR JAY 8 LORD JUSTICE LEVESON: Mr Jefferies, you were, of course, 9 sworn when you last -- 10 <b>A. Indeed, yes.</b> 11 MR JAY: Mr Jefferies, you kindly provided the Inquiry with 12 a second witness statement for this module, dated 13 22 February, signed by you under a statement of truth. 14 Is this your formal evidence to are the Inquiry -- 15 <b>A. It is.</b> 16 Q. -- in relation to module two? 17 <b>A. It is, yes.</b> 18 Q. In paragraph 2 you explain what the purpose of your 19 statement is and set out your understanding of the way 20 in which the press and the police interacted following 21 the disappearance of Ms Yeates in relation to the 22 leaking of your name and the questions put to you in 23 custody and then why you suspect that other 24 inappropriate interactions took place. 25 Can I take you straight, please, to paragraph 5 and Page 1</p>	<p>1 Q. So you telephoned the police and relayed that 2 information; is that right? 3 <b>A. That's right. It was an event which had certainly 4 happened during the course of that week. The more 5 I thought about it, the more likely it seemed that it 6 was Friday, rather than any other day. At the time, it 7 had been an entirely unremarkable event, which is why 8 I hadn't particularly considered it or recalled it at 9 the time that I was giving my main statement, but given 10 the fact that everybody who had been giving statements 11 at the time were encouraged to get back in touch with 12 the police if they did recall any additional 13 information, then that's what I did.</b> 14 Q. You did get in touch with the police, and there was 15 a further statement taken from you on 22 December? 16 <b>A. Yeah.</b> 17 Q. Can I ask you specifically about the content of that 18 statement. It's covered in paragraph 7 of your witness 19 statement. The officer asked you if one of the 20 voices -- this is of the two or perhaps three people you 21 saw leaving by the side gate -- could have been 22 a woman's voice, and you replied that it could have been 23 but you couldn't say either way. 24 <b>A. Precisely, because the event had been so comparatively 25 unremarkable and unworthy of note at the time that Page 3</b></p>
<p>1 ask you to deal with the report on News at Ten on 2 4 January 2011. Did you see that report yourself, 3 Mr Jefferies? 4 <b>A. I did not see that report myself, although it was 5 described in some detail to me. It made, I think, 6 fairly clear the extent to which the Avon and Somerset 7 constabulary, those officers conducting the 8 investigation, felt under considerable pressure at the 9 time, indeed, as I explain in paragraph 4 of the witness 10 statement, and certainly they did not take kindly to any 11 suggestions that they might be conducting the 12 investigation less than efficiently and expeditiously.</b> 13 Q. Thank you. In order to understand the factual context, 14 if I could take you to paragraph 6 of your statement. 15 The first statement you gave was on 21 December 2010. 16 <b>A. That's right, yes.</b> 17 Q. But then you recalled, and this is later on in 18 paragraph 6, what might have happened on 17 December 19 2010. You're not entirely sure of the date, but you're 20 sure as to what happened. You became aware of what 21 sounded like two or perhaps three people leaving by the 22 side gate on the other side of the house, but you could 23 not see because there was a hedge in between and it was 24 dark, this was late in the evening. 25 <b>A. Mm-hm.</b> Page 2</p>	<p>1 <b>I hadn't paid that degree of attention to it.</b> 2 Q. When you say the police have since confirmed to you that 3 the fact you gave a supplementary statement raised their 4 suspicions in relation to you, first of all, when did 5 they give you that confirmation? Can you recall? 6 <b>A. This was at the time that I was arrested.</b> 7 Q. What was it about the supplementary statement you gave 8 or the fact that you gave it which raised their 9 suspicions? 10 <b>A. Well, quite. I mean, it came as a considerable surprise 11 to me that they thought that this was a matter to arouse 12 suspicion, given the fact that they had emphasised that 13 supplementary statements would be welcomed. I think 14 they felt that I had perhaps been attempting to deflect 15 any attention from my own potential involvement.</b> 16 Q. You say at the end of paragraph 7 that on the basis of 17 what ensued, you believe it's likely that the police 18 passed these suspicions on to the media. We can move 19 the story forward to Wednesday, 29 December. In your 20 own words, please, Mr Jefferies what happened on that 21 date? 22 <b>A. Well, Wednesday, 29 December is certainly a key date, 23 because until then I had not been the subject of any 24 particular media attention, but that suddenly changed. 25 A Sky News team were extremely anxious to talk to me.</b> Page 4</p>

<p>1 <b>A large number of reporters and photographers appeared</b>                  2 <b>at the address where I lived. They had somehow got to</b>                  3 <b>hear about the content of that second witness statement.</b>                  4 <b>They had got hold of a very garbled edition of it and</b>                  5 <b>they were extremely anxious to know whether I believed</b>                  6 <b>I had seen Jo Yeates leaving the premises on 17 December</b>                  7 <b>in the company of one or more other people.</b>                  8 Q. To be clear, Mr Jefferies, your supplementary statement                  9 said, in answer to the question that was put to you,                  10 that one of the voices could have been a woman's voice,                  11 you couldn't say either way, but you certainly weren't                  12 identifying anyone; is that right?                  13 <b>A. That's right, that's right.</b>                  14 Q. But it came back to you, mediated through the media, as                  15 it were, that your supplementary statement --                  16 <b>A. That I had actually been a witness to Jo Yeates leaving</b>                  17 <b>the premises in company with a person or other people.</b>                  18 Q. You'd never said anything along those lines to the                  19 police?                  20 <b>A. Absolutely. Yeah, yeah.</b>                  21 Q. Might it be said, if I could be forgiven for being                  22 devil's advocate, that the press couldn't have got this                  23 from the police because the police, had they leaked it                  24 to the press, would have said, "Mr Jefferies couldn't                  25 identify even whether it was a woman's voice, let alone</p> <p style="text-align: center;">Page 5</p>	<p>1 Q. Then it says:                  2 "The landlord of murdered architect Jo Yeates                  3 watched as she left her flat with two people on the                  4 night she disappeared, it was claimed yesterday.                  5 Bachelor Chris Jefferies, 65, apparently told police he                  6 saw three people, including Ms Yeates, walking away                  7 together and talking in hushed tones."                  8 The source isn't identified there. You say, though,                  9 in paragraph 10 it may be that the press had a source                  10 within the police who had revealed some of what your                  11 second statement said.                  12 <b>A. Yes. I think it's worth emphasising at this point that</b>                  13 <b>I had told, I think, no more than three neighbours about</b>                  14 <b>that second statement to the police, and they all</b>                  15 <b>subsequently assured me that they were not the source of</b>                  16 <b>the information that then appeared in the media.</b>                  17 Q. In paragraph 11, you say with hindsight you believe                  18 there was some awareness by the press that you were                  19 about to be arrested, "which I duly was the next day",                  20 which, of course, was 30 December.                  21 <b>A. Yes. It is very much to do with the tone of the</b>                  22 <b>reporting, which obviously was on television as well as</b>                  23 <b>elsewhere, and friends of mine who happened to be abroad</b>                  24 <b>who saw this on television were extremely alarmed,</b>                  25 <b>because it seemed to them that suddenly I had very much</b></p> <p style="text-align: center;">Page 7</p>
<p>1 Ms Yeates"? Do you see the point?                  2 <b>A. Yes, I do see the point. There is a range of</b>                  3 <b>possibilities as far as the source of the information is</b>                  4 <b>concerned, including somebody who was not actually an</b>                  5 <b>officer to whom I had given the statement, who had seen</b>                  6 <b>the statement in any detail, but had nevertheless heard</b>                  7 <b>about it.</b>                  8 Q. Then, paragraph 9, your home phone rang between 10 and                  9 20 times as journalists tried to get hold of you to give                  10 your side of the story.                  11 <b>A. There was feverish interest indeed in talking to me, and</b>                  12 <b>the fact that this happened the day before I was</b>                  13 <b>arrested certainly, in hindsight, seemed to me to be</b>                  14 <b>remarkable.</b>                  15 Q. You draw attention to a piece in the Daily Mail,                  16 although your exhibit is providing us with the                  17 Mail Online, which may or may not be the print edition.                  18 We've had this issue before. Kindly look at page 1 of                  19 your exhibit CJ2. We can identify the piece. You're                  20 clear in your statement that this is the Daily Mail, not                  21 just the Mail Online.                  22 At page 2 we see a photograph of you, so obviously                  23 someone has startled you to capture you looking in                  24 a certain way; is that right?                  25 <b>A. Mm-hm.</b></p> <p style="text-align: center;">Page 6</p>	<p>1 <b>become a subject of suspicion as far as the</b>                  2 <b>investigation was concerned.</b>                  3 Q. You were arrested at 7.00 in the morning, and as                  4 paragraph 12 of your statement makes clear, in fact                  5 there were no reporters or TV crews there, as it were,                  6 to welcome you, but the police did give you certain                  7 advice just in case?                  8 <b>A. That's right. The police were obviously very much aware</b>                  9 <b>of the heightened media interest, and indeed they have</b>                  10 <b>pointed out that on 29 December the senior investigating</b>                  11 <b>officer made reference in his policy book to "the high</b>                  12 <b>levels of media interest in Mr Jefferies" and was</b>                  13 <b>cognisant of that as he pursued the investigation.</b>                  14 Q. The police gave out a statement on 30 December which was                  15 in fairly anodyne terms but probably sufficient to                  16 identify the 65-year-old man as you. The address is                  17 given and the number of candidates for that description,                  18 I think, was dwindling possibly to one.                  19 You say in paragraph 14 that you do not believe the                  20 press would have been bold enough to launch into                  21 full-scale accusations about you, as they did, built                  22 around the fact that you'd been arrested, had they (a)                  23 not had confirmation that it was you that had been                  24 arrested --                  25 <b>A. And indeed we do have confirmation from the Avon and</b></p> <p style="text-align: center;">Page 8</p>

<p>1 <b>Somerset constabulary that, as they put it,</b> 2 <b>inadvertently my name was disclosed.</b> 3 LORD JUSTICE LEVESON: Yes. There's a difference between an 4 inadvertence, as Mr Port refers to, and what Mr Wallace 5 says, which he describes as "off-the-record guidance". 6 <b>A. Yes.</b> 7 MR JAY: The chief constable, Mr Port, at page 13 of the 8 exhibit bundle, addresses what Mr Wallace says, or 9 alleged in evidence. This relates to what Mr Wallace 10 told this Inquiry. 11 "Mr Wallace has alleged that we deliberately 12 released information in off-the-record briefings, 13 including concerning your personal details and other 14 issues about your arrest. This is untrue. There was an 15 inadvertent disclosure of your name following news 16 reports naming you but as soon as we discovered this had 17 taken place, we made it clear to the journalists the 18 information should not have been released and should not 19 be used." 20 Of course, by then you might say it was rather too 21 late, because -- 22 <b>A. Indeed, yes.</b> 23 Q. -- your identity had been 100 per cent confirmed if it 24 wasn't 99 per cent confirmed by the statement which we 25 see in paragraph 13.</p> <p style="text-align: center;">Page 9</p>	<p>1 off-the-record briefing, let alone one which indicated 2 that you were the police's man, but maybe they -- there 3 are a number of possible inferences. 4 <b>A. Indeed, and as the police have themselves pointed out,</b> 5 <b>it might be necessary to distinguish between an</b> 6 <b>off-the-record guidance from a -- as it were, an</b> 7 <b>official police force and information that might have</b> 8 <b>been gleaned from a source close to the police</b> 9 <b>investigation and who therefore could not be construed</b> 10 <b>as speaking on behalf of the force.</b> 11 Q. Yes. Certainly by the time we reach 30 December and you 12 are arrested and the police statement goes out at 13 paragraph 13, there are only two possibilities. The 14 first was that the press knew that it was you, as it 15 were, and believed it was now open season because the 16 police having arrested you, that was, as it were, enough 17 to suggest your guilt. 18 LORD JUSTICE LEVESON: That's remarkably dangerous, Mr Jay, 19 and runs counter to every single understanding that 20 I have of the contempt of court legislation. 21 MR JAY: Yes. I'm just going through the possibilities. 22 The second possibility is that the police did, off 23 the record or otherwise, indicate to the press, not that 24 they're telling us that, save for Mr Wallace, that they 25 were confident you were their man, which wouldn't have</p> <p style="text-align: center;">Page 11</p>
<p>1 Do we have the timing or the date of the inadvertent 2 disclosure, Mr Jefferies? 3 <b>A. I don't believe that we do.</b> 4 Q. The implication is that it was about the time of your 5 arrest -- 6 <b>A. Of the arrest, yes.</b> 7 Q. Maybe we'll find out in due course. 8 <b>A. One comment by the Avon and Somerset police states that:</b> 9 <b>"On 30 December, the Press Association called the</b> 10 <b>press office to ask for an official line about</b> 11 <b>Chris Jefferies being held at Trinity Road custody. She</b> 12 <b>had been told by the police station front office that he</b> 13 <b>was there."</b> 14 Q. The second point you make -- we've dealt with point (a) 15 in paragraph 14, but (b): 16 "... a steer from the police that they believed 17 I was their man." 18 <b>A. Which indeed is a comment from Richard Wallace's</b> 19 <b>evidence to this Inquiry.</b> 20 LORD JUSTICE LEVESON: Although emphatically denounced by 21 Mr Port, I think. 22 <b>A. Indeed.</b> 23 MR JAY: I believe I'm right in observing that, aside from 24 Mr Wallace, none of the reporters on the ground who were 25 called by this Inquiry said that they'd received an</p> <p style="text-align: center;">Page 10</p>	<p>1 got -- 2 <b>A. And I suppose it would not be beyond the bounds of</b> 3 <b>possibility that the police might wish to give at least</b> 4 <b>an impression of considerable confidence at that point</b> 5 <b>that a significant step forward had been taken in the</b> 6 <b>investigation.</b> 7 Q. But both those possibilities -- 8 LORD JUSTICE LEVESON: That's very measured, Mr Jefferies, 9 but it is also very dangerous, as you have discovered. 10 <b>A. Yes. Indeed, it was as a result of what took place on</b> 11 <b>that morning that all the defamatory articles which this</b> 12 <b>Inquiry is aware of appeared.</b> 13 MR JAY: Yes. In paragraph 17 you deal with Mr Wallace's 14 evidence, which we recall. We also recall Mr Parry's 15 evidence. 16 <b>A. Mm-hm.</b> 17 Q. Mr Jon Clements, you refer to in the second italicised 18 citation. There's a letter of clarification from 19 Herbert Smith on behalf of Trinity Mirror that he was 20 not there at the material time but there's still 21 evidentially, at least, a lacuna in relation to the 22 Mr Smith that you referred to. The Inquiry hasn't heard 23 from him as to whether or not he received any 24 off-the-record briefing. 25 <b>A. That's right.</b></p> <p style="text-align: center;">Page 12</p>

<p>1 Q. But save for the inadvertent disclosure which Mr Port 2 refers to in his letter, the Avon and Somerset 3 constabulary stringently deny that there was any leak to 4 the press.</p> <p>5 <b>A. Certainly that there was no leak that they have been 6 able to discover as a result of an internal 7 investigation.</b></p> <p>8 Q. Yes. The Inquiry is going to have to make of it what it 9 can, based on that material and inferences which may be 10 drawn from the material.</p> <p>11 You assist further in paragraph 18 to this extent, 12 Mr Jefferies -- and this may be important because it 13 sort of works almost the other way around. You say that 14 during the course of your questioning over the three 15 days, it's clear that the police were relying on 16 information that was appearing in the press for material 17 on which to base their questions.</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Can you recall any lines of questions which did reflect 20 the newspaper articles we looked at two or three months 21 ago, when you first gave your evidence?</p> <p>22 <b>A. Yes, indeed. Obviously this was not something I was 23 aware of at the time, but fairly soon after my release, 24 the solicitor who had been representing me pointed out 25 that he had been very puzzled by certain lines of</b></p> <p style="text-align: center;">Page 13</p>	<p>1 <b>which might, in the future, lead to somebody pointing 2 the finger of suspicion at me, and they wanted to be 3 absolutely certain that should that happen, then they 4 would be able to say categorically that I was in no way 5 involved with Jo Yeates' death, the effect, of course, 6 was to prolong the public suspicion that I might be in 7 some way involved, and indeed to put me through 8 a particularly stressful period of time.</b></p> <p>9 Q. Yes. I wonder, though, whether it's possible to link 10 that -- and one fully understands what you're saying in 11 relation to that -- to any aspect of the police's 12 relationship with the press, or whether this is merely 13 a function of the police's own internal workings and 14 thinking.</p> <p>15 <b>A. One could conceivably suggest that the police wanted to 16 give the impression that I had been arrested on the 17 basis of possibly firmer evidence than turned out to be 18 the case.</b></p> <p>19 Q. Your recommendations for the future. We start at 20 paragraph 23, on the top of page 10 of your statement. 21 It's your very firm view that it must be considered 22 a far more serious offence than it currently is for 23 police to disclose inappropriate information to members 24 of the press, and that to do so should be 25 an imprisonable offence subject to a public interest</p> <p style="text-align: center;">Page 15</p>
<p>1 <b>questioning and then discovered that they had indeed 2 been taken from gossip and variation allegations that 3 had been appearing in the press. One example had been 4 that I was supposed to have a furious temper and there 5 was some discussions as to whether this was in fact the 6 case, and no doubt the police were wanting to determine 7 whether or not Jo Yeates might have been killed as 8 a result of some argument which had flared up which had 9 then got out of hand and resulted in my strangling her.</b></p> <p>10 Q. Yes. The other issue you raise in paragraph 19 is the 11 length of your bail. You were released on police bail 12 on new year's day 2011. Vincent Tabak arrested on 13 suspicion of murder on 20 January, charged on 14 22 January, by which point he had confessed to the 15 unlawful killing, but not --</p> <p>16 <b>A. That's right, yes.</b></p> <p>17 Q. -- not murder. But of course the jury later finds him 18 guilty of murder, so we're running out of candidates 19 now. There's only one individual who has killed 20 Jo Yeates and certainly not you. But it wasn't 21 until 4 March 2011 that your police bail was lifted. In 22 your own words, what is your concern about that?</p> <p>23 <b>A. My concern about that is that although the police 24 assured me that the reason that I was still on bail was 25 that they wanted to investigate every possible avenue</b></p> <p style="text-align: center;">Page 14</p>	<p>1 defence.</p> <p>2 <b>A. Indeed. It seems to me that a significant deterrent is 3 required, and indeed the point is echoed in paragraph 25 4 when I take up the suggestion of the Member of 5 Parliament for Broxtowe, who, in a private member's 6 bill, wished to propose legislation to impose 7 a six-month prison sentence on any journalist who named 8 an uncharged suspect. And indeed that suggestion, 9 I believe, arose specifically out of my own case.</b></p> <p>10 Q. If no money changes hands, I'm just musing aloud as to 11 what the criminal offence is in the first place, let 12 alone what sanctions there might be, but I'll be guided 13 by others as to whether there is an offence. It's 14 certainly a disciplinary offence for inappropriate 15 information to be leaked by a police officer, but 16 whether it's a criminal offence if they're not being 17 paid for it, I must say I'm not --</p> <p>18 <b>A. Yes, I take that distinction.</b></p> <p>19 LORD JUSTICE LEVESON: I think you're right, Mr Jay. 20 I certainly can't think of one, unless you're going to 21 call it "misconduct in public office", and that's not 22 inappropriate if it's in certain circumstances, but not 23 in others.</p> <p>24 MR JAY: Yes. 25 In paragraph 24, you refer to the ACPO guidance.</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 <b>A. Mm-hm.</b></p> <p>2 Q. You're concerned about the vagueness of it; is that</p> <p>3 correct?</p> <p>4 <b>A. Yes. I conclude the paragraph by commenting that in my</b></p> <p>5 <b>view, this is really not guidance at all but a statement</b></p> <p>6 <b>of the rather inadequate status quo. It doesn't pay</b></p> <p>7 <b>appropriate attention to the rights of individuals in</b></p> <p>8 <b>the context and the harm which may be caused to them.</b></p> <p>9 Q. As we've already observed in your case, to refer</p> <p>10 generally to a 65-year-old man who lives in a particular</p> <p>11 place, that comes very, very close to identifying you,</p> <p>12 and the guidance, you feel, should be more stringent to</p> <p>13 avoid that possibility --</p> <p>14 <b>A. That's right.</b></p> <p>15 Q. -- by inference. Have I correctly understood your</p> <p>16 evidence in that respect?</p> <p>17 Mr Jefferies, are there any other matters you would</p> <p>18 like to raise with the Inquiry?</p> <p>19 <b>A. No. I think that all the important aspects of the</b></p> <p>20 <b>statement have been covered.</b></p> <p>21 MR JAY: Thank you.</p> <p>22 LORD JUSTICE LEVESON: There's one that hasn't,</p> <p>23 Mr Jefferies. You exhibit to your statement a letter</p> <p>24 from the Chief Constable of Avon and Somerset, Mr Port,</p> <p>25 which identifies that he intends to write to me,</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>Chief Constable describes this as being disingenuous but</b></p> <p>2 <b>perhaps does not say exactly what happened with quite</b></p> <p>3 <b>the transparency that one might have wished.</b></p> <p>4 LORD JUSTICE LEVESON: Right. I wanted to make sure you'd</p> <p>5 seen it and you'd had the opportunity to comment on it.</p> <p>6 So that it's clear, for those who haven't seen this</p> <p>7 letter, the Chief Constable challenges the evidence of</p> <p>8 Mr Wallace in a number of respects and suggests lines</p> <p>9 for the Inquiry to pursue if it wants to further that</p> <p>10 particular investigation.</p> <p>11 But there it is. Thank you very much indeed for</p> <p>12 returning.</p> <p>13 <b>A. Thank you.</b></p> <p>14 LORD JUSTICE LEVESON: Thank you.</p> <p>15 MR JAY: The next witness is Mr Davies, which</p> <p>16 Ms Patry Hoskins is going to take.</p> <p>17 LORD JUSTICE LEVESON: Yes. Let's start and see how we get</p> <p>18 on.</p> <p>19 MR NICK DAVIES (recalled)</p> <p>20 LORD JUSTICE LEVESON: Mr Davies, you're still subject to</p> <p>21 the oath or affirmation that you gave at the end of last</p> <p>22 year.</p> <p>23 <b>A. Understood.</b></p> <p>24 LORD JUSTICE LEVESON: The subsequent period revealing quite</p> <p>25 a fair amount of further material.</p> <p style="text-align: center;">Page 19</p>
<p>1 detailing "my comments on the evidence of Richard</p> <p>2 Wallace, the editor of the Daily Mirror", and he hopes</p> <p>3 that the letter that I am to receive will be shared with</p> <p>4 you by the Inquiry.</p> <p>5 Have you seen that?</p> <p>6 <b>A. I received a copy of it yesterday afternoon.</b></p> <p>7 LORD JUSTICE LEVESON: So you've had a chance to read it?</p> <p>8 <b>A. Yes.</b></p> <p>9 LORD JUSTICE LEVESON: I wanted to know whether there was</p> <p>10 anything you wanted to say, as it specifically affected</p> <p>11 you -- not so much comment. I'm not asking you to argue</p> <p>12 the case, but if there's any specific comment that you</p> <p>13 wanted to make upon that letter.</p> <p>14 <b>A. I think the only comment that I would make is that some</b></p> <p>15 <b>of the explanations which the Avon and Somerset police</b></p> <p>16 <b>give are rather gnomonic and may conceal as much as they</b></p> <p>17 <b>reveal. I'm thinking particularly of their comments in</b></p> <p>18 <b>relation to Mr Wallace's assertion:</b></p> <p>19 <b>"The arrest of Mr Jefferies on suspicion of the</b></p> <p>20 <b>murder of Joanna Yeates on Thursday, 30 December 2010</b></p> <p>21 <b>was itself announced in a statement from Avon and</b></p> <p>22 <b>Somerset police. The off-the-record guidance to</b></p> <p>23 <b>reporters on the ground from the police was that it was</b></p> <p>24 <b>Mr Jefferies who had been arrested."</b></p> <p>25 <b>And there is then a paragraph of comment where the</b></p> <p style="text-align: center;">Page 18</p>	<p>1 <b>A. Yes. Just yesterday alone was pretty extraordinary.</b></p> <p>2 <b>Questions by MS PATRY HOSKINS</b></p> <p>3 MS PATRY HOSKINS: Before we start with Mr Davies,</p> <p>4 I understand that there are a number of statements to be</p> <p>5 read. If I could just make clear which statements they</p> <p>6 are.</p> <p>7 LORD JUSTICE LEVESON: Yes.</p> <p>8 MS PATRY HOSKINS: Mr Brian Adams, Mr Magnus Boyd and</p> <p>9 Ms Jane Winter's statements will be taken as read.</p> <p>10 LORD JUSTICE LEVESON: Thank you very much. I repeat what</p> <p>11 I've said before. The fact that these individuals are</p> <p>12 not being called does not minimise the importance of</p> <p>13 their evidence, for all of which I am grateful, but it's</p> <p>14 the inevitable consequence of the timeframe within which</p> <p>15 this Inquiry must be conducted. Each of these</p> <p>16 statements will, of course, be considered and taken into</p> <p>17 account.</p> <p>18 Right.</p> <p>19 MS PATRY HOSKINS: Mr Davies, I'm going to ask you about two</p> <p>20 distinct topics this afternoon. First of all, I'm going</p> <p>21 to ask you about your involvement and interaction with</p> <p>22 the police over the years that you've been a journalist,</p> <p>23 official contact and unofficial contact, and then very</p> <p>24 briefly I'm going to touch on some of the sections of</p> <p>25 your book, Flat Earth News, where you deal with police</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 corruption. The reason I say "very briefly" is, 2 of course, because you gave evidence about this on the 3 last occasion that you attended and I don't want to go 4 over anything that you've previously said.</p> <p>5 <b>A. Okay.</b></p> <p>6 Q. Let me start with your interaction with the police over 7 the years. Before I ask you any specific questions 8 about that, I do want to ask you just a very few 9 questions about the context in which you've had contact 10 with the police. You've told us in your statement, in 11 your second statement and your first statement, that 12 you've been a journalist now for some 35 years; is that 13 correct?</p> <p>14 <b>A. Mm-hm.</b></p> <p>15 Q. You tell us in your first statement it's essentially 16 since 1978 you've worked as a Fleet Street reporter. 17 You've specialised in crime and home affairs and more 18 recently in long-term investigations of issues, such as 19 social issues including poverty in the UK, failing 20 schools, the criminal justice system, falsehood and 21 distortion in the news media.</p> <p>22 <b>A. Mm-hm.</b></p> <p>23 Q. And of course, you've become very well-known for your 24 investigations into phone hacking and so on. 25 Having set that in context now, I do want to ask you</p> <p style="text-align: center;">Page 21</p>	<p>1 <b>go and make contact with the senior investigating</b> 2 <b>officer, and almost invariably the SIO would run that</b> 3 <b>approach through the press office, and so you get this</b> 4 <b>kind of officially sanctioned contact.</b></p> <p>5 Q. All right. You point out that it's not just you 6 contacting the police in this official way.</p> <p>7 <b>A. Mm-hm.</b></p> <p>8 Q. Occasionally, you say, you've been approached by police 9 who knew that you had covered a particular story in some 10 depth and wanted some help from you on a particular 11 subject.</p> <p>12 <b>A. Yes, in fact, police contacting me could be one of two</b> 13 <b>forms. Occasionally an officer would get in touch out</b> 14 <b>of the blue and say, "Here is something you need to</b> 15 <b>know", and also it has happened as I described there,</b> 16 <b>that police get in touch and say, "You've been covering</b> 17 <b>this. Can you help us?" So I have the meeting and then</b> 18 <b>see how it goes.</b></p> <p>19 Q. All right. This is page 2 -- sorry, the paragraphs 20 aren't numbered but I'm sure we can find our way 21 through. At page 2, under the small (b), you explain 22 that there are boundaries in relation to this official 23 contact. You explain that you would not expect to be 24 given any material which violated privacy, unless that 25 was clearly justified in the public interest, or</p> <p style="text-align: center;">Page 23</p>
<p>1 first of all about authorised and official contact that 2 you have had over the years with the police.</p> <p>3 <b>A. Okay.</b></p> <p>4 Q. Turn to the second page of your second statement.</p> <p>5 <b>A. All right.</b></p> <p>6 Q. I will always be referring to your second statement, 7 unless I say otherwise.</p> <p>8 <b>A. Understood.</b></p> <p>9 Q. You explain that although you're not a specialist crime 10 reporter, in the course of the 35 years we've just been 11 describing you've often dealt with the police in the UK 12 and occasionally abroad. You start off by saying: 13 "Normally, if I need a piece of information what 14 I would do is I would approach a UK force simply by 15 calling their press office to put a particular question 16 or to ask for them to arrange a meeting with 17 a particular officer." 18 Is that generally the first port of call when you 19 have a question about a particular subject?</p> <p>20 <b>A. Yeah, that's the equivalent of just simply going to the</b> 21 <b>front door of the house, because that's the easiest way</b> 22 <b>in. So you call the police, you speak to the press</b> 23 <b>office, or the alternative I mentioned in the statement</b> 24 <b>is that it sometimes arises as a side issue from a big</b> 25 <b>trial at a Crown Court, that as the trial progresses you</b></p> <p style="text-align: center;">Page 22</p>	<p>1 material which would impede an inquiry or jeopardise the 2 safety of an individual. Are those the boundaries that 3 you would see as being the appropriate boundaries in 4 respect of official contact between the press and the 5 police?</p> <p>6 <b>A. I would see those boundaries as being necessary and</b> 7 <b>appropriate for both official and unofficial contact</b> 8 <b>between me and serving police officers.</b></p> <p>9 Q. We'll come back to "unofficial". Sticking with official 10 contact for the moment, you explain at the bottom of 11 that page that there might be a question initially of 12 whether or not an officer speaks on or off the record, 13 and you conclude that you don't see anything sinister 14 about having an off-the-record conversation with 15 a police officer in this way, and in fact more often 16 than not, if you're conducting an interview, for 17 example, an office may well say that they would rather 18 speak to you off the record. Have I fairly 19 summarised --</p> <p>20 <b>A. Yes. I would say -- well, in general terms, 90 per cent</b> 21 <b>of the work I do is off the record, with whatever</b> 22 <b>sources I'm dealing with, and certainly that includes</b> 23 <b>officially authorised briefings with police officers.</b> 24 <b>They feel more comfortable talking off the record in</b> 25 <b>various different ways.</b></p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 LORD JUSTICE LEVESON: What's the impact of that, by saying 2 "off the record"? What do you mean by "off the record"?</p> <p>3 <b>A. It's a good question, because there's confusion about 4 it. American journalists and a few British use that 5 expression to describe material which is being provided 6 on the condition that it isn't used at all, but I use it 7 in the way that most British reporters use it, which is 8 to say that the information is off the record if it's 9 been given to me for use but not to be attributed to the 10 source. Is that the current use that you've had in the 11 Inquiry?</b></p> <p>12 LORD JUSTICE LEVESON: So in other words "a police source 13 says" could be an off-the-record briefing?</p> <p>14 <b>A. Correct. If what they're saying is really sensitive, 15 they would make it clear that even that much of an 16 attribution would be a problem, and so I would take it 17 away as raw material and develop it, and if asked, would 18 deny having had the conversation with the officer. And 19 that's very common, even with the officially sanctioned 20 contact.</b></p> <p>21 <b>If all you're doing is to ring a press office and 22 ask a very specific question, probably they'll give you 23 something on the record. Quite often -- if you could 24 quantify it, maybe 30 per cent of the time -- they'll 25 say, "Here's the on-the-record answer. Just for your</b></p> <p style="text-align: center;">Page 25</p>	<p>1 that all of this, everything we've just been discussing, 2 would broadly apply across all police forces, but then 3 you describe that there is an important difference 4 between a big city force, which might have a press 5 office that works around the clock, and a smaller more 6 provincial force which has a more limited service. Can 7 you just explain that difference?</p> <p>8 <b>A. That was something I came across talking to provincial 9 reporters when I was researching that book, that some of 10 them complained that the press office of the local 11 police force was so understaffed that the routine was 12 that they would call the press office and get a recorded 13 message saying, "Here's the story we've selected for you 14 today", and they would just be expected to copy that 15 down and put it into the paper. They couldn't even 16 pursue it.</b></p> <p>17 <b>Close to that also is press officers posting stories 18 on websites, their own websites, for journalists to put 19 into the paper, and there's a big reporting problem with 20 that, because you're allowing the police force to make 21 all of the editorial decisions about what should be 22 reported and with what angle and language and quotes, 23 and I think that's not done for -- maybe I'm being 24 too -- I was going to say it's not being done for 25 malicious motives. It's about shortage of resources</b></p> <p style="text-align: center;">Page 27</p>
<p>1 ears privately, here's another little bit we can give 2 you, unattributably."</p> <p>3 <b>Where you actually have what we call a briefing, 4 you're sitting down with an officer, there's probably 5 a press officer in the room, then before you start 6 talking you sort out your terms of engagement and very 7 often -- sorry, the table is squeaking -- very often, 8 that will involve an agreement by all parties that this 9 is off the record, ie not attributable.</b></p> <p>10 MS PATRY HOSKINS: Why do you discuss this topic of 11 off-the-record briefings under the heading "official 12 contact"?</p> <p>13 <b>A. Because it's officially sanctioned. By which -- in 14 practical terms, the police service -- you mean that the 15 press office has agreed that it should happen. It just 16 makes everybody more comfortable. As I said in the 17 statement, it really isn't sinister. I think the 18 immediate fear that police officers have when they sit 19 down with a journalist is that they're going to get 20 misquoted, and if you can say, "This is unattributable, 21 ie you are not going to get quoted at all", then that 22 fear is removed. That I would say is the primary reason 23 why it happens. It really isn't sinister. It's 24 mainstream, normal, unsurprising, over and over again.</b></p> <p>25 <b>Q. Can I turn to the top of Page 3, please. You explain</b></p> <p style="text-align: center;">Page 26</p>	<p>1 <b>cuts, not enough press officers, whereas a big city 2 force like the Met, I don't come across that. You can 3 get a human being on the end of the phone.</b></p> <p>4 <b>Q. You've told us a bit about the forms of office contact, 5 the contact through the press office, the contact where 6 a police officer will come and speak to you off the 7 record but nevertheless that's sanctioned and then you 8 go on to tell us the problems that you see with the 9 current system. This is page 3, so that you can remind 10 yourself.</b></p> <p>11 <b>A. Okay.</b></p> <p>12 <b>Q. You explain that this kind of authorised conduct can 13 also be problematic and you set out some reasons why 14 that might be. Is there anything that you particularly 15 want to add to --</b></p> <p>16 <b>A. Firstly, just to note the fact that it can also be very 17 good. So there's a whole chunk of stuff there where I'm 18 saying: clearly this works in everybody's interests. 19 The journalists get good stories, the public get 20 information, the police get credit for their work, they 21 can send signals of various kinds. There's lots of good 22 stuff goes on with these official and -- including the 23 off-the-record contacts.</b></p> <p>24 <b>The problem really isn't peculiar to police forces. 25 There is a general problem in the relationship between</b></p> <p style="text-align: center;">Page 28</p>

<p>1 reporters and press officers, which is that a good 2 press officer works in the interests of the organisation 3 or individual who's paying that press officer. That's 4 what they're there for. It isn't controversial or 5 wrong. That's what they're there for. 6 But the reporters' interest is different, and 7 therefore there will frequently be a conflict between 8 the two as to what they need, and so it can be -- the 9 officially sanctioned route can be deeply unsatisfactory 10 as a way of covering that organisation because the 11 official channel is designed to protect the reputation 12 of that organisation. 13 So in small ways, this is to do with -- if the 14 organisation has a choice of stories. Which stories 15 will we put out today? They are highly likely to choose 16 the stories that make them look good and not draw 17 attention to the story that makes them look bad. It's 18 as simple and natural and uncontroversial as that. But 19 if we're trying to cover the organisation and tell 20 people what's going on inside it, it cannot be enough to 21 rely on them to choose what we cover. 22 It can get a bit more subtle than that. If there's 23 information which they have to put out because they 24 think it's going to be found out or because there would 25 be a terrible row if they concealed it, there are all</p> <p style="text-align: center;">Page 29</p>	<p>1 A. Because it's not a principle? Okay -- 2 LORD JUSTICE LEVESON: I understand what you mean, but it's 3 the concept. 4 A. Badly expressed. Okay, as a matter of general 5 experience, dealing with press officers from all sorts 6 of organisations, if you put them in a corner and no 7 option is left, then occasionally they will lie. They 8 hate it if you say that, but of course it happens. 9 The mainstream problem is about them making the 10 editorial judgments for you and occasionally 11 manipulating the release of information so that it 12 doesn't get coverage. 13 MS PATRY HOSKINS: I was simply saying that that leads me 14 neatly to a question I've been asked to put to you about 15 these incidents of lying or misleading by press 16 officers. You say in your statement that it's unusual 17 for a press officer to engage in knowing falsehood, and 18 you tell us why: 19 "However, under pressure, some press officers will 20 certainly lie to reporters in order to protect their 21 organisation." 22 Was that comment intended to be limited to 23 a particular police force or to the police in general? 24 A. No, there I'm talking in principle. I'm talking in 25 general terms about the way that press officers work</p> <p style="text-align: center;">Page 31</p>
<p>1 sorts of games that can be played. You remember that 2 famous thing about: "This is a good day to bury bad 3 news." You choose a day when there's masses of news 4 going on, put out your press release -- it isn't going 5 to get attention. Or you put it out, as they did on a 6 famous occasion, during the hacking scandal. The 7 Metropolitan Police had a piece of information which 8 they put out at 7.30 on a Friday night. Any press 9 officer, any journalist knows you're not going to get 10 any coverage, and lo and behold they didn't. 11 So there are ways of manipulating the whole system, 12 and occasionally it is a fact that press officers 13 generally, confronted with a reporter who has an 14 embarrassing story, left with no wriggle room, they'll 15 lie. It doesn't happen terribly often, because it's not 16 in the press officer's long-term interest to lie because 17 it damages their credibility and therefore damages their 18 chance of influencing the reporter the next time they 19 speak, but certainly, occasionally and in principle, 20 press officers will, if they have to, lie. 21 Q. That leads me neatly onto a question that I've been 22 asked to put to you. 23 LORD JUSTICE LEVESON: I'm not sure that I quite see the 24 link between the words "in principle" and "lie". I find 25 those quite difficult, actually, to put together.</p> <p style="text-align: center;">Page 30</p>	<p>1 with journalists. 2 LORD JUSTICE LEVESON: You're not talking about police 3 people necessarily; it's anything? 4 A. Exactly. It could be a private corporation, a trade 5 union, a police service, whatever. 6 MS PATRY HOSKINS: Have you ever reported these incidents of 7 lying or misleading to anyone, either at the MPS or 8 other organisations, if it was another organisation 9 involved? 10 A. No. I mean, on the whole, you wouldn't bother. What's 11 the point? 12 I can remember one occasion when I felt a senior 13 officer from a particular force was giving the press 14 office misleading information, so I asked the press 15 office if I could submit one final question to this 16 officer, and they said yes, so I said, "Could you ask 17 him how stupid he thinks we are?" So it's not an 18 official complaint, but it's: "Don't for a second 19 believe that we're fooled by what you're telling us." 20 Q. Before we leave official and authorised contact, can I 21 ask you please to turn to the top of page 4, where you 22 refer to a worrying development. You say this at (g): 23 "The underlying difficulty is that it has become 24 accepted policy -- in police forces and some other 25 organisations -- for the press office to be a monopoly</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 supplier of information. This has been reinforced by 2 internal regulation which has made it a disciplinary 3 offence to speak to the press without permission. In 4 a particularly worrying development, the last six months 5 has seen some attempt to make it a criminal offence for 6 an officer to speak to a reporter without permission." 7 Why to you see that as a "particularly worrying 8 development"?</p> <p>9 <b>A. First of all, I need to tell you what's been happening, 10 I think.</b></p> <p>11 <b>The way everybody's focus has been on the four 12 enquiries which Deputy Assistant Commissioner Sue Akers 13 is running -- and I think in total they've arrested 14 37/38 people -- outside the ambit of those operations, 15 nothing to do with the four Sue Akers is running, there 16 have been a couple of arrests of police officers in 17 cases where I know quite a lot about the circumstances, 18 and what has happened there is that the officers have 19 been arrested and bailed, they've been told they will be 20 charged with the common law offence of misconduct in 21 a public office, and to the best of my knowledge, being 22 quite familiar with these cases, there is no allegation 23 of any kind of bribe or inducement. There is no 24 allegation of the kind of harm that I'm talking about 25 behind boundaries where you've interfered with an</b></p> <p style="text-align: center;">Page 33</p>	<p>1 <b>about the phone hacking scandal. It's an absolutely 2 classic example of the danger of the official flow of 3 information.</b></p> <p>4 Q. I promise we'll come back to that.</p> <p>5 <b>A. All right.</b></p> <p>6 Q. The question I've been asked to put to you on this is 7 that the current media policy on relations and standard 8 operating procedure makes clear that any officer of 9 inspector rank or above can speak to the media without 10 prior authorisation and that officers below inspector 11 rank can do so with the approval of a senior officer. 12 That doesn't seem so sit comfortably with what you've 13 just said about a culture of trying to discourage 14 officers from speaking to the press.</p> <p>15 <b>A. There are two points, I suppose. Over the longer term, 16 that may be the standard operating procedure. I've 17 never come across it in practice in the Metropolitan 18 Police or any other force.</b></p> <p>19 <b>When I was a trainee journalist in the provinces, 20 certainly then it was the routine that you could call 21 a police station and speak to any officer you wanted to. 22 But over the period that I've been working, that has 23 ceased be common practice. So I've never heard of that 24 standard operating procedure. Perhaps it's written down 25 somewhere. In practice, I have routinely been told by</b></p> <p style="text-align: center;">Page 35</p>
<p>1 ongoing inquiry. What those officers are being told is: 2 "You will be charged and you can expect to get a prison 3 term of up to 18 months because you've spoken to 4 a reporter without permission." 5 Now, those two things are live and we don't know how 6 they'll turn out. No charges have been brought. It may 7 well be that the Crown Prosecution Service will say, 8 "Hang on a moment, this doesn't apply", but I think it's 9 worrying that -- it's in the aftermath of the phone 10 hacking thing -- that this has happened, that you have 11 a sort of backlash where -- a completely unjustifiable 12 and unnecessary reaction to the allegation of collusion 13 between News International and the Met, which is one 14 thing. Police forces -- it's not just the Met. I've 15 heard of several police forces going way overboard in 16 the other direction, and that is the most alarming 17 example you can see of this backlash.</p> <p>18 <b>What worries me is that the ultimate effect here may 19 be, if we're unlucky, to prevent -- we're going to come 20 onto this in a moment -- unauthorised contact between 21 journalists and police. If you lose that, you're 22 really, really in dangerous territory. We have to 23 defend unauthorised contact. Without unauthorised 24 contact, the Metropolitan Police would have been allowed 25 to carry on misleading press, public and Parliament</b></p> <p style="text-align: center;">Page 34</p>	<p>1 ordinary officers: "I can't speak to you. Go to the 2 press bureau." That's just common practice.</p> <p>3 <b>So that's the first thing, and then the second thing 4 is there are these worrying signs that more recently, in 5 the aftermath of the hacking scandal, there has been 6 a real tightening up.</b></p> <p>7 Q. Thank you.</p> <p>8 LORD JUSTICE LEVESON: Mm.</p> <p>9 MS PATRY HOSKINS: Sir, I don't want to interrupt 10 a question.</p> <p>11 LORD JUSTICE LEVESON: No, I need to think a bit more before 12 I ask a question. Yes.</p> <p>13 MS PATRY HOSKINS: Before we move away completely from 14 official contact, authorised contact, you've told us 15 a bit about how it works, your criticisms of the current 16 system, the worrying developments that you've 17 identified. How would you see an effective authorised 18 system of contact working?</p> <p>19 <b>A. It's really difficult because of that basic conflict. 20 It would be very interesting for this Inquiry to get to 21 the bottom of what went wrong with the official flow of 22 information in this case. I've done something like 90 23 stories on the phone hacking, and I've had a lot of 24 trouble getting information out of New Scotland Yard. 25 This includes, for example -- I mean, really quite</b></p> <p style="text-align: center;">Page 36</p>

9 (Pages 33 to 36)

<p>1 simple things like asking them the basic statistics in 2 relation to the material that was seized from Goodman 3 and Mulcaire in August 2006. So I asked them way back: 4 "Can you tell me how many names are in there, how many 5 phone numbers, how many PIN codes, how many recorded 6 voicemail messages and how many transcribed messages?" 7 and I put that through the press bureau and they said 8 no. Bear in mind this is information that has since 9 been disclosed by Sue Akers at Select Committees and 10 I think here without the sky falling in, without any 11 terrible, bad side effects.</p> <p>12 So the press bureau said, "No, you can't have it." 13 This is important. So I submitted a freedom of 14 information application and you know they have to be 15 answered within 20 working days? 20 working days went 16 by; no answer. I'm phoning, emailing. More days go by. 17 Eventually, after 40/45 days, they replied and they give 18 me the number of PIN codes. They said it's 91. But the 19 rest -- they said it's too expensive for us to collect 20 this information.</p> <p>21 So number one, that was interesting because it said 22 that they still -- this was, I think, January 2010. 23 They still hadn't got to grips with all the material 24 that they had seized in August 2006.</p> <p>25 So then I redrafted the application so that it was</p> <p style="text-align: center;">Page 37</p>	<p>1 there in 2006?"</p> <p>2 LORD JUSTICE LEVESON: When were you making these enquiries?</p> <p>3 A. The exact date?</p> <p>4 LORD JUSTICE LEVESON: No, broadly when.</p> <p>5 A. After we'd done the Gordon Taylor story in July 2009, 6 I'm pursuing it. I think actually it was probably early 7 2010 before I put in this question about how many people 8 they had informed.</p> <p>9 So: "How many victims did you go and warn back there 10 in 2006?" And this is obviously important because in 11 the official version of events, they're saying, "We 12 warned all potential victims." Not just in John Yates' 13 original statement but repeatedly to Select Committees, 14 they say, "If there was the minutest chance of somebody 15 being a victim, we told them." I say: how many? And 16 they say, "You can't have that." The press bureau says, 17 "You can't have it." So I put in a freedom of 18 information application. It's the same routine. They 19 break the statutory deadline. They then say no. I then 20 appeal. You know, the appeal has to go to the 21 Metropolitan Police in the first place. They knock it 22 back. I have to go to the Information Commissioner's 23 office.</p> <p>24 Again, it took something like 15 months and finally 25 they said, "Okay, we informed 28 people back there in</p> <p style="text-align: center;">Page 39</p>
<p>1 more general and therefore they didn't have to gather so 2 much information to answer it, and eventually, 3 eventually -- I think it took a total of 14 months. 4 I might be wrong, but months and months and months. 5 They came back with some statistics on it, and what's 6 then worrying is that it looks to me as though the 7 statistics they gave me were wrong.</p> <p>8 For example, I was asking them how many transcribed 9 voicemail messages are there in that material that's 10 been seized, and specifically, are there any other 11 transcripts other than those in the email for Neville, 12 which by then had been a public domain document? They 13 came back and said there were none. When I queried 14 that, they said there's one that possibly could be.</p> <p>15 Well, for example, as I understand it, Simon Hughes 16 says in his statement that when Operation Weeting 17 finally showed him his Mulcaire material, that included 18 the transcripts of voicemail messages. Why didn't they 19 say that? Why all these delays? Why say no in the 20 first place? And then why all these delays? And then 21 why not tell me that there are transcripts of voicemail 22 messages? That's the official channel, reinforced by 23 the Freedom of Information Act.</p> <p>24 I asked them similar questions about how many 25 victims. I said, "How many people did you inform back</p> <p style="text-align: center;">Page 38</p>	<p>1 2006 and another eight after the Gordon Taylor story was 2 published." Why not release that information in the 3 beginning?</p> <p>4 So if your question is "what's wrong with these 5 official sources", it exemplifies it. They are paid to 6 protect the reputation of their organisation. That's 7 not a smear on them. That's what a good press officer 8 does, and therefore a good press officer is frequently 9 out of step with the needs of the press and the public, 10 and therefore you have to have official -- unofficial 11 sources.</p> <p>12 LORD JUSTICE LEVESON: I'll now come in with the question 13 that I was formulating in my mind, because it actually 14 just links into that which you've said. You may have 15 heard -- I don't know whether you were in here for the 16 evidence of Mr Jefferies --</p> <p>17 A. No, I missed almost all of it, sorry.</p> <p>18 LORD JUSTICE LEVESON: -- just this afternoon, where he was 19 complaining, with justification, about leakage of 20 information from whatever source -- and he believes it's 21 the police, the police say it isn't; I say I'm balanced 22 in that immediately -- and therefore he is one of those 23 who support the proposition that it should be an offence 24 for the police to disclose inappropriate information to 25 members of the press, that naming uncharged suspects,</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 the private members bill that was introduced, should 2 indeed be criminal. 3 Now, that's the fight-back to which you just 4 referred, the reaction to which you referred a moment 5 ago. 6 <b>A. The backlash. Mm.</b> 7 LORD JUSTICE LEVESON: But the question is: do you see the 8 danger inherent in -- you're not suggesting 9 a free-for-all but let me use that phrase -- in the 10 rather more relaxed attitude to the release of 11 information that's subsequent upon what you have 12 proposed, and which may cause problems for individuals 13 in the circumstances of Mr Jefferies? 14 <b>A. Okay.</b> 15 LORD JUSTICE LEVESON: The reason it comes in to what you 16 just said is because you made the point that it was also 17 important in the needs of the public for this 18 information to come out. 19 <b>A. Yes.</b> 20 LORD JUSTICE LEVESON: He might say, "Well, hang on --" 21 <b>A. Okay. So what we have to do is to identify the source 22 of the problem and be precise about it. So first of 23 all, I would argue that it isn't that official sources 24 are inherently good or that the unofficial, unauthorised 25 sources are inherently bad. They are equally good or</b> Page 41</p>	<p>1 <b>fabricate vicious falsehoods against people like</b> 2 <b>Mr Jefferies, probably assuming that he can't afford to</b> 3 <b>sue them, and who cares about the Press Complaints</b> 4 <b>Commission? So part of the problem is there, insofar as</b> 5 <b>it's the reporter who is the active ingredient causing</b> 6 <b>damage, already module one is looking at ways of helping</b> 7 <b>there.</b> 8 <b>Then, insofar as it's the police officer who,</b> 9 <b>whether for financial reasons, he's going to get paid,</b> 10 <b>or just because he's an idiot or show-off or he wants to</b> 11 <b>upset his senior officer -- if there's a malicious</b> 12 <b>officer, then my argument is the more closed the system,</b> 13 <b>the more likely it is he'll get away with it. If you</b> 14 <b>open the system up, then when he says something -- if an</b> 15 <b>officer -- I don't know the case. If an officer was</b> 16 <b>responsible for leaking something inappropriate about</b> 17 <b>Mr Jefferies, then it would help enormously if his</b> 18 <b>brother officer could tell me, without fearing that he</b> 19 <b>would be the victim of disciplinary or criminal</b> 20 <b>offences. The more open, the less likely you are to get</b> 21 <b>abuse, is my argument.</b> 22 <b>But what's wrong is to try and close down all</b> 23 <b>off-the-record briefings or all unauthorised access.</b> 24 <b>It's like saying, "Because I got food poisoning last</b> 25 <b>night, I'm never going to eat again." It's too</b> Page 43</p>
<p>1 <b>bad, equally liable to operate in the public interest,</b> 2 <b>equally vulnerable to be being abused.</b> 3 <b>So that's the first thing. Don't identify the</b> 4 <b>unauthorised source as the cause of the problem.</b> 5 <b>I could give you examples, even in the phone hacking</b> 6 <b>saga, of a press officer calling me up in order to</b> 7 <b>encourage me to run a smear story. Talking off the</b> 8 <b>record.</b> 9 <b>Similarly, it would be a mistake to say off the</b> 10 <b>record is the source of the problem. Off the record</b> 11 <b>isn't sinister. Off the record helps people to tell the</b> 12 <b>truth.</b> 13 <b>So, having said that, look at official and</b> 14 <b>unofficial, on the record, off the record, as all being</b> 15 <b>morally equal, for want of a better way of putting it.</b> 16 <b>No more likely the one than the other to cause damage.</b> 17 LORD JUSTICE LEVESON: But that's not quite right. I'm 18 prepared to assume it. 19 <b>A. Just for the sake of my argument, because I think</b> 20 <b>there's two points that can be made. Basically, you</b> 21 <b>have the police and the reporters. There's one problem</b> 22 <b>at the reporters' end, which is that we have useless</b> 23 <b>media law and useless self-regulation at work, and</b> 24 <b>therefore -- I mean, that's what you have spent the last</b> 25 <b>module talking about. Reporters have been free to</b> Page 42</p>	<p>1 <b>destructive.</b> 2 <b>What do you think? You're looking pensive.</b> 3 LORD JUSTICE LEVESON: Sometimes that is so. 4 MS PATRY HOSKINS: That leads us neatly on to unofficial or 5 unauthorised contact with police officers, Mr Davies. 6 This starts at section 6 of your statement on page 4 7 onwards. Can we start at the top of page 5, please. 8 You're asked a number of questions and you say this. 9 I'm going to read out three short paragraphs because 10 a number of questions flow from them: 11 "Working in stories that involve the police, I have 12 often dealt with officers without the knowledge or 13 authority of the press office. I have worked in this 14 way with officers from the lowest rank to the highest, 15 in the Metropolitan Police and in other forces. This is 16 a common and well-established practice and one which 17 I believe is essential if reporters are to work 18 effectively. I have always regarded this as legitimate, 19 as long as it remains within the boundaries I have 20 described." 21 Now, A number of questions arise from those 22 particular statements. The first question is really 23 about who has given you information in this way. You go 24 on to explain that you've been given unofficial 25 assistance by officers of every rank, from constable to Page 44</p>

<p>1 chief constable; is that correct?</p> <p>2 <b>A. Correct, yeah.</b></p> <p>3 Q. The second question which arises from what you've said</p> <p>4 is how often this happens. What do you mean give</p> <p>5 "often"? Do you mean every time you work on a story</p> <p>6 where there might be police input or -- what do you mean</p> <p>7 by "often"?</p> <p>8 <b>A. It's difficult because I'm not a specialist crime</b></p> <p>9 <b>reporter. I said elsewhere in the statement I might go</b></p> <p>10 <b>through a period where I talk to the police every day</b></p> <p>11 <b>for a month and then a period where I don't speak to</b></p> <p>12 <b>them at all for a year.</b></p> <p>13 <b>In principle -- I'm using that expression again --</b></p> <p>14 <b>in general terms, if I'm working on a story and I feel</b></p> <p>15 <b>that an officer could help me, I would try to get that</b></p> <p>16 <b>officer to speak, whether through official channels or</b></p> <p>17 <b>unofficial, and would have a reasonable expectation of</b></p> <p>18 <b>success.</b></p> <p>19 <b>I should say that when I'm talking about</b></p> <p>20 <b>chief constables, it must be the case that they have the</b></p> <p>21 <b>right to authorise themselves to speak to journalists.</b></p> <p>22 <b>Where they're in a more interesting area is when they</b></p> <p>23 <b>talk about Home Office policy, where they are certainly</b></p> <p>24 <b>wanting to speak off the record and without official</b></p> <p>25 <b>blessing, perhaps because they think that what the</b></p> <p style="text-align: center;">Page 45</p>	<p>1 <b>isn't controversial, it isn't considered illegitimate or</b></p> <p>2 <b>bad.</b></p> <p>3 Q. Two other words you used in the statements I read out</p> <p>4 are "essential" and "legitimate". You've told us a bit</p> <p>5 about the failings of official contact. Is that one of</p> <p>6 the reasons why you consider unofficial contact to be</p> <p>7 essential and legitimate?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Are there any other reasons why such unofficial contact</p> <p>10 is, in your view, essential to the work of a journalist</p> <p>11 like yourself?</p> <p>12 <b>A. The big point is that you can't trust the official</b></p> <p>13 <b>sources because of what we've said. I don't want to say</b></p> <p>14 <b>that official sources are always wrong, but there is an</b></p> <p>15 <b>inherent limit to how much truth they'll give you.</b></p> <p>16 <b>The only other thing is that there may be occasions</b></p> <p>17 <b>when the officer has a perfectly good motive for</b></p> <p>18 <b>disclosing information and everybody would agree it's in</b></p> <p>19 <b>the public interest, but for some internal reason he's</b></p> <p>20 <b>not going to be allowed to do it, and therefore -- so</b></p> <p>21 <b>it's not a question of saying there is some great truth</b></p> <p>22 <b>which needs to be disclosed in the public interest</b></p> <p>23 <b>because it's being concealed. We're not necessarily</b></p> <p>24 <b>talking about improper police behaviour.</b></p> <p>25 <b>You could just have, let's say, a chief inspector on</b></p> <p style="text-align: center;">Page 47</p>
<p>1 <b>Home Office are doing is damaging. I mean, that does</b></p> <p>2 <b>happen and it's interesting when they speak in that way,</b></p> <p>3 <b>so just to explain why chief constables could be</b></p> <p>4 <b>included under the heading of "unofficial".</b></p> <p>5 <b>It's a little bit difficult to talk about the scale</b></p> <p>6 <b>on which that happens. It's case by case.</b></p> <p>7 Q. You also say this is a common and well-established</p> <p>8 practice. Can I take from that that it's not just you</p> <p>9 who obtains assistance in this way; it's something that</p> <p>10 you're aware that other journalists do?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. Can you give us anything more on that?</p> <p>13 <b>A. It's a little bit difficult but actually journalists</b></p> <p>14 <b>do -- they work together more than you might think. If</b></p> <p>15 <b>there's four or five of us from different titles working</b></p> <p>16 <b>on the same story and the story is difficult, we would</b></p> <p>17 <b>often work together to some extent, and so you would be</b></p> <p>18 <b>aware of other people getting briefings. It's a kind of</b></p> <p>19 <b>"cover your back" thing. What happens is none of you</b></p> <p>20 <b>wants to get shouted the by the news desk for failing to</b></p> <p>21 <b>get the story, so it's better to put your heads together</b></p> <p>22 <b>and work together. It may also be on a really tricky</b></p> <p>23 <b>thing that you can actually help each other out.</b></p> <p>24 <b>So in general terms, through contacts with other</b></p> <p>25 <b>reporters, I would say this is just not unusual, it</b></p> <p style="text-align: center;">Page 46</p>	<p>1 a division in a big city. He's down on the ground, his</p> <p>2 people have done a great job and he thinks (a) the</p> <p>3 public should know that they've done this great job so</p> <p>4 they can be reassured, (b) the people on his squad</p> <p>5 deserve the publicity of having done their job well, and</p> <p>6 the press office will organise their stories and they'll</p> <p>7 say, "We haven't got a gap for it. We're putting this</p> <p>8 out tomorrow and then the chief constable's giving</p> <p>9 bravery medals and we can't put it out." In that case,</p> <p>10 he might approach a local newspaper editor and say,</p> <p>11 "Here's a great story." He hasn't got permission to do</p> <p>12 it but it isn't quite in the category of the public</p> <p>13 interest disclosures. Do you see? It's a complicated</p> <p>14 world in there.</p> <p>15 <b>Then there's the bureaucratic thing -- I gave that</b></p> <p>16 <b>example of a very senior officer from the Met who showed</b></p> <p>17 <b>me minutes of what I think they used to call the policy</b></p> <p>18 <b>group but they now call the senior management team, and</b></p> <p>19 <b>I can remember him doing this and he was doing it</b></p> <p>20 <b>because he wanted to show me that the Met were taking</b></p> <p>21 <b>seriously a problem that was causing public disquiet,</b></p> <p>22 <b>and he said, "Look, they've told me I can't do this",</b></p> <p>23 <b>and as far as he was concerned they were being</b></p> <p>24 <b>bureaucratic and silly, and he said, "Here they are, you</b></p> <p>25 <b>read them and you can see that we're addressing this</b></p> <p style="text-align: center;">Page 48</p>

<p>1 <b>problem", and I thought: this is a good man and because</b>  2 <b>of a little bit of an internal blockage, he's decided to</b>  3 <b>take the initiative.</b>  4 LORD JUSTICE LEVESON: It depends on the eyes through which  5 you're looking at it. You would certainly say he is  6 a good man. The guy who is running the organisation,  7 who might have different reasons for not letting it out  8 at just that moment, may not take the same view.  9 <b>A. Yes. I accept what you say. The funny thing is that</b>  10 <b>all news is built out of these judgments and there's</b>  11 <b>lots of judgment going on. When you asked me that</b>  12 <b>question before, I rambled on for a while and meant to</b>  13 <b>say and forgot to say: the other thing that's been</b>  14 <b>missing is clarity.</b>  15 <b>So I have just been told there's a standing</b>  16 <b>operating procedure at the Met. I've never heard of it</b>  17 <b>in 35 years, I don't know what it's about, and I think</b>  18 <b>it's been the same from the point of view of police</b>  19 <b>officers. It hasn't been entirely clear. So it would</b>  20 <b>be helpful if we said, you said, somebody said --</b>  21 <b>I mean, my favoured version would be that you should do</b>  22 <b>something more like an American model, where, on the</b>  23 <b>whole, police officers are allowed to say things,</b>  24 <b>because these organisations are funded by the public,</b>  25 <b>their legitimacy flows from the democratic process in</b></p> <p style="text-align: center;">Page 49</p>	<p>1 <b>covered by the following exemptions. There are far too</b>  2 <b>many exemptions in our Act, but I would like to see the</b>  3 <b>same principle clearly used with the police. The</b>  4 <b>default position is they can tell us what they're doing.</b>  5 <b>Why shouldn't they? Well, there are several subheadings</b>  6 <b>which they definitely can't disclose. If you're going</b>  7 <b>to interfere with a current inquiry, you can't do it.</b>  8 <b>If you're going to disclose confidential information</b>  9 <b>about somebody that isn't in the public interest you</b>  10 <b>can't do it. Do you see?</b>  11 LORD JUSTICE LEVESON: But then you're making every single  12 police officer or every single hospital worker or every  13 single local authority their own judge of the public  14 interest. You can't get around that.  15 <b>A. Well, what could happen in theory -- but I can't see it</b>  16 <b>happening in practice -- is that they could ask the</b>  17 <b>press office: "Do you reckon I'm all right on this, in</b>  18 <b>terms of these Leveson rules", as we now call them.</b>  19 LORD JUSTICE LEVESON: They won't be called that.  20 <b>A. Right. But if you had a press office who operated in</b>  21 <b>that way, as a sort of arbiter, that would be great.</b>  22 <b>Then the officer would say, "I know that I'm not in</b>  23 <b>those exemption areas and that it's okay to speak",</b>  24 <b>because in principle we should speak. You don't want</b>  25 <b>secret police forces. They've got much too much power.</b></p> <p style="text-align: center;">Page 51</p>
<p>1 <b>the name of the public, they have these powers over the</b>  2 <b>public, and only these prescribed areas can't be</b>  3 <b>discussed --</b>  4 LORD JUSTICE LEVESON: But you wouldn't necessarily restrict  5 that to the police, would you?  6 <b>A. No.</b>  7 LORD JUSTICE LEVESON: This conversation I've just been  8 contemplating you could have had with hospital managers.  9 <b>A. Yes.</b>  10 LORD JUSTICE LEVESON: With all sorts of --  11 <b>A. Every government department, local authorities.</b>  12 LORD JUSTICE LEVESON: Exactly. So this is not  13 a police-specific issue.  14 <b>A. I agree, and I think it's -- one of the things that</b>  15 <b>makes the police worrying is that when they get upset</b>  16 <b>with their employees for talking out of turn, talking</b>  17 <b>without permission, instead of saying, "How dare you",</b>  18 <b>because they have their hands on the levers of the</b>  19 <b>criminal justice machine, they start to deploy it</b>  20 <b>against them. It's your right. But I think in</b>  21 <b>principle -- there we go again, "in principle" -- they</b>  22 <b>are no different to any other organisation.</b>  23 <b>If you look at the Freedom of Information Act as</b>  24 <b>a sort of theoretical model, the basis of thought there</b>  25 <b>is: all information should be disclosed unless it is</b></p> <p style="text-align: center;">Page 50</p>	<p>1 <b>Or secret government departments or hospitals. Patient</b>  2 <b>confidentiality, clearly it's exempt, but the default</b>  3 <b>position, the beginning point is: why not be open?</b>  4 <b>I think that helps with the abuse. Do you see?</b>  5 MS PATRY HOSKINS: Mr Davies, I'll come back to test the  6 parameters of the suggestion you've just made.  7 <b>A. Okay.</b>  8 <b>Q. Let me just touch on a few points of detail before we do</b>  9 <b>that. Can we just note a few of the paragraphs under</b>  10 <b>the heading "Unofficial and unauthorised contact". On</b>  11 <b>page 5, 5(d), you note that you've never been given</b>  12 <b>prior notice of raids or arrests. You say that would be</b>  13 <b>much more likely to happen with specialist crime</b>  14 <b>reporters. Can you give us any information at all about</b>  15 <b>other journalists being tipped off in this way?</b>  16 <b>A. No. I mean, other than what's obvious. Occasionally</b>  17 <b>you see it in a newspaper or television that clearly the</b>  18 <b>reporter was taken along for the ride, but it's not an</b>  19 <b>area I've had experience in.</b>  20 LORD JUSTICE LEVESON: It's very difficult to see why  21 a reporter or photographer should be outside somebody's  22 home at 5 o'clock in the morning.  23 <b>A. Unless they've had prior advice.</b>  24 LORD JUSTICE LEVESON: Yes.  25 <b>A. But is that always wrong?</b></p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 LORD JUSTICE LEVESON: All right.</p> <p>2 <b>A. I'm not saying -- you could say, from the police point</b></p> <p>3 <b>of view -- let's suppose there has been some persistent</b></p> <p>4 <b>crime in a community which has caused real fear. I'm</b></p> <p>5 <b>not saying that I have the answer, but could it possibly</b></p> <p>6 <b>be right to indicate --</b></p> <p>7 LORD JUSTICE LEVESON: Oh, I have no problem with</p> <p>8 recognising the public interest, not least in the</p> <p>9 support for the police in their exercise of their</p> <p>10 responsibilities to reassure the public that criminal</p> <p>11 justice is safe in their hands and that they are being</p> <p>12 proactive. But it's not quite so two-dimensional.</p> <p>13 <b>A. No. A lot has gone wrong, and that's really a starting</b></p> <p>14 <b>point, in a way.</b></p> <p>15 MS PATRY HOSKINS: You then go on to explain the various</p> <p>16 types of information that you've been provided with over</p> <p>17 the years. So you've already told us that you were</p> <p>18 given the minutes of a particular meeting, you've been</p> <p>19 given information about crime figures, you've been given</p> <p>20 evidence. Is it right to say that each case will simply</p> <p>21 be different on its facts?</p> <p>22 <b>A. Yes. Bear in mind that it isn't unusual to have this</b></p> <p>23 <b>unofficial contact, but yes, there's different sorts of</b></p> <p>24 <b>stories coming out for different reasons in different</b></p> <p>25 <b>ways.</b></p> <p style="text-align: center;">Page 53</p>	<p>1 Q. They're on pages 5 and 6.</p> <p>2 <b>A. One force conducting an independent inquiry into alleged</b></p> <p>3 <b>corruption in another force. I think theirs was</b></p> <p>4 <b>a variation on that, in that they felt there was a real</b></p> <p>5 <b>danger that the force that allegedly contained the</b></p> <p>6 <b>corruption would conceal that corruption and that by</b></p> <p>7 <b>talking to me and other reporters, they could create</b></p> <p>8 <b>a kind of political pressure on that force not to do</b></p> <p>9 <b>that. So you could almost see that as a kind of</b></p> <p>10 <b>operational motive.</b></p> <p>11 Q. Yes.</p> <p>12 <b>A. And then sometimes it could be something like I was</b></p> <p>13 <b>describing a moment ago, where the officer says, "This</b></p> <p>14 <b>is a story that, from the point of view of reassuring</b></p> <p>15 <b>the public or making good the morale of my squad really</b></p> <p>16 <b>ought to be in the public domain, but I can't persuade</b></p> <p>17 <b>the press office to put it out so I'll put it out."</b></p> <p>18 <b>I mean, you get bad motives too. There was an</b></p> <p>19 <b>officer I dealt with quite a lot who clearly loathed</b></p> <p>20 <b>another squad who he saw as being useless and</b></p> <p>21 <b>furthermore trespassing on his patch, so he was</b></p> <p>22 <b>extremely keen on disclosing material which made them</b></p> <p>23 <b>look bad. I don't want to give you a rosy picture that</b></p> <p>24 <b>everybody who talks to a reporter is some kind of angel.</b></p> <p>25 <b>It's complicated out there, but then the reporter's job</b></p> <p style="text-align: center;">Page 55</p>
<p>1 Q. You've told us why you might want to have unofficial</p> <p>2 assistance in this way, that you're suspicious of</p> <p>3 authorised contact for a start, but why, in your view,</p> <p>4 would police officers be motivated to act in this way?</p> <p>5 <b>A. Different stories, different reasons. So I've mentioned</b></p> <p>6 <b>here two different occasions on which officers in two</b></p> <p>7 <b>different forces have become aware of the senior command</b></p> <p>8 <b>organising the fiddling of the crime figures, so</b></p> <p>9 <b>misrecording the levels of crime committed, misrecording</b></p> <p>10 <b>the number of crimes solved, and that's done to please</b></p> <p>11 <b>the Home Office and it affects your funding. In both</b></p> <p>12 <b>cases, the officers had tried internally to stop that</b></p> <p>13 <b>happening, because it means that the victims of crime</b></p> <p>14 <b>are being cheated of justice because their crimes are</b></p> <p>15 <b>being recorded as solved when they haven't been.</b></p> <p>16 <b>Perpetrators are allowed to go free. It really matters;</b></p> <p>17 <b>it isn't just about statistics. And having tried</b></p> <p>18 <b>internally to get things done, they got nowhere. So on</b></p> <p>19 <b>both occasion, I ended up dealing with them and putting</b></p> <p>20 <b>lots of material into the public domain to expose that,</b></p> <p>21 <b>which infuriated some of the senior command.</b></p> <p>22 <b>So I suppose that's kind of classic whistle-blowing</b></p> <p>23 <b>stuff, isn't it?</b></p> <p>24 Q. Yes.</p> <p>25 <b>A. Hang on, I can't remember the other examples I gave you.</b></p> <p style="text-align: center;">Page 54</p>	<p>1 <b>is to try and pick their way through it and work out</b></p> <p>2 <b>what's true and what's worth saying.</b></p> <p>3 Q. I'm going to go back to your suggestion about more</p> <p>4 openness, more transparency, and whether or not there</p> <p>5 could be any boundaries set on this type of unofficial</p> <p>6 contact or whether that's just a pipe dream. Can we</p> <p>7 explore it in practice a little.</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Clearly, there is a view that this type of official</p> <p>10 exchange is fraught with potential difficulty. For</p> <p>11 example, information given to a journalist, not</p> <p>12 necessarily you, could, for example, prejudice an</p> <p>13 important investigation, could compromise someone's</p> <p>14 safety, may violate someone's price. I want to</p> <p>15 understand, please, the limits or boundaries that you</p> <p>16 impose on yourself in this regard. Can we look, please,</p> <p>17 at page 7 of your statement under question 8. You say</p> <p>18 this -- and I want you to answer we me this question,</p> <p>19 whether this statement I'm about to read accurately</p> <p>20 reflects the limits that you would impose on yourself:</p> <p>21 "I think contact with police becomes illegitimate or</p> <p>22 improper in principle [there it is again] if (a) the</p> <p>23 means of acquiring the information is itself illegal or</p> <p>24 improper (bribes, hacking) or (b), as above, if</p> <p>25 publication violates privacy without a clear public</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 interest justification, impedes an inquiry or 2 jeopardises the safety of any individual." 3 Is that the boundaries that you impose on 4 yourself -- 5 <b>A. Yes.</b> 6 Q. -- in receiving information in this unofficial way? 7 <b>A. There are some legal ones that I haven't bothered 8 mentioning there, but.</b> 9 Q. Would you want to touch on those? 10 <b>A. Not just with police sources, but if someone is talking 11 generally, your alarm bells would ring if it's 12 sub judice. Your alarm bells would ring if it's 13 defamatory. You start wondering if you're going to be 14 able to find the evidence to justify it, if you're 15 challenged.</b> 16 Q. Can we just explore the first of these principles. The 17 means of acquiring the information itself is illegal or 18 improper. Let's take the example of bribes. Why does 19 the fact that a police officer may be paid a bribe by 20 the journalist mean that unofficial contact now becomes 21 improper? Why do you take that view? 22 <b>A. The immediate answer is it's against the law.</b> 23 Q. Assume now for a moment that it's not. Just assume. As 24 a matter of principle, does paying a bribe somehow make 25 it worse or more improper? Page 57</p>	<p>1 <b>newspapers. That's most of what goes on. So it's not 2 really about disclosure; it's about exclusivity.</b> 3 <b>If you take the law away, I don't think it's an 4 ethical problem.</b> 5 Q. Looking back at the statement at the top of page 8, 6 moving aside bribes now and turning to the three 7 principles that you set out there, you would -- 8 LORD JUSTICE LEVESON: I'm sorry, you mean question 8? 9 MS PATRY HOSKINS: Sorry, did I say paragraph 8? 10 LORD JUSTICE LEVESON: We're still talking about the 11 paragraph -- 12 MS PATRY HOSKINS: The same paragraph, the boundaries that 13 Mr Davies has indicated he would impose. 14 LORD JUSTICE LEVESON: The fact is you don't permit the 15 acquisition of information illegally or improperly, even 16 if it is in the clear public interest? 17 <b>A. No, clearly that's always illegal. It was interesting 18 when Keir Starmer was here -- I think it was him -- 19 saying there was a residual decision about whether there 20 could be a public interest. I can't imagine 21 the situation, but maybe somewhere in the outer reaches 22 of possibility it could be conceivable that somebody 23 would pay a public official to disclose something and we 24 would all say, "I'm glad you did that." It's parallel 25 to the Telegraph paying for the CDs which had been Page 59</b></p>
<p>1 <b>A. So in this question, it's no longer illegal?</b> 2 Q. Mm-hm. 3 <b>A. I think paying a bribe is a rather odd way of putting 4 it. Is there something inherently wrong in paying money 5 for information?</b> 6 Q. Indeed. 7 <b>A. I talked about this in the first statement I put into 8 this Inquiry, that it seems to me that paying for 9 information does create a problem. The problem isn't 10 ethical. I don't mind if a newspaper wants to pay an 11 actress to describe her married life or whatever it is. 12 The problem is practical, that where you pay people to 13 talk to you, you run the risk that you are giving them 14 a motive to fabricate, to earn their fee. That's the 15 worst end of it, and at best, I think that -- I've seen 16 this with other journalists paying sources who I've been 17 working with without payment. What they get for their 18 money is the bare minimum, because they haven't 19 genuinely motivated the person to help them. 20 So I think there are practical problems with it, but 21 in principle I am not saying that it is always wrong to 22 pay. I think there are circumstances in which that's 23 okay. I mean, there is a lot of nonsense talked about 24 it. On the whole, newspapers don't pay people to talk; 25 they pay people to sign a contract not to talk to other Page 58</b></p>	<p>1 <b>stolen from the House of Commons which contained all the 2 information about the MPs --</b> 3 LORD JUSTICE LEVESON: It is parallel. Query whether 4 stolen. Query whether you can steal intellectual 5 property. I mean, there are all sorts of issues there. 6 But I just wanted to -- 7 <b>A. Try and think of an example.</b> 8 LORD JUSTICE LEVESON: -- analyse the boundaries of that 9 first example. That's all I'm doing with you. 10 <b>A. Fine, good. What was the question? I've slightly lost 11 you.</b> 12 LORD JUSTICE LEVESON: My question is: the acquisition of 13 information that is itself illegal, the means of 14 acquisition, whether it's because of hacking or because 15 of bribing, is not made legitimate or proper by public 16 interest, on your evidence here. 17 <b>A. Because it's against the law.</b> 18 LORD JUSTICE LEVESON: Yes. 19 <b>A. And that is the way the law stands at the moment, yes. 20 But when I was here before, I was trying to argue for 21 some advisory body that could tell reporters and others 22 where the public interest boundaries are, case by case, 23 and if we had something like that, I would like the 24 public interest defence to be more widely available for 25 more laws.</b> Page 60</p>

15 (Pages 57 to 60)

<p>1 To honestly answer your question, I haven't this 2 through whether -- I think you're asking me: could it 3 ever be right to bribe someone; is that right? I don't 4 think I have an answer to that because it isn't 5 something I've thought through. It feels really, really 6 dodgy. It feels like the answer must be no, but 7 somewhere in brackets I kind of think maybe there is 8 a circumstance where -- I mean, is it that -- okay, so 9 I'm in a country where there's a dictatorship and the 10 public official says, "I have the secret that can cause 11 much good for the public, but if I disclose this secret, 12 I have to be able to escape the country, I have to take 13 my family with me, I have to have £20,000." So I give 14 him £20,000, which could reasonably be construed as 15 a bribe, yes? He then gives me in the information which 16 is hugely in the public good and he escapes from the 17 country. I mean, I haven't got an answer to your 18 question, I haven't thought it through but I begin to 19 think it could be right to do that.</p> <p>20 LORD JUSTICE LEVESON: Mr Leigh gave evidence, which you may 21 or may not have seen -- your colleague on the Guardian.</p> <p>22 <b>A. Yes.</b></p> <p>23 LORD JUSTICE LEVESON: Who spoke about using a PIN number, 24 intercepting somebody's voicemail message in 25 a particular circumstance -- I think I have that right?</p> <p style="text-align: center;">Page 61</p>	<p>1 should be changed to permit a public interest defence in 2 relation to any particular crime, but he was asked by me 3 whether he would be prepared to enunciate a policy which 4 would be relevant to the public interest test that he 5 applies under the Code for Crown Prosecutors in relation 6 to the work of journalists, and he is presently 7 formulating just such a policy to try to clarify 8 circumstances in which he, as the DPP, will not consider 9 it appropriate or necessary to prosecute, 10 notwithstanding that the ingredients of an offence might 11 be made out.</p> <p>12 <b>A. Right.</b></p> <p>13 LORD JUSTICE LEVESON: So I've gone that far with you 14 without suggesting there should be changes to the 15 substantive law. I say I've gone that far with you; 16 I've gone that far with you to investigate what it would 17 look like. Ultimately, that policy is for him and not 18 for me. But he's doing that, in part because 19 I requested him to do so. He could have said, "I don't 20 think this is the right way to go", in which case, 21 that's the end of it, but he didn't. But there are 22 limits.</p> <p>23 <b>A. Yes. But I think if we're just talking here</b> 24 <b>theoretically, the factual position is it's against the</b> 25 <b>law to intercept communications, full stop, no public</b></p> <p style="text-align: center;">Page 63</p>
<p>1 MS PATRY HOSKINS: Yes.</p> <p>2 <b>A. Yes.</b></p> <p>3 LORD JUSTICE LEVESON: -- which he felt was very much in the 4 public interest.</p> <p>5 <b>A. Yes. I think it's interesting. If we took the public</b> 6 <b>interest -- because this is -- like you were saying</b> 7 <b>yesterday, this Inquiry is not an attack on press</b> 8 <b>freedom. You have the capacity to increase our freedom.</b> 9 <b>That's an example. You yourself can't do it but if we</b> 10 <b>legislated to broaden -- to increase the number of laws</b> 11 <b>for which there was a public interest defence, it could</b> 12 <b>well be that we would say that the interception of</b> 13 <b>communications ought to have a limited public interest</b> 14 <b>defence in principle, that if the only way to rescue the</b> 15 <b>child --</b></p> <p>16 LORD JUSTICE LEVESON: The bands of your advocacy may be 17 going a tad too far, Mr Davies.</p> <p>18 <b>A. Isn't that what you want me to do in a way, to test the</b> 19 <b>boundaries?</b></p> <p>20 LORD JUSTICE LEVESON: As long as you appreciate where I'm 21 coming from on this.</p> <p>22 <b>A. Maybe I've misunderstood your question.</b></p> <p>23 LORD JUSTICE LEVESON: No, you haven't. You haven't. And 24 if you'd seen what Mr Starmer was asked to do, what he 25 was asked to do by me wasn't to suggest that the law</p> <p style="text-align: center;">Page 62</p>	<p>1 <b>interest defence written in. It isn't like Section 55</b> 2 <b>of the Data Protection Act, yes? I'm saying that if we</b> 3 <b>were inventing the world so that it was perfect, we</b> 4 <b>might want to consider the possibility which David Leigh</b> 5 <b>was referring to, that there could be cases where you</b> 6 <b>would want a journalist to be able to intercept</b> 7 <b>a communication.</b></p> <p>8 LORD JUSTICE LEVESON: I understand the point, I understand 9 the point. I think we'll give the shorthand writer 10 a break now.</p> <p>11 (3.32 pm)</p> <p>12 (A short break)</p> <p>13 (3.40 pm)</p> <p>14 MS PATRY HOSKINS: Mr Davies, we're still at the top of 15 page 7 and the statement you make there under heading 16 question 4, paragraph 8.</p> <p>17 We've discussed now at some length the issue about 18 whether it's wrong in principle to pay a bribe. Can I 19 turn to the principles you set out thereafter. The 20 first one you set out is you consider that contact with 21 the police becomes illegitimate if publication violates 22 privacy without a clear public interest justification. 23 Just so I can give you an example of that, violating 24 privacy without a clear public interest justification, 25 would an example of that be the police officer who tips</p> <p style="text-align: center;">Page 64</p>

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<p>1 off a journalist that, say, a celebrity has been the 2 victim of a particular crime? 3 <b>A. Yes, exactly.</b> 4 Q. Is there anything else you want to say about that before 5 we move on to impeding enquiries or jeopardising safety? 6 <b>A. Just that it's implied by that that the corollary also</b> 7 <b>is true, that a police officer could be justified in</b> 8 <b>disclosing something that was inherently private or</b> 9 <b>confidential precisely because it was in the public</b> 10 <b>interest to do so.</b> 11 Q. Let's turn to then information which -- well, 12 publication which might impede an enquiry or jeopardise 13 the safety of an individual. Can we again think about 14 this practically. Imagine a hypothetical situation 15 where you get a telephone call from X, a police officer, 16 and he says to you, "Nick, come in, I need to have 17 a chat about something" -- 18 <b>A. Can I just ask you, did you say "an ex" as in a former</b> 19 <b>police officer?</b> 20 Q. No, just X, as in -- 21 <b>A. He's a serving police officer?</b> 22 Q. He is just a police officer. 23 <b>A. Gotcha.</b> 24 Q. "Nick, come in, I need to have a chat about something. 25 I can't possibly tell you on the phone, come down and</p> <p style="text-align: center;">Page 65</p>	<p>1 <b>when he tells me this thing, first of all, both of the</b> 2 <b>alarm bells are going to ring: am I sub judice here, is</b> 3 <b>there a trial in place, am I in libel trouble here? And</b> 4 <b>then certainly, and particularly clearly with a police</b> 5 <b>officer, it would be less clear if it was a banker</b> 6 <b>telling me this, but I'm going to think, "Is there</b> 7 <b>a current enquiry going on, we're going to crash into</b> 8 <b>it, are we going to get into trouble over it?" So that</b> 9 <b>sort of basic anxiety is going to be flashing up warning</b> 10 <b>signs.</b> 11 <b>In the reality, I would then talk to him and say,</b> 12 <b>"Just supposing I get sued on this, where are we on</b> 13 <b>evidence? Is there a current enquiry, are we going to</b> 14 <b>get nicked? Is this sub judice?" We'd have that</b> 15 <b>conversation and I would find out.</b> 16 <b>Plus in those circumstances is it going to be the</b> 17 <b>case that a police officer says, "Guess what, X is</b> 18 <b>true", and I'm just going to bung it in the paper? You</b> 19 <b>go off and you have the to talk to other people to check</b> 20 <b>it and get all the surrounding context so that you can</b> 21 <b>tell the story properly, and in the course of that it</b> 22 <b>would be very surprising if you didn't come across the</b> 23 <b>material that you need to make those judgments that</b> 24 <b>we're talking about.</b> 25 Q. But doesn't that assume -- isn't this one of the</p> <p style="text-align: center;">Page 67</p>
<p>1 see me." Fine, you go down and attend. He then proceeds 2 to tell you something very interesting, I won't describe 3 it as a bombshell, but an interesting piece of 4 information that would be of interest to you to publish. 5 Can you see that regardless of public interest 6 considerations, regardless of prejudice to 7 investigations or to safety or to anything like that, 8 you now know the information, you as a journalist now 9 know that information. 10 At that point, it could be said that the onus is on 11 you to set the boundaries: you decide whether it's in 12 the public interest to publish, you decide whether it 13 will prejudice an investigation, whether it will 14 compromise safety. But what I want to understand is how 15 you, or another journalist who's given information in 16 this way, would know the full context? How would you 17 know whether it prejudices an investigation, for 18 example? You might not know the full facts of the 19 investigation or the full context or whether someone is 20 at risk. 21 <b>A. Okay.</b> 22 Q. How would you ascertain that? 23 <b>A. I think one of the things that -- if the companion of</b> 24 <b>all reporting life is anxiety, you are constantly</b> 25 <b>worrying about what could go wrong with this story. So</b></p> <p style="text-align: center;">Page 66</p>	<p>1 problems with unofficial contact? That rather assumes 2 that you are a scrupulous journalist. Isn't one of the 3 problems that the information might be imparted by the 4 police officer to someone who is far less scrupulous and 5 who just cares that it's an interesting piece of 6 information that would sell newspapers? 7 <b>A. Yes, this is what I was trying to describe before the</b> 8 <b>break. If you want to make sure the system works well,</b> 9 <b>don't go closing down whole channels, but recognise that</b> 10 <b>the problem is twofold. It may be something malicious</b> 11 <b>or improper at the police end or it may be the kind of</b> 12 <b>stuff you've been discussing in module one: just crazed,</b> 13 <b>fact-free journalism.</b> 14 <b>The great prize of this Inquiry is to try to find</b> 15 <b>solutions to that.</b> 16 <b>Any time you're dealing with a malicious or</b> 17 <b>irresponsible journalist, almost any information they</b> 18 <b>get hold of is potentially damaging. But what would be</b> 19 <b>horribly unfair would be if we ended up in a situation</b> 20 <b>where the really destructive behaviour of that very</b> 21 <b>small minority started to close down channels of</b> 22 <b>information which all the other journalists need.</b> 23 Q. I'm just trying to explore the boundaries of your 24 general principle. 25 <b>A. Yes.</b></p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 Q. If greater openness and transparency is the answer, I'm 2 just trying to explore the boundaries of how that would 3 work in practice.</p> <p>4 <b>A. Yes. Again this applies to the official sources as much 5 as to the unofficial sources. Either of them are 6 capable of giving you information which is designed to 7 cause trouble for somebody or which can be distorted to 8 cause trouble for somebody or misused in some way. In 9 order to make the system work properly, you need clarity 10 and some level of enforcement for both parties. The 11 police need to be clear where the lines are, we need to 12 be clear where the lines are and there needs to be a way 13 of sorting things out when they go wrong.</b></p> <p>14 Q. Linked to this problem is the problem of police officers 15 building up particular relationships with particular 16 journalists and then that relationship becoming open to 17 abuse and so on. Can you see that problem?</p> <p>18 <b>A. Well, to a certain -- we need to be clear what it is the 19 problem might be. I have no problem at all with me 20 building a special relationship with a serving police 21 officer or banker or prison officer or anybody. They're 22 just contacts. I don't have any problem with that 23 across the whole board of human activity. I build 24 relationships with paedophiles, with fascists, with 25 communists, with socialists, with the lot. That's what</b></p> <p style="text-align: center;">Page 69</p>	<p>1 <b>That was really the core of the argument yesterday. If 2 you find that in fact part of that failure was to do 3 with the cosy relationship that existed between the tops 4 of those two organisations, then you can see how the 5 relationship can go wrong. But it doesn't seem to me 6 that if that is the case that tells you anything at all 7 about what was going on between the lowly reporter and 8 the lowly officer meeting in a pub to talk about 9 a story. That's just not what created the -- or the 10 potential problem.</b></p> <p>11 <b>Does that make sense?</b></p> <p>12 LORD JUSTICE LEVESON: I can follow that, but I am rather 13 concerned that you make the point -- let me just find 14 it -- that if you're dealing with a malicious or 15 irresponsible journalist, almost any information they 16 get hold of is potentially damaging, but it would be 17 horribly unfair for those who aren't malicious or 18 irresponsible to suffer as a consequence.</p> <p>19 <b>A. The closing down of whole channels of communication.</b></p> <p>20 LORD JUSTICE LEVESON: I understand that's your point and 21 I recognise the point. But freedom of expression 22 responsibilities make it very difficult to tackle the 23 problem from the individual's perspective, to say, 24 "Well, you're an irresponsible, mendacious journalist 25 and therefore we can't trust you; you are a responsible</p> <p style="text-align: center;">Page 71</p>
<p>1 we do for a living. Nothing wrong with that at all. 2 And if we have a police officer who has a relationship 3 of trust with me so that within the boundaries that 4 we've described, he favours me, that's to say that if he 5 wants to get something into the public domain he comes 6 to me, I'm happy, he's happy and I hope you would be 7 happy. It's not a bad thing.</p> <p>8 Where it becomes a problem really isn't at the level 9 of the reporter and the police officer. I mean, other 10 than those -- if there's abuse of information, all 11 right, but where -- the problem that is in the 12 background to this Inquiry is something quite different, 13 which was a relationship at the top of two 14 organisations, between the very summit of the 15 Metropolitan Police, the very summit of 16 News International, and even that wasn't a problem. 17 I don't think that, generally speaking, having lunches 18 and meeting people and having drinks is problematic. It 19 only became a problem -- or it is a problem if the 20 reality is that that was part of the reason why the Met 21 failed to investigate the phone hacking properly.</p> <p>22 I still don't quite understand what went wrong. 23 Something went catastrophically wrong in that Inquiry 24 and in the subsequent public statements about it. 25 So the Met are saying it's all to do with resources.</p> <p style="text-align: center;">Page 70</p>	<p>1 journalist who we can trust", and you can't tackle it 2 that way because that way leads to licensing, which 3 I don't anticipate you would support.</p> <p>4 <b>A. No. "Mendacious" is an interesting word --</b></p> <p>5 LORD JUSTICE LEVESON: I'm very sorry I used the word, 6 because I absolutely didn't intend to. Please, let's 7 move off that word.</p> <p>8 <b>A. But try falsehood and distortion then. Let's say the 9 police officer, officially or unofficially, supplies the 10 journalist with some information. That journalist is 11 the irresponsible kind, so he or she then goes off to 12 produce a story which is riddled with falsehood and 13 distortion and that produces bad results for somebody 14 like Chris Jefferies or for the Inquiry itself. What we 15 need is a system that is quick and cheap and effective 16 to deal with falsehood and distortion generally. For 17 me, that's the biggest problem we have in the media, is 18 the ease with which irresponsible reporters can 19 fabricate stuff and get away with it, and what are the 20 victims supposed to do? Sue for libel? It's 21 ridiculously expensive and slow and hopeless, and the 22 PCC -- so if you had a system, if in the future we had 23 a system that gave the victims of falsehood and 24 distortion a fair, quick crack at an effective solution, 25 that would make it much harder for the irresponsible</b></p> <p style="text-align: center;">Page 72</p>

<p>1 reporter to infect the information he's been given with 2 falsehood and distortion. We don't have that at the 3 moment. It's the Wild West out there. But it's amazing 4 how few reporters take advantage of it, actually, if you 5 see how useless the system is on falsehood and 6 distortion.</p> <p>7 Similarly with privacy, if we can devise a better 8 way of protecting people's privacy, which is difficult, 9 then if it's the malicious officer who says, "Here's 10 some information about a celebrity", there is more 11 chance that the irresponsible officer/irresponsible 12 reporter won't be able to do the damaging thing that 13 invades people's privacy. So all your module one 14 thinking helps us here.</p> <p>15 In addition, if we have real clarity inside the 16 police, instead of -- I think it's incredible that the 17 Metropolitan Police are telling us there's a standard 18 operating procedure which, in 35 years, I've never heard 19 of. I've never come across an officer quoting it. It's 20 a muddle out there.</p> <p>21 MS PATRY HOSKINS: I need to touch on your paragraph where 22 you explain that you have an area of concern that the 23 relationship between News International and the 24 Metropolitan Police may have become too close. You've 25 touched on that in oral evidence. That relevant</p> <p style="text-align: center;">Page 73</p>	<p>1 LORD JUSTICE LEVESON: How about a perception? 2 A. I'm not too worried about that. I think we can get 3 overanxious here. I thought Brian Paddick was being 4 overanxious yesterday, "wouldn't even pay for my drink". 5 I think that's silly. I mean, we can all get too 6 uptight about this and I think there is too much 7 uptightness around. So I think it's all right for 8 John Stevens and Nick Fedorcio to have lunch with Neil 9 Wallis and Andy Coulson and that isn't a national 10 scandal. It's only if that led to the police failing to 11 do their job.</p> <p>12 I can't sit here and speak against favouritism. 13 I spend my life trying to procure human sources who will 14 talk to me. I don't want them to run off and talk to 15 other newspapers. It's kind of inherent in a reporter's 16 job. I want my story exclusively, if possible. It 17 makes sense.</p> <p>18 MS PATRY HOSKINS: Two paragraphs above that, on page 7, you 19 say that you believe some senior police officers were 20 the targets of voicemail hacking. This was certainly 21 implied, you say, by evidence given by the police to the 22 culture, media and sports Select Committee in September 23 2009. Again, I've been asked a question about this. 24 Are you referring there to the evidence of -- 25 A. Is this on the screen? Sorry, what page are you on?</p> <p style="text-align: center;">Page 75</p>
<p>1 paragraph is at the bottom of page 7, and there's a 2 number of questions I've been asked to put to you about 3 that.</p> <p>4 A. Yes.</p> <p>5 Q. What do you believe is the Metropolitan Police's 6 interest in co-operating in this way with 7 News International? Is it not simply to ensure proper 8 investigation of crime and do you have any evidence of 9 favouritism?</p> <p>10 A. Okay, I've slightly touched on this already. Brian 11 Paddick was saying yesterday that John Stevens, as 12 Commissioner, set out to build bridges with the news 13 media and that Dick Fedorcio was instrumental in that. 14 It seems to me there's nothing wrong with that. I think 15 there's nothing wrong with the Commissioner meeting the 16 editors and talking about policy or even specific 17 stories. If it emerges from that that there's some 18 favouritism shown by the press office to the particular 19 newspapers which seem to Dick Fedorcio or John Stevens 20 to be most powerful, that's very irritating for the 21 reporters who are left out, but I don't think that's 22 a great big ethical worry we need to get worked up 23 about. That was a problem only if we now discover that 24 it was an active ingredient in the subsequent failure to 25 investigate News International effectively.</p> <p style="text-align: center;">Page 74</p>	<p>1 I'm terrible sorry. 2 Q. Page 7. It's the third paragraph from the bottom. 3 A. Got it, okay. 4 Q. When you say that this was implied by the evidence 5 given, are you referring to the evidence of Assistant 6 Commissioner Yates and Superintendent Phil Williams on 7 2 September 2009? 8 A. They actually put in a written memo, Yates and Williams, 9 in which they were talking about the extent to which 10 they wanted to say they had been in touch with victims 11 and potential victims of hacking and they said that 12 apart from those who had been approached with a view to 13 being -- charges for the indictment, they had also set 14 out to approach people in four national security 15 categories. That was royal, government, military and 16 police. So the implication there was there was at least 17 one victim or potential victim of hacking in the police. 18 I followed that up with yet another attempt to ask 19 for a simple statistic, and it was yet another example 20 of the press bureau saying no, huge long freedom of 21 information wrangle, at the end of which they claimed 22 that there was one police officer who had been 23 approached and warned. Whether or not that's the whole 24 picture, I don't know. Are they saying they didn't? 25 Or --</p> <p style="text-align: center;">Page 76</p>

19 (Pages 73 to 76)

<p>1 Q. No, that's the extent of my question that I needed to 2 put to you. 3 <b>A. Okay, all right.</b> 4 Q. Finally, before we move on to the extracts from your 5 book briefly, page 8, please, under paragraph 13, 6 question 9. You were asked in general terms what your 7 impressions are about the culture of relations between 8 the police and the media. I think you've touched more 9 or less on all of the points you make there. Is there 10 anything else that you would want to add to that? 11 <b>A. No, I think we have covered those points, unless there's 12 something you want to come back on.</b> 13 Q. Okay. Before I turn to the extracts from your book, is 14 there anything else that you would like to say about 15 official contact or unofficial contact or the system as 16 it works now, any recommendations for the future that 17 would make you particularly fearful or anything else? 18 <b>A. I think we've covered it. I'm happy to answer questions 19 if I can clarify things, but I think we've covered it.</b> 20 Q. Some very brief questions indeed about the extracts from 21 your book. You have a whole section from pages 359 to 22 379 of your book, Flat Earth News, that deals with this. 23 You were asked some extensive questions by Mr Jay on the 24 previous occasion when you gave evidence about 25 a gentleman called Z. I don't want to ask you questions</p> <p style="text-align: center;">Page 77</p>	<p>1 you. 2 <b>A. All right.</b> 3 MS PATRY HOSKINS: Sir, that completes the evidence for 4 today, a slightly shorter day than unusual. 5 LORD JUSTICE LEVESON: I'm very upset we have half an hour. 6 Mr Jay, how have you allowed us to have half an hour? 7 All right. Thank you very much indeed. 10 o'clock 8 tomorrow morning. 9 (4.00 pm) 10 (The hearing adjourned until 10 o'clock the following day) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 79</p>
<p>1 he's already asked you. 2 The book was published in January 2008. Is there 3 any evidence you can give us to update us on the 4 position as set out in your book? 5 <b>A. I don't think there's anything special. I mean, clearly 6 there's been an awful lot coming into the public domain, 7 as, for example, from Sue Akers yesterday, but I think 8 there's nothing on Z that I can add beyond what was in 9 the book and beyond what I said in November, giving 10 evidence.</b> 11 Q. You also allege in the book that reporters from titles 12 that I won't mention have admitted to you that payments 13 were made not just to police officers but also to public 14 officials. Again, is there anything other than what's 15 in the book, that you would like to add? Any up to date 16 information, other than what is in the public domain? 17 <b>A. No, I don't think I've been looking into that. I stand 18 by what's in the book and what I said in November, but 19 I don't think there's anything important to add.</b> 20 MS PATRY HOSKINS: Mr Davies, those are all my questions. 21 Is there anything that you would like to add? 22 <b>A. No.</b> 23 MS PATRY HOSKINS: Sir? 24 LORD JUSTICE LEVESON: No. Mr Davies, thank you very much 25 indeed. As ever, you give much food for thought. Thank</p> <p style="text-align: center;">Page 78</p>	

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