

<p>1 Wednesday, 21 March 2012 2 (10.05 am) 3 Statement by LORD JUSTICE LEVESON 4 LORD JUSTICE LEVESON: In the light of my requirement that 5 core participants provide new declarations, I have 6 received information from Collyer-Bristow and also from 7 one of the newspaper core participants. Another of the 8 newspaper core participants have stated in terms that 9 they will not be providing these declarations prior to 10 the deadline of 4 pm today, on the basis that those from 11 whom they are to be sought are "busy people". I'm 12 afraid I find that explanation unacceptable. We are all 13 "busy people", and the need for me to have appropriate 14 assurances that the confidentiality undertakings are 15 being met and that I am doing all that I can to address 16 the leaks that have transpired is not insignificant. 17 If those who have received information from the 18 Inquiry through the confidentiality circle cannot very 19 quickly assert that they have complied with all their 20 obligations, that is a matter which I would find of 21 concern. Therefore, it should not take very long for 22 anybody, however busy, to do so. 23 The directions that I give are not optional, and if 24 I am concerned that they are not being taken seriously 25 enough, then I will take steps to ensure that my polite</p> <p style="text-align: center;">Page 1</p>	<p>1 stuff. I would say about 50 per cent of my work is to 2 do with the processes of policing, the policies, the 3 politics, the personnel, more to do with senior police 4 officers and things like that. So slightly different 5 from the traditional. 6 Q. So looking at macro policy issues? 7 A. Quite often, yes. And also, to be fair, who's coming 8 and going. The fairly regular race for the succession 9 at Scotland Yard is of perennial interest. 10 LORD JUSTICE LEVESON: But one hopes that it will settle 11 down. 12 A. I certainly hope so. 13 LORD JUSTICE LEVESON: Well, do you? 14 A. Yes. I think it's good for the country that they have 15 a period of stability. There's been too much flux and 16 change. 17 MR JAY: Is it of interest to you to know about what's 18 happening in the management board in terms of personnel 19 frictions in the management board in the past, for 20 example? 21 A. Yes. When I became crime editor in 2007, the 22 friction -- the civil war, as I think it's been 23 described, at the top of the Met was very much the 24 story. 25 Q. And you were receiving information about that, were you?</p> <p style="text-align: center;">Page 3</p>
<p>1 requests are treated somewhat more seriously. 2 MR JAY: Sir, the first witness today is Mr O'Neill, please. 3 MR SEAN O'NEILL (affirmed) 4 Questions by MR JAY 5 MR JAY: Your full name, please? 6 A. Sean O'Neill. 7 Q. Thank you. You've provided us with a witness statement 8 dated 30 January of this year. 9 A. Yes. 10 Q. You've signed and dated it under the normal statement of 11 truth. Is this your formal evidence to the Inquiry? 12 A. Yes, it is. 13 Q. In terms of your career, Mr O'Neill, after working as 14 a reporter in Northern Ireland, you moved to the Daily 15 Telegraph in 1992, you joined the Times in 2004 and you 16 became its crime editor in 2007; is that correct? 17 A. That's correct. 18 Q. In terms of the standard diet, as it were, of the 19 stories you write for the Times as crime editor, are you 20 what one might call a traditional crime editor, writing 21 crime stories of serious crimes, or is the sort of story 22 you write slightly different? 23 A. We have myself as a crime editor and a crime 24 correspondent and the crime correspondent tends to do 25 more of the kind of live crime, crime in action type</p> <p style="text-align: center;">Page 2</p>	<p>1 A. I was seeking information about it, but a lot of the 2 information was being played out in public. We had very 3 public displays of that friction at Metropolitan Police 4 Authority, at Tarique Ghaffur's famous press conference. 5 It wasn't hard to find information. 6 Q. In paragraph 3 of your statement, you set out your 7 position very forthrightly, if I may say so. You say: 8 "... the MPS [is] a difficult organisation to deal 9 with. Its institutional instinct is to be closed, 10 defensive and secretive and that attitude is reflected 11 in a tense relationship with the media." 12 Has that always been the case, Mr O'Neill, from your 13 experience or has that tension waxed and waned? 14 A. I think, to be fair, it waxes and wanes, but over 15 certain issues I have always found it to be closed and 16 kind of withholding information. I think Mr Paddick 17 referred to it had a tendency to cover up. I think my 18 preferred word is defensive. It's protective of its 19 image and its reputation. 20 Q. You tell us in paragraph 4 that in order to open it up 21 a bit, the way forward, from your perspective, is to 22 establish personal contact and some degree of trust. In 23 the first instance, do you seek to do that socially? 24 A. No, not necessarily in the first instance. I think the 25 first contact tends to be through the press officer or</p> <p style="text-align: center;">Page 4</p>

<p>1 perhaps meeting an officer at a press conference or at 2 a court case that they are dealing with, so that would 3 be the first contact. You might handle a story that 4 they're engaged in and if that goes well, I think quite 5 often I would try and make a social contact after that, 6 to say, "This is who I am, this is what I'm interested 7 in, I thought you did a really good case there", or, 8 "That was a very good briefing, could we do more of the 9 same in the future", that kind of thing.</p> <p>10 Q. Are you seeking from that person in due course the 11 provision of information which might be of interest to 12 your readers?</p> <p>13 A. Yes.</p> <p>14 Q. Paragraph 6, please, Mr O'Neill. Your contact with the 15 Press Bureau, the DPA. You say: 16 "When focused on terror stories, I regularly called 17 the specialist operations desk in the DPA." 18 Did you have regular dealings with Sara Cheesley, 19 who gave evidence to this Inquiry?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Are you able to assist us with your impressions of her?</p> <p>22 A. I think I've always regarded Sara as one of the more 23 tight-lipped press officers in the Met. I think that is 24 entirely to do with the kind of work she deals with. 25 I understand she has a fairly high security clearance.</p> <p style="text-align: center;">Page 5</p>	<p>1 A. I think the exhibit I have is actually the piece that 2 appeared the day after he was announced as Commissioner 3 in January 2009, so it draws heavily on the contact I'd 4 had with him.</p> <p>5 Q. Can I ask you about your contact with assistant 6 commissioners. You were interested in those who were 7 serving in the specialist operations directorate and the 8 specialist crime desk. Did you have frequent dealings 9 with AC Hayman, AC Yates?</p> <p>10 A. I had fairly frequent dealings with both of them.</p> <p>11 Q. Our review of the gifts and hospitality register doesn't 12 suggest that you had frequent lunches or dinners with 13 either of them. Indeed, it was very, very rare. Is 14 that a fair impression or not?</p> <p>15 A. I think two with each of them.</p> <p>16 Q. Yes.</p> <p>17 A. And in the case of Mr Hayman, those were all CRA lunches 18 where there would have been other -- no, actually one 19 was a CRA lunch with two or three other reporters and 20 a press officer present, and the second one was I was 21 kind of introducing Mr Hayman to a journalist from 22 Vanity Fair who wanted to write about the British 23 terrorist situation and again a press officer was 24 present.</p> <p>25 Q. What generally was the purpose of your seeking contact</p> <p style="text-align: center;">Page 7</p>
<p>1 She has to be very careful about what she says to the 2 likes of me. But I've always found her to be entirely 3 professional and therefore, because she is quite guarded 4 about a lot of her subject area, when she does have 5 something to say, you know it's authoritative and 6 important.</p> <p>7 Q. Thank you. Paragraph 13 now. Our page 00640. You say 8 you did pursue contact with Sir Paul Stephenson when he 9 was in the post, that's Deputy Commissioner: 10 "... because he was firm favourite to be the next 11 Commissioner and I wanted to be able to profile him." 12 That presumably was your assessment based on the 13 information you receiving, was it?</p> <p>14 A. And previous situations where Ian Blair had succeeded 15 John Stevens. It seemed to be the case that the number 16 two was always the hot favourite to succeed. And 17 I think at that time the Met was quite keen to raise 18 Sir Paul's profile a little bit. He'd come from 19 Lancashire and wasn't well-known in London and 20 well-known to the crime reporters.</p> <p>21 Q. You did write a piece which you say was only in the 22 online edition, it's your first exhibit, and I think we 23 consider what you've said there, but it's clear that 24 Sir Paul wanted to adopt a different management style to 25 his predecessor, but that's --</p> <p style="text-align: center;">Page 6</p>	<p>1 with assistant commissioners, either in specialist 2 operations or specialist crime?</p> <p>3 A. Do you mean social contact or just general contact?</p> <p>4 Q. Well, both.</p> <p>5 A. I suppose I have a -- because of where I come from, 6 I think I've had a long interest in terrorism in 7 particular, I grew up around it and I have followed that 8 since 9/11, followed the Islamist terror situation, so 9 before I came a crime editor I was very interested in 10 that situation and I've also had a huge interest in the 11 threat posed by organised crime, which I think has been 12 largely neglected in this country in favour of other 13 forms of policing.</p> <p>14 So I was quite often pursuing information about 15 ongoing -- you know, pending trials or ongoing court 16 cases to do with terrorism in particular and the state 17 of the threat, and with organised crime I was quite 18 interested in highlighting subjects that I don't think 19 had been given enough prominence, such as the 20 background -- I was particularly interested in gun crime 21 and the background to gun crime.</p> <p>22 So not just assistant commissioners but DACs who 23 were more operationally hands-on, I probably had more 24 contact with them.</p> <p>25 Q. Were you ever seeking unauthorised information or leaks</p> <p style="text-align: center;">Page 8</p>

<p>1 about frictions in the management board?</p> <p>2 A. It depends what you mean by "unauthorised". I'm kind of</p> <p>3 interested in what's unauthorised, and I think what</p> <p>4 Mr Hogan-Howe referred to in his statement as what's</p> <p>5 helpful or unhelpful, it's kind of does it do harm?</p> <p>6 Sometimes those who choose to describe something as</p> <p>7 unauthorised are -- what am I trying to say? I'm trying</p> <p>8 to say that I'm slightly suspicious of the term</p> <p>9 "unauthorised". I think sometimes they mean</p> <p>10 "unhelpful".</p> <p>11 Q. Maybe paragraph 43 of your statement gives the answer to</p> <p>12 that at 00645, where you say:</p> <p>13 "Informal off-the-record briefings have been kept</p> <p>14 confidential usually because the contact is passing on</p> <p>15 information which they're not supposed to disclose to</p> <p>16 a journalist."</p> <p>17 That's what "unauthorised" means, isn't it?</p> <p>18 A. Or does it mean simply that their bosses don't know</p> <p>19 about it? It might be information that is helpful to an</p> <p>20 investigation.</p> <p>21 Q. Just referring to your own witness statement, that may</p> <p>22 be thought to provide a useful touchstone. I'm just</p> <p>23 suggesting that you're assisting us in defining what</p> <p>24 unauthorised disclosures might be, and it's everybody</p> <p>25 will know, save in hard cases in the middle, what</p> <p style="text-align: center;">Page 9</p>	<p>1 unhelpful, and it may be that the calibration of what</p> <p>2 information ought to be in the public domain should</p> <p>3 change, on the basis that what should be kept</p> <p>4 confidential should be kept confidential only because</p> <p>5 breach of that confidence will cause other potential</p> <p>6 adverse consequences. Now, I can understand that point,</p> <p>7 but that does raise some difficult issues.</p> <p>8 I'm sure you would agree that it's unhelpful if</p> <p>9 a police officer is commenting on areas that are outwith</p> <p>10 his expertise and therefore may get things wrong?</p> <p>11 A. Yes.</p> <p>12 LORD JUSTICE LEVESON: So that sort of control is</p> <p>13 reasonable.</p> <p>14 A. Mm-hm.</p> <p>15 LORD JUSTICE LEVESON: The question is where you draw the</p> <p>16 line, so yesterday the view was expressed -- I think it</p> <p>17 was yesterday -- that the Leicestershire police should</p> <p>18 have been prepared to explain the forensic evidence that</p> <p>19 the Portuguese police were inaccurately leaking, because</p> <p>20 of their secrecy laws, and that raises a question about</p> <p>21 the extent to which it's appropriate for the British</p> <p>22 police to interfere or be seen to be interfering with an</p> <p>23 investigation being conducted elsewhere. Do you see</p> <p>24 a tension there or not?</p> <p>25 A. I do. I completely agree with you about recalibrating</p> <p style="text-align: center;">Page 11</p>
<p>1 information is supposed to be disclosed to a journalist</p> <p>2 and what information is not supposed to be disclosed to</p> <p>3 a journalist.</p> <p>4 A. I'm often puzzled by why they don't want to disclose</p> <p>5 some information, which I think is strongly in their</p> <p>6 interests and in the public interest. I mean, we broke</p> <p>7 a story recently about the widow of one of the 7/7</p> <p>8 bombers who was on the run in Africa, suspected of</p> <p>9 involvement in a terrorist bomb in Kenya. We partially</p> <p>10 disclosed lots of information about it, did quite a lot</p> <p>11 of digging, we're fairly sure this was the woman. The</p> <p>12 Kenyan police confirmed it. Scotland Yard absolutely</p> <p>13 wouldn't confirm it, said they had no information -- the</p> <p>14 information was not theirs to disclose, they couldn't go</p> <p>15 there at all, but we ran the story on the basis we were</p> <p>16 fairly confident what the Kenyans had.</p> <p>17 We then sent a reporter to Kenya, who was told by</p> <p>18 the Kenyan police "All the information we have</p> <p>19 identifying this woman comes from Scotland Yard". I'm</p> <p>20 quite puzzled why Scotland Yard does not want to say</p> <p>21 there's a British terror suspect on the run, here's</p> <p>22 a photograph, we could do with public assistance in</p> <p>23 catching her.</p> <p>24 LORD JUSTICE LEVESON: I can quite understand this issue</p> <p>25 that you have about the equivalence of unauthorised and</p> <p style="text-align: center;">Page 10</p>	<p>1 the type and quantity of information that is made</p> <p>2 available. I think there's far too much secrecy and</p> <p>3 defensiveness. I think what Leicestershire police could</p> <p>4 have done in that situation was to use a vehicle like</p> <p>5 the CRA or something and say, "Look, unreportable, not</p> <p>6 for publication in any way, but we can guide you that</p> <p>7 the Portuguese are wrong", and then --</p> <p>8 LORD JUSTICE LEVESON: This is they're misreading the</p> <p>9 evidence?</p> <p>10 A. Yes. And I also listened with interest to Mr Driscoll</p> <p>11 last week, and I wondered -- and this is me speaking</p> <p>12 about a subject I don't know enough about, but</p> <p>13 I wondered, given that he knew Steve Wright's interest</p> <p>14 and the Daily Mail's interest in the Lawrence case, if</p> <p>15 he had widened his inclusion zone slightly and put his</p> <p>16 arm around the Daily Mail and said, "Look, we are</p> <p>17 reopening this, please don't write anything about this",</p> <p>18 if that would have solved the problem that he raised.</p> <p>19 LORD JUSTICE LEVESON: Then you get into a slightly</p> <p>20 different problem, don't you, which is: do you put your</p> <p>21 arm around the Daily Mail, in which event the Times may</p> <p>22 say, "Hang on, you're putting your arm around the</p> <p>23 Daily Mail, what about the Times?"</p> <p>24 A. Well --</p> <p>25 LORD JUSTICE LEVESON: And you get the problem of</p> <p style="text-align: center;">Page 12</p>

1 favouritism and you get the risk then that journalists
 2 may see it in their commercial advantage to curry
 3 a great deal of favour with individual SIOs, or
 4 individual senior police officers, in order that the arm
 5 might be put around them. This isn't easy stuff,
 6 Mr O'Neill.

7 **A. No, I know. I know, it's -- in this job at all times**
 8 **you're walking that tightrope. Is the information you**
 9 **have in the public interest? Do you write about it? At**
 10 **what point do you go to Scotland Yard and ask them**
 11 **a question, because you widen the circle? We have the**
 12 **same thing, you widen the circle of knowledge at all**
 13 **times, especially if you're working on an exclusive**
 14 **story.**

15 **I think in that case, the Lawrence case, my nose**
 16 **might well have been out of joint, but I would have to**
 17 **admit that Steve Wright and the Mail were the trail**
 18 **blazers on that story, and perhaps in that case they**
 19 **deserved a little favouritism. I think it would have**
 20 **been possibly in the interests of the case.**

21 LORD JUSTICE LEVESON: But you see the risks that that
 22 carries with it?

23 **A. Yes.**

24 MR JAY: Mr O'Neill, I'm sure in most cases you will know
 25 whether information is being passed to you in

Page 13

1 circumstances when it shouldn't have been, at least from
 2 the police perspective, not necessarily from the public
 3 interest perspective. Do you take that fact into
 4 account when assessing where the public interest lies in
 5 relation to the publication of that information?

6 **A. I think you always know when someone is passing you**
 7 **something that they shouldn't, simply because they are**
 8 **cautious and they will take steps to -- you're a little**
 9 **more clandestine in your meeting or in your**
 10 **communication, and I think we have a very strong duty,**
 11 **as reporters, to protect those people when they come to**
 12 **us.**

13 **We also have a huge responsibility to do what we can**
 14 **to investigate the quality of that information before we**
 15 **publish it, but that investigation into the quality and**
 16 **the public interest of the information is for me more**
 17 **important than the disclosure itself.**

18 Q. To what extent do you take into account your assessment
 19 of the motives of the person providing you that
 20 information?

21 **A. I'm always alert to the possibility that you might be**
 22 **dealing with a disgruntled employee and it's worth**
 23 **examining, if you can: is there a pending disciplinary**
 24 **process or past one or something like that?**

25 Q. I take it that the sort of information we're talking

Page 14

1 about is rarely, if at all, disseminated during the
 2 course of a lunch with a police officer; the
 3 dissemination comes much later. Is that broadly
 4 speaking right?

5 **A. I don't think anybody's going to pass you information at**
 6 **a first meeting. You would have to have some kind of**
 7 **degree of trust or what you get is the completely**
 8 **anonymous approach. I think I refer in that**
 9 **paragraph 43 to some stories I wrote some years ago**
 10 **about SOCA. That was completely anonymous. I never met**
 11 **that contact.**

12 Q. The purpose then from your perspective of the social
 13 contact is to put people at ease, to build up trust so
 14 that in due course, if they want to disclose information
 15 to you, they will. Is that broadly speaking correct?

16 **A. Not just disclose information, but also if you go to**
 17 **them and say, "Your department is running this really**
 18 **fascinating operation or strategy, I'd really like to do**
 19 **a feature on it or work on a piece." More the latter,**
 20 **actually. My expectations of brown envelopes and**
 21 **wonderful stories is fairly low, to be honest.**

22 Q. Do you feel that if there were less social contact, and
 23 your statement makes it clear that there has been less
 24 in recent months, that your sources will dwindle or dry
 25 up?

Page 15

1 **A. My social contact is limited for a couple of reasons in**
 2 **the last few months, and I haven't been working**
 3 **full-time, but I do fear that the ability to build**
 4 **a trustworthy relationship with someone is going to be**
 5 **seriously inhibited if you can't have a coffee or a pint**
 6 **or a bite to eat with them. I do think that is**
 7 **a concern, and I think it's quite important for senior**
 8 **crime journalists to be able to meet senior police**
 9 **officers and talk openly and freely without necessarily**
 10 **a watchdog or a press officer sitting on your shoulder**
 11 **recording every word or listening in on every word.**

12 **I mean, my practice in these situations increasingly**
 13 **over the years has been to maybe spend quite a long time**
 14 **talking to an officer about a whole range of subjects,**
 15 **and then maybe come back to him the next day and say,**
 16 **"Look, I'm really interested in X or Y, is there any way**
 17 **we can develop that?" rather than to run off and rush**
 18 **into print, because I think the relationship -- you're**
 19 **in this game not just for five minutes. You can't burn**
 20 **your contact. You need to talk to people for years and**
 21 **years and years, and if they think that -- if they say**
 22 **something, blurt something out inadvertently and you**
 23 **rush off to print with it, they'll never speak to you**
 24 **again.**

25 Q. The presence of the press officer, does that tend to

Page 16

<p>1 have the effect that the party line is put across; when 2 the press officer is not there, you get a version which 3 is -- I won't say "closer to the truth", because that 4 was be grossly exaggerating it, but unvarnished?</p> <p>5 A. In my experience, it depends entirely on the individual 6 officer. If the officer is confident of his or her 7 subject and material and confident in dealing with the 8 media, then they don't tend to bother about the presence 9 of the press officer. I mean, they are -- quite often 10 they're superior. At senior rank. At lower ranks, DI 11 or something, I think there is an inhibition if you have 12 a press officer present. They're kind of thinking: what 13 are the press lines? Am I allowed to go beyond the 14 official corporate press line?</p> <p>15 Q. Your contact with Mr Fedorcio, the head of DPA, again 16 there appears to be little evidence in the records, but 17 tell us if this is wrong, of lunches with him save in 18 a CRA context --</p> <p>19 A. I --</p> <p>20 Q. -- with other journalists?</p> <p>21 A. I recall two lunches with Mr Fedorcio in five years.</p> <p>22 Q. The purpose of those lunches, as you say, was to build 23 up a working relationship with him, but what do you mean 24 by that, what was the ulterior purpose, if any?</p> <p>25 A. No ulterior purpose. To my mind, he was -- he'd been</p> <p style="text-align: center;">Page 17</p>	<p>1 A. I think I go on to say why not later on. I think there 2 is the danger of -- I think the term is "agency 3 capture", that you go native, you will become too close 4 to them as an organisation, too defensive of them, where 5 actually, especially in policing, given all the 6 extraordinary powers the police have to use force, to 7 lock people up, a huge part of our job as crime 8 reporters should be to scrutinise what they do and hold 9 them to account.</p> <p>10 LORD JUSTICE LEVESON: It should work the other way as well, 11 shouldn't it?</p> <p>12 A. That's why I really have limited social contact with 13 people.</p> <p>14 LORD JUSTICE LEVESON: You see, I can see there is 15 a difference between having a cup of coffee with 16 somebody, but what's been the feature that might be 17 causing some concern is where it's not just a cup of 18 coffee, it's actually rather more of an entire social 19 event.</p> <p>20 A. A decent lunch.</p> <p>21 LORD JUSTICE LEVESON: And again that's a matter of 22 judgment, isn't it? One size won't fit all, but there 23 comes a time where you've absolutely crossed the line, 24 or would you not agree?</p> <p>25 A. I personally don't think I have ever crossed the line.</p> <p style="text-align: center;">Page 19</p>
<p>1 there a long time, he knew how the Met worked, he knew 2 most of the crime reporters. There were certain 3 sensitive subjects, stories would break where he would 4 be the person you would go to in the hope that he would 5 have knowledge of it. Simple as that.</p> <p>6 Q. In the hope that he'd have knowledge of particular 7 sensitive stories; is that right?</p> <p>8 A. Well, if a story broke, say, somewhere else -- I mean, 9 I've gone to him where I've had a particularly sensitive 10 story that we want to break, I would go to him and say, 11 "This is a story we're running tomorrow, these are the 12 lines we're going to take, I'd like a considered and 13 detailed response from the Met", but also if, you know, 14 a major story breaks or major -- a bombing or something 15 like that, you would hope that he's across that 16 information and is able to help you out. But frankly, 17 you are ringing -- in an emergency situation like that, 18 you're ringing everybody, you're just on the phone 19 constantly.</p> <p>20 Q. Interestingly, you make it clear in paragraph 21 of your 21 statement, the bottom of page 00641, you "do not think 22 it is a healthy situation for reporters to accept 23 hospitality from organisations they write about." The 24 obvious question -- there are two obvious questions. 25 First of all, why not?</p> <p style="text-align: center;">Page 18</p>	<p>1 LORD JUSTICE LEVESON: No, no, you misunderstand me. I'm 2 not suggesting you've crossed the line. I'm suggesting 3 the entertainment on offer, where the extent to which 4 hospitality has been lavished does cross the line, 5 either way, whether it's agency capture by the police of 6 the journalist or the other way around.</p> <p>7 A. I agree. That's why I try and limit contact to what 8 I think is a reasonable level. On the point of the 9 restaurant, sometimes I have chosen what might appear to 10 be a slightly more expensive restaurant because I know 11 it's got a quiet table somewhere and --</p> <p>12 LORD JUSTICE LEVESON: Yes, I've heard that explanation.</p> <p>13 A. Well, I genuinely feel more comfortable having a little 14 quiet booth at the back talking about paedophilia or gun 15 crime or mad terrorists than sitting at Starbucks or 16 Pizza Express.</p> <p>17 LORD JUSTICE LEVESON: No, I understand that.</p> <p>18 A. I do the same with lawyers, by the way.</p> <p>19 LORD JUSTICE LEVESON: I wouldn't necessarily encourage that 20 either, you see, Mr O'Neill, and that's not simply 21 because if -- well, all right.</p> <p>22 MR JAY: I suppose you would say, Mr O'Neill, it's the way 23 journalism works: you provide a nice lunch and you hope 24 something might flow, but in the public interest, in due 25 course. Is that broadly speaking the position?</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 A. What I hope will flow is a relationship of trust and 2 integrity. I can't deal with people unless they trust 3 me. 4 Q. But people will not provide you with information which 5 is sensitive, which maybe they understand ought not to 6 be provided to a journalist, unless they trust the 7 journalist. That's self-evident, isn't it? 8 A. Yes. 9 Q. To be fair to you, as you've made it clear through your 10 various exhibits, the sort of stories you have written 11 over the years and which one can read in the exhibits 12 are clearly in the public interest, aren't they? 13 A. Well, I mean it's by no means all of them. Those are 14 some of the ones I rely on to say why I believe there 15 has to be a free flow of information, because I do not 16 think that information would be disclosed by a corporate 17 press office. It's not in their interests to do so. 18 Q. No. Can I ask you please about your experience of 19 police forces outside London, because you've made it 20 clear you do have some considerable experience. What, 21 if any, are the differences here? 22 A. Again, it's -- the relationship you build quite often 23 for me has a lot to do with who is the chief constable 24 or the officer you're dealing with. Frankly they tend 25 to be smaller and often more friendly. I mean, I've had</p> <p style="text-align: center;">Page 21</p>	<p>1 positively about his view when he was Chief Constable of 2 Merseyside. 3 A. I think he had a very good media policy, but I don't 4 know actually what the written media policy was, but any 5 dealings I had with them or with him were always very 6 fruitful. He would give me time to talk to him about 7 whatever subject I wanted to talk to him about, or 8 whatever subject he wanted to talk about, and I had 9 access to his matrix team, and with Mr Murphy, I had 10 a very good -- I mean this comes back to unauthorised 11 disclosure. 12 We had a story which is exhibited there about a guy 13 who was importing -- smuggling guns into Britain, live 14 handguns, on passenger flights from America. That was 15 an unauthorised disclosure of information, probably. 16 Eventually tracked that down to -- found out that 17 Merseyside were running the operation, and that was an 18 example -- I bring it up because it's an example where 19 the police and the press can work very well together. 20 Merseyside said to me, "You're on the right track but 21 you're right in the middle of a live operation, this guy 22 is in custody in America, we want to pick up two people 23 here, could you sit on this and we will answer your 24 questions and -- but we really would like you to sit on 25 it", and we sat on that, I think, for three months</p> <p style="text-align: center;">Page 23</p>
<p>1 a particularly good working relationship for a number of 2 years now with Merseyside Police, and I find them to be 3 incredibly helpful in facilitating access to an officer 4 or -- I mean, I've interviewed Mr Hogan-Howe when he was 5 Chief Constable there, I've interviewed Mr Murphy, who 6 is the Chief Constable now. I find them hugely 7 impressive police officers and they were always very 8 open and saying, "Right, you've heard from me, go and 9 talk to the guys at the sharp end who are doing the 10 work." 11 LORD JUSTICE LEVESON: I appreciate you've only been working 12 part-time recently, but therefore do you see the 13 prospect in Mr Hogan-Howe of a different relationship 14 now that he's at the Met rather than in Merseyside? 15 A. I think, since he came in, there is a different 16 relationship between the police and the press, and 17 I suppose that's an inevitable consequence of what 18 happened last summer. He has to steady the ship and he 19 has spoken of a period of austerity between the police 20 and the press. I personally hope that we can reach a 21 more sensible accommodation than we have at the moment 22 because I think the relationship is quite stultified and 23 congested. 24 LORD JUSTICE LEVESON: That's what you said right at the 25 beginning. The reason I ask is because you speak</p> <p style="text-align: center;">Page 22</p>	<p>1 before we ran the story. 2 MR JAY: In paragraphs 53 and 54 of your statement, 3 Mr O'Neill, 00647, you're quite critical of the 4 Department of Public Affairs acting as gatekeepers. 5 A. Yeah. 6 Q. Not facilitating the flow and disclosure of information. 7 In what way do they impede the disclosure of 8 information? 9 A. I just think they're less than frank. They give up -- 10 they quite often give a partial picture. And in the 11 current situation -- as I say, I am not really working 12 full-time so I've less contact with the Met than I might 13 normally have, but I understand from reporting 14 colleagues that they have been quite obstructive about 15 facilitating access to an officer on a particular case, 16 and I believe some of my colleagues in the broadcast 17 media are having quite a difficult time with them at the 18 moment over release of some footage in a major court 19 case that has been played to the jury, I think. 20 But my main issue would be the lack -- they don't 21 tell the whole story. 22 Q. Is that a phenomenon you feel has worsened in recent 23 times, or has it been a constant picture, in your view? 24 A. I think that's a fairly constant picture. You quite 25 often just get the bare minimum. There was a case --</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 there was a press release they put out about two weeks 2 ago about a PC who was convicted of assault at 3 Westminster Magistrates' Court. The Metropolitan Police 4 press release simply said, "PC X has been convicted of 5 assault, he will be sentenced at a later date", 6 something like that, "two other PCs were found not 7 guilty". What it didn't say was that he had pulled 8 a 14-year-old boy from a car and head-butted him. So 9 what they said was not misleading, but it was not the 10 full picture.</p> <p>11 Q. Can I ask you, please, Mr O'Neil, to address now the 12 HMIC report, paragraph 61, page 00649. You're not alone 13 in saying you don't like the recommendation that all 14 contact between police and journalists should be noted 15 or recorded.</p> <p>16 A. Mm-hm.</p> <p>17 Q. Can I ask you to explain in more detail why that's your 18 view, particularly if the hypothesis is that the police 19 are providing you with more information, because there's 20 a greater spirit of openness and transparency?</p> <p>21 A. Well, I've yet to see the greater spirit of openness and 22 transparency.</p> <p>23 LORD JUSTICE LEVESON: I'm trying to deal with the piece, 24 aren't I? So I can understand you being very concerned 25 if the press were to say, "Not only are we going to</p> <p style="text-align: center;">Page 25</p>	<p>1 I don't think that's acceptable either.</p> <p>2 But my dealings with officers, the boundaries have 3 been fairly clear. They don't transgress into 4 operations, they don't jeopardise operations. They 5 behave quite cautiously. And if they do want to tell 6 you something that is coming up, it is under a kind of 7 agreement that you are not going to transgress it. 8 There may even be -- at that point there may be a press 9 officer and a formal embargo.</p> <p>10 What I would resist about a recording and 11 note-taking, what causes me concern about it is that 12 I really believe that an officer who is confident and 13 able to deal with the press and feels quite, you know, 14 absolutely certain of their own ability in that 15 environment, and therefore has contact with the press, 16 my fear is that that officer will ultimately be 17 victimised, if everything is recorded. They will find 18 themselves overlooked for promotion, they will find 19 themselves, you know, sidelined.</p> <p>20 I mean, my experience of the politics of policing is 21 that it can be a viper's nest. There's a lot of -- 22 anyone who's chronicled the Ian Blair years knows 23 there's a lot of back-stabbing and back-biting that goes 24 on.</p> <p>25 MR JAY: Is it your concern, Mr O'Neill, that if, for</p> <p style="text-align: center;">Page 27</p>
<p>1 carry on trying to focus down on what information we 2 give the police, but also we're going to want to know 3 absolutely everybody who even so much as exchanges 4 a greeting with a police officer", I can understand that 5 you would not be comfortable with that, but I'm trying 6 to find the right balance. So in the context of the 7 questions that Mr Jay asks, I'd be very grateful if you 8 would help me try to find the right balance. I don't 9 know. You may think it should just be a complete 10 free-for-all, anybody should be able to say whatever 11 they like, whenever they like, and it doesn't matter. 12 If it isn't going to be a free-for-all, where is the -- 13 you may not like the word "control". Where is the 14 reflective adjustment that allows for some measure of 15 understanding of what is happening? It's in that 16 context that I ask you to address Mr Jay's questions.</p> <p>17 A. I think, sir, I don't believe there is a free-for-all at 18 the moment.</p> <p>19 LORD JUSTICE LEVESON: No, there isn't, I recognise that.</p> <p>20 A. I don't just mean since last summer. I don't think 21 there has been a free-for-all previously. I think there 22 is clear evidence of some serious misjudgments by some 23 very senior people, and I think, and as you rightly say, 24 it angers rival newspapers, but I think there seems to 25 have been favouritism towards one particular title and</p> <p style="text-align: center;">Page 26</p>	<p>1 example, it was seen that you were speaking to quite 2 senior police officers frequently, then people might 3 draw certain inferences about that?</p> <p>4 A. Well, yes, I think we've seen that happen. I mean, 5 I think people made reference to Steve Wright having 6 a drink with John Yates. I mean, I -- I think 7 Steve Wright is kind of probably the doyen of crime 8 reporters at the moment, or was before he moved on to 9 pastures new. I don't think he's a corruptible crime 10 reporter and I don't think -- I don't think he was doing 11 anything improper, but it was suggested by Bob Quick 12 that there was something improper in him having a drink 13 with John Yates, and I really completely disagree with 14 that. I mean, I think Steve has written some stories 15 which have been hugely critical of Mr Yates and some of 16 his operations. So I don't think there were any favours 17 being done there.</p> <p>18 But in the current climate, it is -- you know, 19 particularly if you were to arrange to meet an officer, 20 you would kind of be looking over your shoulder all the 21 time. The last time I met an officer, we met a very, 22 very long way from Scotland Yard because he was so 23 nervous about meeting me and that anyone would see him, 24 and he's a perfectly honourable, experienced police 25 officer.</p> <p style="text-align: center;">Page 28</p>

<p>1 Q. You say in the last sentence of paragraph 61: 2 "I do think there is absolutely no need for senior 3 police officers to be socialising with proprietors of 4 newspaper groups or media companies." 5 Do you have any evidence that that's occurred? 6 A. Well, I do know that -- I think it's well-known that 7 senior officers in the Met went to the News 8 International summer party and things like that. Some 9 of them have said that they've met management level 10 people like -- I don't see why that's got any relevance 11 to their job. They should be talking more to the likes 12 of me or to the editors frankly, rather than dealing 13 with chief executives. 14 Q. Mr O'Neill, you're rather scathing of the 15 Elizabeth Filkin report and you use quite strong 16 language there, don't you: "East German Ministry of 17 Information". You're entitled to your opinion. 18 A. I think I was quite angry about it. Probably less so 19 now than when I wrote that. But I did find it quite 20 a patronising document, particularly if I were a female 21 crime correspondent I would be furious, because it seems 22 to imply they're just a bunch of women in short skirts 23 who are out flirting with people, and I don't think 24 that's the case. But I do find it's -- I mean, what 25 I don't like about it really is it recommends that the <p style="text-align: center;">Page 29</p> </p>	<p>1 news story and then commenting on it, I didn't think 2 that was appropriate, so I suggested we find an expert 3 commentator. We do the same with health, we have 4 a doctor who writes routinely, and I thought it might 5 be -- you know, I knew Clarke and Hayman had retired in 6 fairly quick order, one after the other, and we had at 7 the time a huge terror trial going on, the airline plot 8 trial, and I thought if there were more terror trials in 9 the pipeline, it would be good to get one of these guys 10 to give an expert commentary on terrorism issues and 11 then more broadly on policing issues. 12 So it was 2008. Hacking wasn't in the news, wasn't 13 an issue. 14 LORD JUSTICE LEVESON: It runs the risk, doesn't it, of the 15 retired senior officer undermining those who are then in 16 command? 17 A. Yes. 18 LORD JUSTICE LEVESON: You may say that's fair enough, and 19 that's where your comment may be better than a retired 20 senior officer, because you're entitled to say what you 21 like. Of course they are as well. 22 A. As a private citizen, they are, and frankly they speak 23 from a position of greater knowledge than I do. 24 LORD JUSTICE LEVESON: But that might in itself undermine 25 the public interest, because their authority may itself <p style="text-align: center;">Page 31</p> </p>
<p>1 answer to the Met's problems is to give more power over 2 the control of information, which it calls 3 transparency -- I mean, who decides what is transparent? 4 What are we going to be transparent about? It's in the 5 hands of the same senior officers, the same senior 6 officer class who have brought all these problems upon 7 the Met's head in the first place. It doesn't seem to 8 me a sensible course of action. 9 Q. Finally, paragraph 70 of your statement, page 00652. 10 You say: 11 "Much has been written about the Times hiring Andy 12 Hayman ... and a lot of it has been wildly inaccurate." 13 What has been wildly inaccurate? 14 A. Can I say I -- in the questionnaire you sent me for this 15 statement, I was not asked about Andy Hayman. I felt 16 I should put this in to correct the impression that this 17 was somehow a favour done by News International. 18 The initiative to contact Andy Hayman was mine, to 19 be honest. He was -- I don't think he knows this, but 20 he was second choice. I approached Peter Clarke first 21 of all. 22 We had a relatively new editor, he had a new style 23 whereby a news story -- he liked to have a news story 24 accompanied by a commentary or an analysis, something 25 like that. I quite often felt uncomfortable writing the <p style="text-align: center;">Page 30</p> </p>	<p>1 undermine what may be an entirely legitimate and 2 appropriate approach, even if a different approach might 3 have been also appropriate. Do you not see the risk of 4 that? 5 A. I see the risk where someone with recent experience of 6 the management board is writing about it, I can see 7 that. I can see that if that person has a score to 8 settle, that might be done. 9 LORD JUSTICE LEVESON: That's the point. 10 A. But I genuinely believe with Mr Hayman that, 11 particularly when he was writing about Ian Blair or, 12 after that, Paul Stephenson, both men he knew quite well 13 and had worked with, my personal view was that he pulled 14 his punches rather. He wasn't scathing of them in any 15 way whatsoever. 16 LORD JUSTICE LEVESON: I'm not actually trying to deal with 17 the personalities. 18 A. I can see where you are, sir. There is a risk there, 19 yes. 20 MR JAY: It wasn't any question, then, of Mr Hayman being 21 helpful to you whilst he was Assistant Commissioner and 22 this was a sort of quid pro quo for that? 23 A. No. I had very limited contact with him, and he had 24 media contracts with ITV News, with LBC, with NBC, and 25 we nabbed him just before he signed up -- he was being <p style="text-align: center;">Page 32</p> </p>

1 pursued by the Daily Telegraph. Frankly now I wish I'd
 2 let the Daily Telegraph sign him up. It would have been
 3 better for him and for us.
 4 Q. I've been asked to put this to you. You say that you
 5 "persuaded the editor we should sign him up". Was that
 6 difficult?
 7 A. I think I overstated the case there. I think
 8 I introduced him to the editor and the deputy editor and
 9 said, "This might be a good guy to have". I don't have
 10 the power to hire and fire. And I think James and the
 11 deputy editor then put him through a fairly lengthy
 12 interview process and I'm not -- I think he wrote
 13 a couple of articles, possibly, before we signed him to
 14 a contract.
 15 MR JAY: Thank you very much, Mr O'Neill.
 16 LORD JUSTICE LEVESON: Can I raise two questions with you?
 17 The first takes you right back to the beginning of your
 18 evidence and your concern about the defensive
 19 institutional instinct of the Met. Do you think there
 20 could be something of a two-way street here, that
 21 postulate that in the main our senior police officers
 22 are trying to do their best.
 23 A. Yes.
 24 LORD JUSTICE LEVESON: And if they are met with strident
 25 challenges and personal attacks when they make what, on

Page 33

1 the face of it, may be difficult decisions in
 2 circumstances which were not necessarily of their
 3 making, then they're more likely to respond by trying to
 4 close down the risk of that sort of attack, and that
 5 actually, one of the balancing features of requiring
 6 a greater openness may also be a greater understanding
 7 of the problems that they actually face. Not
 8 necessarily to agree with them, I'm not trying to
 9 suggest that the Times or any newspaper should pull its
 10 punches, that's the great advantage of free speech in
 11 our democratic society, but that there may be something
 12 of a reaction if there is not shown to be quite the same
 13 understanding of their problems as are justified. Do
 14 you see my point?
 15 A. Yes. I think that a better dialogue between us and them
 16 would be good, and I think perhaps we'd be careful about
 17 completely excluding social contact from that dialogue,
 18 because I think that would help build up that
 19 understanding and that relationship of what they do and
 20 the problems they face.
 21 I completely agree with you. I think
 22 a characteristic of reporting the Met in particular in
 23 recent years, probably especially since Ian Blair's
 24 situation, is that it has become much more like
 25 political reporting, it's become almost a branch of

Page 34

1 Westminster/Whitehall, where the Commissioner of the Met
 2 is set up there as someone to be scrutinised, overly
 3 scrutinised, and somebody who is almost a political
 4 figure, who can fail, and as I said, the race for his
 5 successor becomes like -- it's a bit like the flavour of
 6 when a cabinet minister gets in trouble and everybody's
 7 calling for him to resign, there is an element of that,
 8 and that has changed the reporting of the Met in
 9 particular.
 10 LORD JUSTICE LEVESON: Could you understand why that
 11 approach -- and I understand the point you're making --
 12 might reflect itself in the way that the Met is prepared
 13 to provide the ammunition for you to shoot the leader?
 14 A. I can absolutely see why it makes them defensive.
 15 I think it's been less of a problem since Lord Blair
 16 left, because there hasn't been this open internal
 17 conflict.
 18 LORD JUSTICE LEVESON: Well, I understand, that's one aspect
 19 of it. But if one looks at the rate of attrition of
 20 senior officers, which we also commented on at the
 21 beginning of your evidence, this might be a consequence
 22 of the increased stridency. Whether that's a good thing
 23 or a bad thing is not for me to say, but I am simply
 24 looking at trying to find the right balance.
 25 A. I agree with you, but I think if we were to find that

Page 35

1 balance, we need greater, wider, more open channels of
 2 communication, and I think more so at the moment than
 3 anything else. Policing is in the middle of a huge
 4 change, which at first glance, to my eyes, seems to be
 5 making it much more secretive and less accountable, not
 6 simply the reaction of senior officers to what's
 7 happened recently.
 8 We have, you know, forensic science is being
 9 completely overhauled and much more of it is going to be
 10 done in-house by the police, which to my mind takes us
 11 back to the days of the Birmingham Six and the
 12 Guildford Four and all those terrible miscarriages of
 13 justice. Those risks are heightened. We have legal aid
 14 budgets being cut, fewer people will actually see
 15 a solicitor in a police station.
 16 I think at a time when we need far more information
 17 and openness around policing and more scrutiny of
 18 policing and we have a police and crime commissioner who
 19 is a completely untested office --
 20 LORD JUSTICE LEVESON: We've not discussed that at all but
 21 that actually simply adds to the melting pot, doesn't
 22 it?
 23 A. Hugely. And we need more scrutiny and more openness,
 24 and I just don't think the Met historically have done
 25 that.

Page 36

<p>1 LORD JUSTICE LEVESON: Two further comments on that. First 2 of all, there's a limit to the amount of time senior 3 officers can devote to -- 4 A. Absolutely. 5 LORD JUSTICE LEVESON: -- the media because they have a job 6 to do. 7 A. Absolutely. 8 LORD JUSTICE LEVESON: And if anything, I think somebody 9 spoke of an overfocus on what's in the newspapers. 10 A. I think they read far too many headlines and get 11 paranoid about them. 12 LORD JUSTICE LEVESON: And the second is the perception if 13 overly friendly relations might be thought to create 14 their own problems. I mean, in the sense that goes back 15 to the hospitality thing, there has to be found a middle 16 way. 17 That was my first issue. Well, I've ventilated it 18 with you and I've received your view. The second is 19 this, and I'll put it in a rather blunt form: the CRA. 20 Is the membership of that group too restrictive? About 21 right? Is it appropriately balanced as the mechanism by 22 which the more in-depth work can be done in briefings? 23 Do you feel that works as it should? 24 A. I don't, actually. I think it's been rather talked up. 25 To my experience, the CRA is a loose affiliation of</p> <p style="text-align: center;">Page 37</p>	<p>1 MS PATRY HOSKINS: Good morning, sir. The next witness is 2 Mr House, the Chief Constable of Strathclyde Police. 3 A. Thank you very much indeed. 4 MR WILLIAM STEPHEN HOUSE (sworn) 5 Questions by Ms PATRY HOSKINS 6 MS PATRY HOSKINS: Could you firstly provide your full name 7 to the Inquiry. 8 A. My full name is William Stephen House. 9 Q. You've provided a statement to the Inquiry dated 10 19 January 2012. Is this your formal evidence to the 11 Inquiry? 12 A. It is. 13 Q. I am going to start with your career history. You are 14 currently the Chief Constable of Strathclyde Police, 15 a position that you've held since 19 November 2007, you 16 tell us. Prior to that point, let me summarise your 17 career history. You first joined Sussex Police in 1981, 18 you then held various roles within Sussex, 19 Northamptonshire and West Yorkshire Police. In 1997 you 20 attended the senior command course and then you went on 21 to hold two Assistant Commissioner roles within 22 Staffordshire Police. In December 2001 you joined the 23 MPS as a Deputy Assistant Commissioner. In May 2003, 24 you moved to a different Deputy Assistant Commissioner 25 role. Then in May 2005 you were promoted to Assistant</p> <p style="text-align: center;">Page 39</p>
<p>1 rivals who would happily cut each other's throats to get 2 to a story first. We have -- as a body, we have 3 enhanced access to some information about policing and 4 to briefings and to officers. I think perhaps a lesson 5 for crime reporters is that perhaps the CRA could be 6 more professional and better organised and more clear 7 about what it wants from the Met and what it expects and 8 what it offers in return in terms of adhering to 9 embargos and rules and things like that. 10 LORD JUSTICE LEVESON: What about its membership? 11 A. I think there are about 40-odd members, something like 12 that. It covers all the national papers and the 13 broadcasters and -- 14 LORD JUSTICE LEVESON: The Evening Standard? 15 A. The Standard and quite a few freelancers, people who 16 have been -- who write solely about crime, things like 17 that. I think perhaps there's a case for including one 18 or two other -- specifically where we're dealing with 19 London, one or two other organisations that deal with 20 London, the London broadcasters, BBC London and ITV 21 London, but maybe the Voice. 22 LORD JUSTICE LEVESON: It's not for me to decide. I'm just 23 trying to see how all these things fit together. 24 Mr O'Neill, thank you very much indeed. 25 A. Thank you.</p> <p style="text-align: center;">Page 38</p>	<p>1 Commissioner. You tell us a bit at the bottom of page 2 2 of your statement about that. But in May 2006 you 3 became Assistant Commissioner specialist crime, and that 4 was your last role before you became Chief Constable of 5 Strathclyde in November 2007. Have I accurately 6 summarised your career history? 7 A. Very accurate, thank you. 8 LORD JUSTICE LEVESON: Mr House can I thank you for the 9 obvious work that you and it's quite clear your force 10 have put into responding. I hope the questions weren't 11 too restrictive. They were intended to make sure that 12 they cover the ground, but if there's anything you feel 13 we've not covered at any stage, please take the 14 opportunity to elaborate. 15 Could I make it clear that I'm aware that 16 Strathclyde are presently involved in an investigation 17 which raises a number of the issues with which this 18 Inquiry is concerned, and I want it to be understood by 19 all: I am not merely not inviting you to deal with that 20 inquiry, I am positively requiring you not to. It has 21 been a very important aspect of this part of the Inquiry 22 that I am not trespassing on individual investigations. 23 I've learnt a fair amount about Operations Weeting, 24 Elveden and Tuleta, but only in the most general and not 25 the most specific sense. Your operation, I understand</p> <p style="text-align: center;">Page 40</p>

<p>1 it, is very specific, and covers one particular 2 incident. I have no intention whatsoever of impeding or 3 affecting any criminal investigation or inquiry. 4 I say that now so that those who say, "Well, why 5 wasn't he asked about ..." will understand that this 6 does not feature within what I'm trying to do. 7 A. Thank you, sir. 8 MS PATRY HOSKINS: Before I come on to ask you about your 9 role as the Chief Constable of Strathclyde Police I just 10 want us to know a little bit more about Strathclyde 11 Police. You tell us on page 3 of your statement that 12 Strathclyde Police comprises some 8,000 or so police 13 officers and has 2,400 members of police support staff. 14 You also tell us that this makes up about half the 15 police strength for the whole of Scotland and that more 16 than half of Scotland's population lives in Strathclyde 17 and on that basis it's the biggest territorial force in 18 Scotland by some considerable distance. 19 Can I ask you now, as I say, about your role as the 20 Chief Constable of Strathclyde? You're asked at 21 question 2 here on page 3 what your first impressions 22 were of the culture of relations between the media and 23 Strathclyde Police when you first took up the role. You 24 say that your first impressions were of a relationship 25 with the media which was markedly different to that</p> <p style="text-align: center;">Page 41</p>	<p>1 How would you describe it? 2 A. Well, I think the evidence we've submitted, and I'm sure 3 you'll question later, details the fact that I did the 4 rounds of the editors of the major newspapers, and also, 5 I think, the BBC and I believe STV as well, but that was 6 an initial flurry of activity in a follow-up, I guess, 7 to the press conference, to, in a less formal setting, 8 outline the fact that I did want a different 9 relationship from my predecessor, and also to lay out 10 what I was expected to do in the five years of my 11 contract. So it was an initial injection into 12 a relationship which was at a very, very low level of 13 activity, a low tickover, because of my predecessor's 14 views, which he held for his own reasons, and I don't 15 seek to criticise that. 16 Q. If I can describe the extent of your contact with the 17 media during that initial period, you say you did the 18 round of the editors in Scotland? 19 A. Yes. 20 Q. The rounds of the various TV and broadcasting networks, 21 you held press conferences, and then you say this in the 22 third paragraph on page 5: 23 "I have been Chief Constable of Strathclyde for over 24 four years now and the extent of my personal contact 25 with the media has changed over that time. Initially</p> <p style="text-align: center;">Page 43</p>
<p>1 which you had known whilst with the Metropolitan Police. 2 Can you tell us what you mean by that. What was 3 markedly different? 4 A. I think in the main that my predecessor, who I made 5 clear in my statement is regarded as a first class 6 Chief Constable in his own right, had a very specific 7 view to the media, which was one of non-engagement, 8 therefore it was a very different environment, when 9 I came to Strathclyde, from what I'd been used to in the 10 Metropolitan Police, which was in my view one of quite 11 positive engagement. 12 Q. You then go on to say that one of the first things you 13 did was you held a joint press conference with the then 14 Chair of the Police Authority, Councillor Rooney, on the 15 Sunday before you took up office. You say that you took 16 this as an opportunity essentially to set out your 17 stall, lay out your vision for Strathclyde Police in 18 a very clear manner, and in response to question 4, at 19 the top of page 5, you say you were initially keen to 20 use the media in that particular way. You wanted people 21 to know that there was, as you say, a new sheriff in 22 town, you wanted to lay out your plans for the force and 23 the way that it would work. 24 During that initial period when you engaged with the 25 media, how often did you have contact with the media?</p> <p style="text-align: center;">Page 42</p>	<p>1 I was keen to use the media ... " and there is the 2 quotation about the "new sheriff in town". 3 "Over the years, as I believe this message has 4 reached the public and our partners and politicians in 5 the West of Scotland, I have taken several backward 6 steps and left it to other people to represent the 7 organisation in the media." 8 What does "several backward steps" mean in practice? 9 What did you actually stop doing in relation to the 10 media? 11 A. I would stop fronting crime in action stories and leave 12 that to the officers that led them. I was taught that 13 senior officers front the bad news, and the operational 14 and junior officers front the good news, and that's part 15 of what we're there for. Once I'd done my initial 16 introduction to the West of Scotland and laid out what 17 it was I wanted to do in the five years, I wanted to get 18 different people engaged in that. 19 I also think there's an element of weariness and if 20 people keep seeing the same face of a senior officer 21 popping up, it becomes less about the message and more 22 about "It's him again", which I don't think helps anyone 23 involved in the process, the media, the officer, the 24 force itself or in particular the public. So it was 25 a calculated initial injection and then a gradual step</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 back. Not a disengagement, but a step back.</p> <p>2 Q. You go on at the bottom of page 5 to describe the</p> <p>3 contact that you do continue to have with the media.</p> <p>4 You explain that your own direct interventions now tend</p> <p>5 to be on issues of more strategic impact, so, for</p> <p>6 example, you have a fairly practical position on</p> <p>7 particular issues, such as the Scottish government's</p> <p>8 proposals about minimum pricing for alcohol. You</p> <p>9 therefore also take similar prominent positions, for</p> <p>10 example, on proposals for police reform in Scotland.</p> <p>11 Does that mean in practice that you have far less</p> <p>12 regular now contact with the media in Scotland?</p> <p>13 A. Yes. It's much less regular. It tends to be more</p> <p>14 defined. Although I would say if we get a request from</p> <p>15 an individual newspaper or television outlet to do</p> <p>16 something specific, we will consider it, and if it is of</p> <p>17 interest or it's going to be of value or benefit to</p> <p>18 ourselves, to the public, then we will consider it.</p> <p>19 It's not that I don't do anything, but we're much more</p> <p>20 sparing. We will try to move that to other members of</p> <p>21 the organisation.</p> <p>22 Q. You explain that initially you did the rounds of the</p> <p>23 editors, you met with TV stations, et cetera. Do you</p> <p>24 continue to do those things?</p> <p>25 A. I meet with editors if they're new editors, I'll usually</p> <p style="text-align: center;">Page 45</p>	<p>1 should have a positive relationship where possible".</p> <p>2 Are you happy with what you've achieved?</p> <p>3 A. Yes, I think we've gone in the right direction. I think</p> <p>4 we're in a situation where people in the organisation</p> <p>5 understand that it's a professional relationship and</p> <p>6 that we are doing it for the public good, and there are</p> <p>7 positive reasons to do it, and it's not a dirty thing</p> <p>8 that needs to be hidden away, and one of the things</p> <p>9 I didn't put in my evidence that I don't think that we</p> <p>10 do to encourage that is in our selection processes for</p> <p>11 senior officers, our internal selection processes, we</p> <p>12 always include a mocked up media interview, which does</p> <p>13 a couple of things. It allows us to test them under</p> <p>14 a bit of stress, but it also sees whether they can</p> <p>15 perform credibly dealing with that sort of a situation.</p> <p>16 But I think the more subtle thing is it tells them that</p> <p>17 we consider this aspect to be an important part of the</p> <p>18 make-up of a senior operational police officer, and</p> <p>19 I think that helps to feed through to the culture that</p> <p>20 contact with the media is part of the job, but it must</p> <p>21 be within certain bounds, it must be professional and it</p> <p>22 must be for the public good, not for the private good.</p> <p>23 Q. We'll come back to the specifics, the policies and how</p> <p>24 you run it in practice. Just at the very general still,</p> <p>25 I've asked you about whether you're happy. Do you think</p> <p style="text-align: center;">Page 47</p>
<p>1 meet a new editor just over a cup of coffee, usually now</p> <p>2 just to say hello, and hear from them any views they</p> <p>3 have on our relationship. It's a useful time for me to</p> <p>4 check up on what they think of our media set-up and see</p> <p>5 whether or not they think it's of benefit and where they</p> <p>6 think the strengths and weaknesses are.</p> <p>7 Q. Do you take the view that a chief constable needs to</p> <p>8 maintain regular personal contact with editors or</p> <p>9 journalists in order to perform his role, or do the</p> <p>10 backward steps that you've indicated indicate that you</p> <p>11 take a different approach to that?</p> <p>12 A. I probably want my cake and eat it there. I would say</p> <p>13 that it's better if you know them and they know you and</p> <p>14 they know where you're coming from and they can judge</p> <p>15 your mettle and vice versa. These are busy people as</p> <p>16 well, they don't want to be constantly seeing me. Once</p> <p>17 the contact is established, I think it's pretty</p> <p>18 businesslike at a low level, and as and when necessary</p> <p>19 after that.</p> <p>20 Q. You were asked later on, question 44 on page 21, about</p> <p>21 your current impression of the culture within</p> <p>22 Strathclyde Police in its dealings with the press and</p> <p>23 you say you think "the culture within the force has</p> <p>24 changed in the last four years to one which now</p> <p>25 acknowledges that the press are people with whom we</p> <p style="text-align: center;">Page 46</p>	<p>1 from your perception that the media are happy with the</p> <p>2 way that you conduct your role and the way that</p> <p>3 Strathclyde Police now interact with the media?</p> <p>4 Obviously I will be asking the editor of the Herald that</p> <p>5 in due course.</p> <p>6 A. Yes.</p> <p>7 Q. But I'd like your view.</p> <p>8 A. I hope that most of the media and indeed the reporters</p> <p>9 individually would say it's a more open relationship</p> <p>10 than it used to be. I think importantly, and it's come</p> <p>11 out a couple of times this morning, that we will try and</p> <p>12 stop them going wrong, if we think they're going to go</p> <p>13 wrong, because that was a criticism in the past, that,</p> <p>14 "You let us publish anything". I hope that they would</p> <p>15 feel that we would now step in and say, "Well, I don't</p> <p>16 think that's going down the right line".</p> <p>17 Inevitably, reporters will always want more access,</p> <p>18 that's the nature of their job that they will want more,</p> <p>19 so there will always be a "yes it's better but", and</p> <p>20 sometimes there are specifics that we can fix and</p> <p>21 sometimes it's just the nature of the job.</p> <p>22 Q. Let me ask you about some of the specifics now. I'm</p> <p>23 going to ask you first about gifts and hospitality if</p> <p>24 I can. You were asked about this at question 19</p> <p>25 onwards. You tell us that:</p> <p style="text-align: center;">Page 48</p>

<p>1 "The current Strathclyde Police policy and 2 associated standard operating procedure in respect of 3 subscriptions, testimonial, gifts and hospitality 4 directs that officers and staff members should not 5 accept gifts or hospitality for personal benefit as 6 a consequence of their position." 7 You also go on to say that it states that: 8 "... it is the responsibility of all staff to ensure 9 that their actions do not give rise to or foster 10 suspicion that outside individuals/organisations have 11 gained favour or advantage through the offer or 12 acceptance of any gifts or hospitality ..." et cetera. 13 Is there any financial limit below which gifts or 14 hospitality are not recorded or does this principle 15 apply to all gifts or hospitality regardless of value? 16 A. My understanding is it should be all value. 17 Q. You're asked later on at question 26 whether you think 18 the policy as it stands is sufficient, and you say yes. 19 Have you ever identified any problems during your time 20 with officers or staff accepting hospitality or gifts in 21 breach of the relevant policy? 22 A. Not to my memory. I don't believe I have. 23 Q. Let me ask then about your own acceptance of hospitality 24 or gifts. Could you perhaps tell us in general terms 25 first of all when you consider it appropriate for Page 49</p>	<p>1 invited as the guest at the Scottish editors annual 2 dinner -- lunch, and it must have been just before the 3 General Election because David Cameron was the guest of 4 honour and I think I was invited because rather than 5 having him sit next to any editors who might ask him 6 difficult questions, they put me next to him because 7 I was a safe somebody to put beside him. I didn't pay 8 for that lunch, that lunch was provided. 9 LORD JUSTICE LEVESON: Your test is really set out on page 5 10 of your standard operating procedure, isn't it? At some 11 stage we'll come to that. Or now. Is that convenient? 12 MS PATRY HOSKINS: No, that's convenient. 13 LORD JUSTICE LEVESON: In relation to gifts: 14 "Common sense will be sufficient in most instances 15 and the asking of two simple questions: can I justify 16 this? Can I be sure I will not be subject to legitimate 17 criticism?" 18 A. Yes, sir. 19 LORD JUSTICE LEVESON: And then in relation to hospitality: 20 "Treat it with caution. You should accept it only 21 if there is a genuine need to impart information or to 22 represent the force in the interests of public 23 relations. Offers to attend purely social or sporting 24 functions should be accepted only where divisional 25 senior management regard such attendance as appropriate Page 51</p>
<p>1 a chief constable to accept or provide hospitality? Do 2 the same rules apply to you as to all other members of 3 staff? 4 A. In general, yes. But I think there has to be some level 5 of caveat there. I've reviewed the gifts that I've 6 accepted and the gifts that I've sort of either sent 7 back, said I can't accept this, or passed to somebody 8 else or sent to a charity, and there has to be an 9 element of judgment in there. 10 Q. Let's give you some specific examples. Look to pages 6 11 and 7 of your statement. In the answers to question 6 12 onwards, you explain the extent to which you have 13 accepted hospitality from the media whilst you've been 14 Chief Constable. If we start with question 6 at the 15 bottom of page 6. 16 You essentially identify three occasions where you 17 have accepted hospitality from the media whilst 18 Chief Constable, one occasion at question 8 where you 19 have provided hospitality for the media on behalf of 20 Strathclyde Police, do you see that? Is that the only 21 four occasions in the four years that you've been 22 Chief Constable that you have accepted or given 23 hospitality to the media? 24 A. As far as our records and my memory is, that's correct. 25 Except, as I sit here, I've remembered that I was also Page 50</p>	<p>1 and relevant to the current role." 2 That last sentence becomes a little bit less clear, 3 but "genuine need to impart information or to represent 4 the force in the interests of public relations" again 5 broadly covers it, doesn't it? 6 A. I believe so, sir. 7 MS PATRY HOSKINS: Can I ask you about acceptance of gifts 8 now. You've provided your gifts register with your 9 statement, it's behind tab 4. Again, a bit of common 10 sense has to be applied here too. I don't want to take 11 you through this in any detail, I just want to 12 understand the principles that lie behind that decision 13 to accept or decline gifts. 14 We can see just from looking down the first page 15 that a lot of the items are very small indeed, we're 16 talking about glass ornaments, an umbrella, a pen, 17 various small items. But can I just ask you about the 18 second page, please, and you'll see there 19 August 19 2010, about two-thirds of the way down the second page, 20 you are offered "complimentary ticket for director's box 21 at Queen's Park Football Club". See that? 22 A. I can't, but I remember it, yes. 23 Q. And again the response: 24 "Letter sent, no thanks but may attend in an 25 operational capacity." Page 52</p>

13 (Pages 49 to 52)

<p>1 That's just a direct application of the policy, 2 would that be right?</p> <p>3 A. Yes. With the West of Scotland fever around football, 4 I don't attend any football matches in an either private 5 capacity or as a guest. I go along operationally in 6 uniform.</p> <p>7 LORD JUSTICE LEVESON: You're not necessarily on the front 8 line?</p> <p>9 A. Well, usually, sir, because it's about visibility, 10 that's why I go. So yes, the front line is where the 11 police officers are and that's where I go.</p> <p>12 LORD JUSTICE LEVESON: All right.</p> <p>13 MS PATRY HOSKINS: If you just look at the third page, we 14 have a selection of what look like Christmas presents. 15 You'll see there's three entries on the third page, 16 21st, 23rd and 23rd December 2010. I'm using this as an 17 illustrative example. You were given some cognac, some 18 chocolates, some wine and so on by various individuals 19 we don't need to identify. They all appear to have been 20 accepted but then gifted to charity. Do you see that?</p> <p>21 A. To be honest, I'm struggling to find that one.</p> <p>22 Q. It should be the third page -- perhaps I can get it on 23 screen.</p> <p>24 LORD JUSTICE LEVESON: It doesn't matter. They're all 25 gifted to charity, auction or children's hospitals.</p> <p style="text-align: center;">Page 53</p>	<p>1 of communications or a media manager would also be in 2 attendance on such an occasion. Why do you consider 3 that to be necessary?</p> <p>4 A. Because it's a business meeting in furtherance of the 5 aims of the organisation, and these are people who will 6 be useful to be in there with the editor. My director 7 of communications is absolutely central to the effort 8 the organisation puts in to keep people safe, and I need 9 them there to talk to the editor. They are, after 10 all -- they have a common knowledge and a common history 11 in terms of experience, and I think that matters.</p> <p>12 Q. All right. Let me ask you about your relationship with 13 politicians. You were asked at question 12 onwards 14 about your relationship with politicians. You were 15 asked whether you ever feel under any pressure from 16 politicians, and in response to question 14 you in fact 17 say that politicians are more likely to feel pressurised 18 by senior police officers if you've taken a particular 19 stand on a particular issue. You say politicians who 20 don't agree with whatever that particular stand is 21 expressed frustration with that. Can you understand why 22 they expressed frustration and does it make a difference 23 that they are elected representatives in that respect?</p> <p>24 A. I can understand absolutely why they express and feel 25 a frustration about it, but my simple view is that</p> <p style="text-align: center;">Page 55</p>
<p>1 A. Oh yes, sorry. I've found them, yes.</p> <p>2 MS PATRY HOSKINS: What I want to understand is: does the 3 fact that it's given away -- and you'll see the number 4 of occasions where items are given away to charity as 5 a matter of course -- make a difference in terms of 6 perception of acceptance of the gift?</p> <p>7 A. The way -- it's a very good question and I'll reflect on 8 it, frankly. It's a personal judgment with each one of 9 these. Sometimes I accept it because I think to myself 10 if I give it away to somebody and they find out, they'll 11 be offended and there are some issues around that, but 12 more often than not, passing it on to a charity of some 13 sort seems the right thing to do. We record it. So if 14 somebody comes back and says, "You were unusually nice 15 to Sir David McNee as a result, Chief Constable, of him 16 giving you some champagne cognac", we can show that 17 I may have been unusually nice to Sir David McNee, but 18 actually we didn't accept that, we passed it on.</p> <p>19 I do understand there is a perception issue. I'll 20 have a look at that and consider that for the future.</p> <p>21 Q. I then want to ask you about meetings which don't 22 involve hospitality. You've already told us that you 23 would meet on occasion with individual editors, for 24 example a new editor and so on, but you explain in your 25 statement in response to question 11 that the director</p> <p style="text-align: center;">Page 54</p>	<p>1 policing is an important public sector service. 2 Chief constables are the leader of that service, and it 3 is part of our role to speak in public about serious 4 issues if we feel that there's something to be gained 5 from doing that for the organisation or for the public 6 good, so I do do that. I don't do it at the drop of 7 a hat, because I'm conscious that it does create 8 frustration and it can lead to criticism of why I'm 9 doing it. I think it's part of the role.</p> <p>10 Q. I make it absolutely clear that you also say in your 11 statement that you're always careful to present any such 12 comments with caveats on a lack of political intent on 13 what you're saying and to stress that what you say is 14 always based on your professional policing experience 15 and judgment.</p> <p>16 A. I do say that, but I don't think it carries much weight 17 with the politicians who get frustrated, but I say it 18 anyway.</p> <p>19 Q. Let me ask you now about the relationship between 20 individual officers and the media, please, and we're 21 looking at question 15 onwards here. You give slightly 22 different answers on what the relationship is like, 23 according to whether or not it's the national media or 24 the local media that's involved, an interesting 25 situation.</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 A. Yes.</p> <p>2 Q. You start by saying in response to the question that</p> <p>3 your force's corporate communications department should</p> <p>4 be the first port of call for any national media, you</p> <p>5 say by that, by national media, you also refer to the</p> <p>6 Scottish media that covers the whole country. The</p> <p>7 communications officer, you say, would process the</p> <p>8 query, speak to the relevant police officer and provide</p> <p>9 a response to the journalist and then the query and the</p> <p>10 subsequent response are logged on what's called the</p> <p>11 spotlight system. Again, you say, top of page 10:</p> <p>12 "If any media outlet was looking to speak to an</p> <p>13 officer in relation to a matter concerning Strathclyde</p> <p>14 Police, this would be processed and logged by the staff</p> <p>15 within again the corporate communications department."</p> <p>16 I pause there and before turning to the local media</p> <p>17 and the different approach there, would this log, the</p> <p>18 spotlight log, include recording off-the-record</p> <p>19 information that was provided?</p> <p>20 A. That's one of those questions I'm afraid I don't know</p> <p>21 the answer to that.</p> <p>22 Q. Fine, I'll ask the next witness. Are you happy from</p> <p>23 your perception that this system works in practice, this</p> <p>24 system of essentially the first port of call always</p> <p>25 being for national media the corporate communications</p> <p style="text-align: center;">Page 57</p>	<p>1 A. It's not something I recognise, to be honest. I guess</p> <p>2 part of it is why do we -- I mean, I don't meet</p> <p>3 individual media for stories without someone from the</p> <p>4 media department present recording it. That's a policy</p> <p>5 I've adopted through learning harsh lessons when I was</p> <p>6 in the Met, so it's something we encourage. But it's</p> <p>7 for the protection of everybody involved. It's not to</p> <p>8 keep track of what the officer is saying so much as</p> <p>9 making sure that what the officer says is what appears,</p> <p>10 more or less, in print, and if it doesn't, we can go</p> <p>11 back and say, "You got that story wrong, that's not what</p> <p>12 we said".</p> <p>13 Q. As far as you're aware, is there a system in place that</p> <p>14 monitors who has been speaking to the media at any time</p> <p>15 or on how many occasions they have spoken to the media?</p> <p>16 A. Not that I'm aware of. I'm not even aware if Spotlight</p> <p>17 can do that sort of search, but I guess you can ask the</p> <p>18 next witness.</p> <p>19 Q. I'll ask the next witness. Can I then turn to the local</p> <p>20 media, because that's a different approach. You say in</p> <p>21 the last paragraph, responding to question 15 on</p> <p>22 page 10:</p> <p>23 "At a local media level, this process differs.</p> <p>24 Responsibility for engaging with local, community-based</p> <p>25 media lies with community inspectors. The inspectors</p> <p style="text-align: center;">Page 59</p>
<p>1 department, logging, processing in this way?</p> <p>2 A. I am, and I wonder if your view depends on whether you</p> <p>3 regard the department as helpful guides to the media or</p> <p>4 fierce watchdogs and guard dogs. I would say helpful</p> <p>5 guides. They make sure that they speak to the right</p> <p>6 individual officer and facilitate that at the right time</p> <p>7 and in the right way.</p> <p>8 Q. Do you perceive a chilling effect on this system, that</p> <p>9 you need to go via a certain route and that everything</p> <p>10 is logged and processed in this way?</p> <p>11 A. I would say it's a professional way to go about it. And</p> <p>12 it does allow us to keep track of who is being asked to</p> <p>13 be spoken with, but it's not something that -- I've</p> <p>14 never reviewed these logs to see which police officer is</p> <p>15 speaking to the media about this. I genuinely feel it's</p> <p>16 there as a positive help to the media to make sure we</p> <p>17 can help them speak to the officer that they should be</p> <p>18 speaking with.</p> <p>19 Q. You may have heard the last witness say that his concern</p> <p>20 with logging everything would be that particular police</p> <p>21 officers would end up being victimised or passed over</p> <p>22 for promotion because of the number of occasions on</p> <p>23 which they speak to the media.</p> <p>24 A. Yes.</p> <p>25 Q. Do you see that as a concern?</p> <p style="text-align: center;">Page 58</p>	<p>1 meet with the editors/heads of their key local media on</p> <p>2 a regular basis and information on local level crimes is</p> <p>3 supplied from community policing teams directly to the</p> <p>4 media. Any crime or incident of a serious nature -- or</p> <p>5 one that is likely to demand national media attention --</p> <p>6 is picked up by the corporation communications</p> <p>7 department."</p> <p>8 First of all, forgive my ignorance, how would you</p> <p>9 define local community-based media?</p> <p>10 A. I'm not sure I could define it, but it would be</p> <p>11 something like one of the town newspapers. The West of</p> <p>12 Scotland is particularly rich in local town newspapers.</p> <p>13 Every small town has its own newspaper. Usually it's</p> <p>14 a version of a corporate publication, but it still has</p> <p>15 local stories, but they are relative, you're talking</p> <p>16 about populations of towns of 30, 50,000.</p> <p>17 Q. So not the larger newspapers such as the Herald or --</p> <p>18 A. No.</p> <p>19 Q. -- Evening Times or the Scotsman, but smaller</p> <p>20 community-based newspapers?</p> <p>21 A. Yes.</p> <p>22 Q. Why does the process differ in this way?</p> <p>23 A. Two reasons. One is probably sheer volume, because</p> <p>24 there are so many of these, and second is, I think,</p> <p>25 contained slightly in the answer, which is it tends to</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 be about very low level local stories. If it's 2 something which is of greater concern, then it would 3 come up the chain to the corporate communications 4 department. 5 Q. So those are the formal ways in which you interact with 6 the media, the formal national media route, the formal 7 local media route. 8 At question 16 you're asked whether contacts with 9 the media are restricted to certain staff and you say 10 this: 11 "... officers are able to speak to the media, but 12 the management of this process is conducted by the 13 corporate communications department. We do not 14 generally encourage, nor have we fostered, a culture of 15 individual officers building relationships with the 16 media. That said, I do know that some officers in my 17 force may be said to have a good profile in the media 18 because they are comfortable dealing with journalists 19 and because the type of work they do gets reported 20 regularly: such dealings are subject to scrutiny ..." 21 And so on. Can you explain that? Why have you 22 taken the decision essentially to foster or not to 23 encourage or foster a culture of individual officers 24 building relationships with the media? Where is the 25 danger?</p> <p style="text-align: center;">Page 61</p>	<p>1 ie "I think I'm getting out of my depth", and speak to 2 the communications department. 3 Q. In relation to question 17, you were asked what you 4 expect Strathclyde Police to gain from such contacts 5 with the media and you say this: 6 "There is one thing, and one thing only, that 7 I expect Strathclyde Police to gain from any contacts 8 with the media and that is an improvement in our service 9 to the public." 10 You go on to say there's only one reason why people 11 should speak to the media, or staff should speak to the 12 media, and that's to improve the service which they 13 deliver to the public. Is that then the test that you 14 would apply overall to contact between Strathclyde 15 Police and the media? Should that be the test that you 16 apply across the board? 17 A. I think in a general sense yes, I'm aware it sounds 18 a bit aspirational and maybe not as practical, but it's 19 trying, in my mind, to explain the difference between 20 that you are speaking to the media with the media or 21 responding to them for professional reasons about police 22 work, not to raise your profile, not to show what a good 23 cop I am or look how influential I am. It's about the 24 needs of the organisation, which should be the needs of 25 the public, and that's the key test for me.</p> <p style="text-align: center;">Page 63</p>
<p>1 A. The danger -- I'm not certain there would be a desire 2 for large numbers of officers to have that engagement, 3 because I think a general view from police officers 4 would be fairly conservative towards the media, so 5 I don't think there's an untapped desire by a lot of my 6 officers to be speaking with the media on a one-to-one 7 basis. But I do think there are situations where 8 officers will say -- it depends. 9 I'd be delighted for individual officers of very 10 junior rank to be talking to the media about specific 11 cases that they're involved with, as long as they do so 12 within legal guidelines. It's when it becomes more 13 around the closing of a police office and you then get 14 a situation where the local media wants to talk to 15 a sergeant or a constable about "What do you think about 16 this? Is it true that the local office is going to shut 17 down and the public are going to be left without 18 a police station in the town?" 19 LORD JUSTICE LEVESON: The difference is between operational 20 issues and policy issues. 21 A. Yes. 22 MS PATRY HOSKINS: To what extent is that contact recorded? 23 A. I don't believe there's much recording of the contact 24 between the local newspapers and the community 25 inspectors, only if they, colloquially, call for help,</p> <p style="text-align: center;">Page 62</p>	<p>1 MS PATRY HOSKINS: Sir, would that be a convenient moment to 2 break? 3 LORD JUSTICE LEVESON: Yes. I'd just like to make a note. 4 Thank you very much. Seven minutes, thank you. 5 (11.43 am) 6 (A short break) 7 (11.50 am) 8 MS PATRY HOSKINS: Could I ask you about leaks. Question 30 9 you're asked: 10 "To what extent have leaks from Strathclyde Police 11 to the media been a problem during your tenure as 12 Chief Constable?" 13 You explain that it would be wrong to say that from 14 time to time information has not leaked out to the media 15 but then you say over the page that you do not believe 16 that your force has a significant problem with the 17 leaking of information to the media and that most 18 officers and staff operate with integrity at all times. 19 Then you go on to set out in response to questions 20 32 and 33 how many investigations have been conducted 21 into actual or suspected leaks from Strathclyde Police 22 to the media during the last five years, and you tell us 23 that there have been 45 investigations conducted in 24 respect of suspected leaks during the last five years, 25 all of them have been reported to the CCU, which is the</p> <p style="text-align: center;">Page 64</p>

<p>1 counter corruption unit, and that it's resulted in one 2 officer being reported to the Crown Office and 3 Procurator Fiscal Service; of the remaining 44, eight 4 resulted in the report being disproved, 29 5 unsubstantiated and the other seven basically remain 6 subject to review. 7 Then you were asked: 8 "Has disciplinary action been taken against any 9 member of staff for leaking information?" 10 The answer is no. And essentially you say in one 11 case relating to passing information for financial 12 reward and that report's now with Crown counsel for 13 further direction. 14 I've been asked to ask you a number of questions 15 about this. First of all, how were the leaks 16 discovered? If you can give us a general picture, 17 because I understand that in each case that will 18 probably be different, but were they a result of, for 19 example, published articles where it became clear that 20 information had been leaked or were they discovered in 21 some other way? 22 A. No, I think in general it would be that something 23 appeared in the newspaper and when we track it back, we 24 work out that we believe that was a leak. 25 Q. Is that the majority of cases? Page 65</p>	<p>1 actually leaks, but it means we can't prove, and it is 2 very difficult to gain the evidence, but I don't think 3 statistically that's a very high number for an 4 organisation of our size. 5 Q. I go back to your answer to question 30, top of page 14. 6 Moving away from the celebrity leaks, in the second 7 paragraph you say: 8 "I am also bound to recognise, however, that 9 unauthorised disclosure of confidential information to 10 the media is an ongoing concern. Whilst such incidents 11 are relatively rare, there have been occasions where the 12 leaks to the media have hampered or even compromised an 13 ongoing investigation of serious crime." 14 That is more serious. Can you give us any 15 examples -- you don't have to give us any specific 16 names -- can you give us an example of a situation where 17 that has occurred and has it occurred during your time 18 as Chief Constable? 19 A. It has occurred during my time, and it's around -- the 20 ones I can remember are around homicide investigations 21 where information is leaked out to the media which, for 22 tactical investigation reasons, the SIO would have 23 preferred to retain, in other words, identifying 24 features of the modus operandi is leaked out, which may 25 have been able to be used within court, it's now in the Page 67</p>
<p>1 A. Yes. 2 Q. It works in that way. The follow-up question to that is 3 whether any of these concern celebrity cases, ie 4 information about celebrities which appears to have been 5 leaked to the media? 6 A. Yes, I would say -- and it's an estimation, because 7 I haven't done that analysis -- I would say most of them 8 do because that's effectively where the money would be, 9 so yes, it's the newspapers, the reporters and the 10 photographers being on the doorstep of the police office 11 as a celebrity is released and of course that shouldn't 12 happen. So we backtrack as to how did that happen and 13 the view is that is a leak from the organisation and we 14 investigate it. 15 Q. 45 investigations in five years does seem quite a large 16 number. On what basis do you take the view that you 17 don't believe there is a significant problem? Is it 18 because of the number that are actually proven or is 19 there some other reason why you take the view that this 20 is not a significant problem for Strathclyde? 21 A. I suppose's a statistical view, really. We have 8,500 22 police officers, actually, not 8,000, who are -- you're 23 looking at nine alleged leaks a year that we 24 investigate, and find that most of them are 25 unsubstantiable. That doesn't mean to say they weren't Page 66</p>	<p>1 public arena and we can't use it. That has happened on 2 a few occasions. 3 LORD JUSTICE LEVESON: I'm not suggesting that you're 4 underplaying the significance of this problem, but I'm 5 not sure that the parallel you talk about, the number of 6 officers you have, quite works. The rather more 7 interesting question would be how many celebrities 8 you've had in custody where there hasn't been a reporter 9 outside, because most, 99.9 per cent of your work will 10 not be so interesting that the press will want to report 11 something, you know, "Fred Smith from 23 Acacia Avenue 12 was released", there's no story there. 13 So the issue is really one which can come back to 14 this, isn't it: the disappointment in the lack of 15 professionalism by somebody within the Police Service 16 who hasn't appreciated that even once this happening or 17 one leak about an MO in a murder, to take your other 18 example, actually damages the integrity of the police. 19 Would that be a better way of looking at it? 20 A. It would probably be -- certainly the non-statistical 21 way, yes. I don't mean to suggest that I underplay it. 22 I guess it's an inevitability view that I have. It is 23 going to happen. 24 The scenario would be this: a local politician or 25 ex-politician is arrested as a result of a punch-up, and Page 68</p>

1 **is photographed leaving the police office. What we're**
 2 **talking about here is an organisation that -- people**
 3 **talk within the organisation. Celebrities are by nature**
 4 **known, so word of mouth will quickly get around that**
 5 **so-and-so is in custody and it will go almost viral in**
 6 **that way.**
 7 **I think quite a lot of people know about it, and**
 8 **there is an inevitability, sometimes, about people**
 9 **talking to the media. We obviously don't do the**
 10 **analysis of how many celebrities do we take into**
 11 **custody --**
 12 LORD JUSTICE LEVESON: No, I appreciate that, and I wasn't
 13 suggesting you should.
 14 **A. No.**
 15 LORD JUSTICE LEVESON: I take the point, and I understand
 16 why it happens, and I'm not overplaying it myself, but
 17 I'm just thinking about, well, in 8,500 officers that's
 18 not a big deal, but actually if it is a point at all,
 19 it's actually in relation to a very, very small number
 20 of cases that it would only ever arise.
 21 **A. And every time it happens, it's damaging and**
 22 **disappointing, yes.**
 23 LORD JUSTICE LEVESON: That's the problem.
 24 **A. But I would stress it is investigated, thoroughly.**
 25 LORD JUSTICE LEVESON: Yes, but you don't need to tell me

Page 69

1 about how difficult it is to find out who leaks
 2 information. I've had four examples in the course of
 3 the Inquiry.
 4 MS PATRY HOSKINS: That takes us neatly onto the process by
 5 which you try and prevent leaks happening and how they
 6 are then investigated. This is set out in your response
 7 to question 31 on page 14. I'm going to summarise it.
 8 You say that your force's counter corruption unit
 9 monitors media reporting to identify and try and prevent
 10 incidents of the leaks and therefore there's a close
 11 working relationship between your corporate
 12 communications department and the CCU. The CCU also
 13 delivers training to all new recruits, and you explain
 14 to new recruits how unauthorised disclosure will be
 15 dealt with.
 16 The CCU also monitors handling of any information
 17 held on your systems which has been the subject of
 18 unauthorised disclosure to try and identify and
 19 establish whether the officers and staff have accessed
 20 it and, if so, whether it's been for operational
 21 policing purposes, and then there's an investigative
 22 process to see whether or not they may have been
 23 responsible for any disclosure.
 24 My question for you is: how well does that work?
 25 Are there any improvements that could be made to the

Page 70

1 process of either prevention or investigation?
 2 **A. I'm sure there are improvements, and if we were offered**
 3 **them, we would certainly consider trying to improve the**
 4 **system. We are here into the people that we are**
 5 **recruiting into the organisation and their motivation.**
 6 **We've recruited, because of growth in policing in**
 7 **Scotland, a huge number of officers in the last four or**
 8 **five years. I've spoken to every intake of new**
 9 **probationers, and talked to them about integrity and**
 10 **talked to them about particularly the Data Protection**
 11 **Act, because a number of our officers get themselves**
 12 **into trouble over the Data Protection Act. In fact,**
 13 **just yesterday I signed two officers who are being**
 14 **investigated for misuse of data protection, data in our**
 15 **systems.**
 16 **So we try to recruit the right people. We tell them**
 17 **what our standards of behaviour are and expect and we**
 18 **let them know that there is an investigative process and**
 19 **their fingerprints in the systems are all logged and can**
 20 **be tracked back. We still suffer intrusions and**
 21 **unauthorised disclosures, and sometimes it's**
 22 **media-driven, sometimes it's criminally-driven. That's**
 23 **another aspect.**
 24 **We could increase the size of the CCU, but that's**
 25 **about resources.**

Page 71

1 **There are IT improvements in Scottish policing**
 2 **coming up which will allow systems to be more integrated**
 3 **and will allow a better watch over this sort of thing,**
 4 **so that will help as well, but we would be happy to take**
 5 **on board recommendations anywhere around that.**
 6 **Q. Touching briefly on the issue of bribery, you say in**
 7 **response to question 34 that you never consider any**
 8 **payments to be legitimate between the media and any**
 9 **officer or member of staff. You tell us at the bottom**
 10 **of page 15 that the standard operating procedures, the**
 11 **same one we've been looking at, provide general**
 12 **direction on this, that would cover it.**
 13 **Again you tell us in response to question 36 that**
 14 **there is no evidence that there is an extensive problem**
 15 **in the bribery of personnel within Strathclyde Police.**
 16 **Does that mean that there is some of a problem or no**
 17 **problem?**
 18 **A. Without reading it, there is some of a problem. It**
 19 **would be naive to say that it does not happen. I have**
 20 **no doubt that there are specific individuals in my**
 21 **organisation who are in receipt of money from various**
 22 **people. I'm not suggesting it's individual newspapers,**
 23 **but various people who are looking for exactly the sort**
 24 **of information that we've just been discussing,**
 25 **celebrities coming into police custody, that is**

Page 72

<p>1 inevitable. Bound be to happening.</p> <p>2 Q. At paragraph 37, going on to process, you tell us in</p> <p>3 some detail about how you educate your personnel about</p> <p>4 bribery, what steps you take to prevent bribery or</p> <p>5 detect it, and retrospectively to investigate bribery.</p> <p>6 It's detailed, I don't want to read it out, but again</p> <p>7 are you satisfied that that system works? Are there</p> <p>8 improvements or recommendations that you could put</p> <p>9 forward?</p> <p>10 A. I can't put any forward, because if I could think of</p> <p>11 any, we'd be doing them now and they'd be in my answer,</p> <p>12 but again I'd be happy to take on board, if this puts</p> <p>13 forward some best practice, we'd be happy to look at it.</p> <p>14 Q. Some final questions. First of all, the corporate</p> <p>15 communications department, I don't want to ask you in</p> <p>16 detail about that because we have Mr Shorthouse coming</p> <p>17 shortly to tell us about that, but you were asked about</p> <p>18 movement of people between -- people who move between</p> <p>19 working for the police and then moving on to work for a</p> <p>20 media organisation and vice versa, and you say</p> <p>21 essentially there's no limitation on that, you don't</p> <p>22 prevent people from moving around in that way, you don't</p> <p>23 keep a record of movements.</p> <p>24 Do you see any concern here about police officers</p> <p>25 going off to work for the media or members of the press</p> <p style="text-align: center;">Page 73</p>	<p>1 nature.</p> <p>2 That's one aspect. The other aspect is senior</p> <p>3 officers retiring and going off and writing. That</p> <p>4 does -- that is of concern, I think. I think if it's</p> <p>5 done in the right way, it's done authoritatively about</p> <p>6 technical issues to inform the public, to provide</p> <p>7 a useful inject of experience and done for positive</p> <p>8 reasons, it's a good thing. If it's done for revenge</p> <p>9 and settling of some scores, and "let me tell you what</p> <p>10 really happened", then it's disappointing.</p> <p>11 Q. Should there be any limitations on such senior police</p> <p>12 officers taking up such roles in your view?</p> <p>13 A. The view we took of it when I was in the Met on</p> <p>14 management board was you just shrug your shoulders on</p> <p>15 it, there's not much you can do about that, I don't</p> <p>16 think. It's a difficult one to write into a contract</p> <p>17 that you can't then seek employment in any form of</p> <p>18 journalism or media.</p> <p>19 Q. Could you not have a cooling off period?</p> <p>20 A. You could.</p> <p>21 LORD JUSTICE LEVESON: It's not difficult, actually, but</p> <p>22 it's subject to restraint of trade conditions, there are</p> <p>23 limits, so you could do it for a little while.</p> <p>24 A. Yes.</p> <p>25 LORD JUSTICE LEVESON: You could be rather careful about how</p> <p style="text-align: center;">Page 75</p>
<p>1 then coming to work in your press office or the</p> <p>2 corporate communications department? Can you see</p> <p>3 a concern there?</p> <p>4 A. I would like to sort of look at two different levels</p> <p>5 here.</p> <p>6 Q. Of course.</p> <p>7 A. We actively recruit into our media department from</p> <p>8 journalists, and I think to do -- and to say we won't</p> <p>9 accept journalists into our media department would be</p> <p>10 the wrong decision because we're looking for people who</p> <p>11 understand what journalists are looking for and are</p> <p>12 there to assist them getting what they need within the</p> <p>13 requirements of our organisation.</p> <p>14 If someone from the media comes into our</p> <p>15 organisation and then goes back out again into the</p> <p>16 media, you are reliant upon professional code of ethics,</p> <p>17 both journalists and the police. I have to say that we</p> <p>18 have a number of people within our media department who</p> <p>19 have been journalists and worked in the media and we</p> <p>20 experience no problem. If they were to turn around and</p> <p>21 go back into the media, would I be concerned? Actually,</p> <p>22 I wouldn't be, because they're good at what they do and</p> <p>23 if they go and work for someone else, they'll be good.</p> <p>24 Will they use some of their knowledge and their</p> <p>25 understanding? Well, they're bound to, that's human</p> <p style="text-align: center;">Page 74</p>	<p>1 you restricted it. You're quite right to say you</p> <p>2 couldn't say, "You can never ever do this", that would</p> <p>3 be struck down. I think that's a fair reflection of the</p> <p>4 law, isn't it?</p> <p>5 A. It's a better reflection than my knowledge of the law,</p> <p>6 sir, but I suppose by difficult, what I meant was I'm</p> <p>7 not sure I'd feel it was the right thing to do in many</p> <p>8 respects. One has to trust senior police officers and</p> <p>9 99 per cent are completely trustworthy.</p> <p>10 MS PATRY HOSKINS: I am not going to ask you about Operation</p> <p>11 Rubicon, I'm just going to ask you whether you have</p> <p>12 anything at all to add.</p> <p>13 A. There's two things, sir, I would like to address and</p> <p>14 I'll do both very briefly.</p> <p>15 One is I'm aware that there's been some discussion</p> <p>16 about would it be a good idea to have a senior police</p> <p>17 officer running the media set-up of a police force. In</p> <p>18 my view, that would be a retrograde step. I think most</p> <p>19 police forces have been there. It's not somewhere</p> <p>20 I would choose to go, personally, because there is</p> <p>21 a professionalism within media and communications which</p> <p>22 is not the natural strong suit of police officers. So</p> <p>23 that's one thing I would be grateful to be able to say.</p> <p>24 The other thing is I picked up from the previous</p> <p>25 witness and the questioning and the line there was the</p> <p style="text-align: center;">Page 76</p>

<p>1 difficult balance of allowing and encouraging access 2 between media and police officers to inform public, to 3 assist the police in doing their job, but the difficulty 4 of recording that in some way. I don't think it's 5 unreasonable to look at some methodology of requiring 6 all contact between police officers and the media to be 7 in some way recorded, or at least a record kept that the 8 contact has taken place, if not a recording of every 9 word spoken. 10 But I think the answer I gave about the local 11 community issues is where it becomes a difficult 12 balancing act, because there would be so much contact 13 and it would be of such a low-level and local nature as 14 to be probably overly burdensome for the benefit that's 15 gained. 16 I think a system is capable of being developed that 17 would provide safeguards on both sides. 18 LORD JUSTICE LEVESON: Thank you. That's very helpful. 19 There's one question I would like to ask. It's 20 really general for you. You were asked: do you consider 21 any further steps which could or should be taken to 22 ensure relationships with the police and the media are 23 and remain appropriate, and you say you don't offer up 24 specific recommendations, firstly because you think it 25 would be presumptuous in light of the Inquiry's role,</p> <p style="text-align: center;">Page 77</p>	<p>1 with the media, a lot of it gathered in the Met and now 2 in Strathclyde. I can think of one occasion in that 3 whole time when I felt let down and ambushed by a member 4 of the media. It was a fairly senior member and it was 5 an important issue, but I think once out of the amount 6 of time that I've been involved is actually not a bad 7 return. 8 I suppose what I'm trying to say there is I don't 9 believe that there is a really solid level of distrust 10 within senior police officers with the media and vice 11 versa. 12 I was interested in Mr O'Neill's evidence around he 13 thought that the appointment of commissioners and fall, 14 unhappily, of certain commissioners has become 15 a political Westminster event. I think that's 16 absolutely true, and that's really poisoned a lot of the 17 well, in my view. 18 On day-to-day stuff, maybe away from the heat and 19 the febrile atmosphere of Westminster and the Met, on 20 serious crime issues I think there's been a lot of 21 progress made in recent years and I wouldn't want to see 22 that in any way damaged by what's been focused on as the 23 subject of this Inquiry, because I think some of that is 24 specific to quite a febrile atmosphere within the bounds 25 of Scotland Yard and the square mile around</p> <p style="text-align: center;">Page 79</p>
<p>1 and then you say your position is fairly set out in your 2 statement. 3 I wanted to disabuse you of the idea that it would 4 be presumptuous. You have the experience over a career 5 of policing and you've had to deal with it and with the 6 problems it creates within the media day by day. By 7 definition, I have not. Therefore I welcome the 8 assistance that your experience provides you. Of course 9 it's not necessarily going to be definitive, and you 10 won't be responsible for anything that I say, 11 particularly anything that I say that you disagree with. 12 So it's not at all presumptuous and I wouldn't want you 13 to feel inhibited from making any suggestion to me that 14 you felt might assist the better engagement of the 15 public in policing and the prevention of what on any 16 showing are harmful facts, and I'm really talking about 17 the operational side, not merely facts that may cause 18 some embarrassment but are accurate, from entering the 19 public domain. 20 So I just wanted to make it clear that you 21 understood how I stand on the issue of the help that 22 I need from everybody. 23 A. Thank you, sir. I won't take that as an invitation to 24 speak for the next half hour, but the only thing I would 25 like to say is I have a lot of experience in dealing</p> <p style="text-align: center;">Page 78</p>	<p>1 Scotland Yard, I guess. I think it is different and it 2 can be different in other places, and I think it's 3 interesting that the new Commissioner is reflecting, and 4 I think that's the right thing to do. He's clearly said 5 that there has to be a measure of austerity, to use 6 Mr O'Neill's word -- 7 LORD JUSTICE LEVESON: Actually, it was Mr Hogan-Howe's 8 word. 9 A. I didn't hear so I didn't want to quote him as saying 10 that. I think it's the right thing to do, it's the 11 right approach, but I don't think it should be 12 a long-term approach. 13 LORD JUSTICE LEVESON: I understand the point. It raises 14 a subsidiary question, which is this: I recognise the 15 problems may be the most acute within the square mile of 16 the Met, to use your analogy, of New Scotland Yard, but 17 do you see a value in having a system that is actually 18 broadly the same for all? 19 A. Yes, I do, and I'd go back to my own experience. If 20 I put myself in the position of an editor in the West of 21 Scotland, when I arrived as Chief Constable it sort 22 of -- they'd been used to, I think, seven years of my 23 predecessor with a particular style on media, and then 24 I come in with a completely different style. The next 25 chief -- well, there won't be another Chief Constable of</p> <p style="text-align: center;">Page 80</p>

1 Strathclyde because we're merging into a single force,
 2 but whoever is the first Chief Constable in Scotland may
 3 have a different style again and there's a swing there
 4 which provides the media with -- they can get
 5 understandably what's the policy, what's the procedure
 6 and practice under this individual?
 7 So if there was a consistent -- it wouldn't just be
 8 a consistency across the country, acknowledging Scotland
 9 is a different jurisdiction for policing, but it would
 10 also be a consistency across time, and it would allow
 11 relationships to grow and solidify within an understood
 12 code of practice across the boundary between media and
 13 policing, and I think if it was consistent over the
 14 years, that would strengthen and would grow and would
 15 hopefully avoid the sort of issues that you are having
 16 to deal with.
 17 LORD JUSTICE LEVESON: Thank you. Which has led on to yet
 18 another question, but I think the last: I understand
 19 your point about having a professional media
 20 communicator as head of your communications office, and
 21 it may be that titles don't matter, but is there a value
 22 in having a senior police officer who is able to bring
 23 the policing perspective to bear in relation to
 24 communications? Yesterday we heard a chief inspector,
 25 who is actually the head, but I don't think it's

Page 81

1 terrible important because there was then a head of news
 2 who was absolutely media personnel, had a media
 3 background. So do you think there's a value in having
 4 a -- I appreciate it's an expensive resource, but having
 5 a senior police officer who actually focuses on that
 6 area for a limited time and thereby possibly has the
 7 effect of ensuring that relationships don't become too
 8 cosy with one editor as opposed to another, with one
 9 news outlet as opposed to another, because somebody
 10 comes in and has to start again?
 11 **A. I can see some value in it, sir, but I can also see some**
 12 **value in another model, which is that the head of**
 13 **communications, which is Mr Shorthouse's remit, sits on**
 14 **our management board, what would be in the Met called**
 15 **the management board, therefore he is subject to**
 16 **cross-examination and questioning by myself, my deputy,**
 17 **my three ACCs, my director of finance and resources on**
 18 **a variety of different issues around how we're handling**
 19 **this story, how we're doing that, how our communications**
 20 **are going, what's this story all about, because he is in**
 21 **the cut and thrust of the management of the organisation**
 22 **on a daily basis.**
 23 I think that's a good model. It works, I believe,
 24 fairly well in Strathclyde -- more than fairly well,
 25 quite well in Strathclyde. It may not have worked

Page 82

1 elsewhere in other organisations. That may be
 2 a personality issue, I don't know. But I think if the
 3 person is at the senior level -- I think the danger --
 4 sorry to go on -- is if they're not at that senior level
 5 and they're hidden away in their own specialism
 6 unwatched, then exactly the sort of thing you mentioned
 7 can become the case: I'll always give the story to X,
 8 because they look after us, I'll freeze them out.
 9 If the media head is within the management board of
 10 the organisation, that's one of the things that would be
 11 brought out and would be questioned, and indeed in
 12 Strathclyde has been. How are we handling this story?
 13 Why is it going there? Why are we not doing this? Why
 14 are we releasing this now? Why are we not holding onto
 15 it? We look at all the different issues.
 16 LORD JUSTICE LEVESON: Yes.
 17 **A. Mr Shorthouse will put one view across and we may put a**
 18 **different view across.**
 19 LORD JUSTICE LEVESON: I might tentatively suggest that the
 20 risk of that -- and I see the value in it -- may be that
 21 you very, very senior police officers concerned with
 22 public order, concerned with all these other issues,
 23 tend to get sucked into rather too much discussion of
 24 the headlines, which actually is one of the criticisms
 25 that was made about life in the Met. But all these

Page 83

1 things are a balance.
 2 **A. The word I would have used, sir. That's why when I went**
 3 **to Strathclyde, I moved the balance slightly back**
 4 **towards the middle but not all the way I think to where**
 5 **it inevitably had been in London.**
 6 LORD JUSTICE LEVESON: Thank you.
 7 MS PATRY HOSKINS: Thank you very much indeed.
 8 That leads us on neatly to Mr Shorthouse.
 9 LORD JUSTICE LEVESON: Thank you.
 10 MR ROBERT JOHN SHORTHOUSE (sworn)
 11 Questions by MS PATRY HOSKINS
 12 MS PATRY HOSKINS: Please provide us with your full name.
 13 **A. It's Robert John Shorthouse.**
 14 Q. Thank you. You provided us with a statement dated
 15 28 February 2012. Is that your formal evidence to the
 16 Inquiry?
 17 **A. It is.**
 18 Q. I am going to start with your career history, it's at
 19 paragraph 1 of your statement. You started your career
 20 in 1998 after university, you applied to join the
 21 Government Information and Communication Service in
 22 2001, you worked with a number of ministers within the
 23 Scottish Executive, finally becoming senior
 24 communications officer working for the First Minister.
 25 Then in 2006 you were seconded to the Glasgow 2004 team

Page 84

<p>1 for the Commonwealth Games bid as head of PR and media. 2 Then you joined the SFA as head of communications in 3 November 2007, and you were appointed director of 4 corporate communications at Strathclyde Police in 5 October 2009, and that's the role that you continue -- 6 the post you continue to hold? 7 A. Indeed, yes. 8 LORD JUSTICE LEVESON: You've travelled the field. 9 A. I have. 10 LORD JUSTICE LEVESON: Politics, football and the police, 11 that's pretty wide-ranging. 12 A. Pretty much covers everything on the West Coast of 13 Scotland. 14 MS PATRY HOSKINS: In response to questions 2 and 3 you tell 15 us a bit about the corporate communications department 16 of which you are director and you explain that the media 17 team within Strathclyde Police sits within the corporate 18 communications department of which you are a director, 19 there's no press office as such. 20 A. No. 21 Q. You explain the role of the team. This is the media 22 team. Firstly, staff are expected to react to media 23 interests and issues and incidents, and secondly it's 24 also got responsibility for proactively promoting the 25 work of the force through the media. These are the sort</p> <p style="text-align: center;">Page 85</p>	<p>1 8 o'clock in the evening seven days a week, and then we 2 move onto the on-call system, supported by the force 3 control room. 4 Q. Straight in with the difficult questions, I'm afraid. 5 You'll have heard the exchange a moment ago about 6 serving police officers being directors of a press 7 office, something that was raised also when the 8 Chief Constable of West Midlands Police gave evidence. 9 Do you have any views on that? 10 A. Perhaps not surprisingly I would -- my view is that it's 11 better -- a post better held by somebody that has the 12 necessary skills, experience and qualifications. 13 I think it probably gets to the nub of the matter, which 14 is what exactly do you want your department to do? Do 15 you want it to be an interface with the media or do you 16 want it to actually be something more than that, do you 17 want it to be something that looks at communicating in 18 its broadest possible sense, so not just communicating 19 through the media but communicating to people directly 20 using social media, working on your internal 21 communications, working on your marketing campaigns. 22 That's an awful lot of skills, and I'm not saying 23 that there's not a very bright police officer out there 24 who could learn all those skills and could do the job, 25 but I think you're basically looking for somebody that</p> <p style="text-align: center;">Page 87</p>
<p>1 of good news stories that best demonstrate your 2 activities and the priorities of the Strathclyde Police? 3 A. That's correct. 4 Q. You explain in response to question 3 that you don't 5 actually work in the media team, you're director of the 6 whole department, which includes not just the media team 7 but a number of other parts, and the media team is 8 managed by a media manager on a daily basis but you're 9 here because you assume responsibility for all media 10 issues that relate to the Chief Constable and you have 11 responsibility for the maintenance of relationships with 12 the media at editorial level? 13 A. That's correct. 14 Q. How large is the corporate communications department in 15 terms of numbers of staff? 16 A. We are currently sitting at 25 members of staff. 17 Q. And the media team? 18 A. Is seven. 19 Q. Can you tell us about the hours of operation? 20 A. We try and provide 24-hour coverage as best we can, 21 through a mixture of the actual media team themselves 22 and on-call service and through our force control room. 23 So what we tend to find is -- or not we tend to find -- 24 the fact of the matter is that the media team work on 25 a shift basis between 8 o'clock in the morning and</p> <p style="text-align: center;">Page 86</p>	<p>1 has a command of that broad discipline. It's not just 2 about how you work and deal with the media. I think 3 that would be wrong to think like that, so that was the 4 case. 5 Certainly, my own experience of -- in the two and a 6 half years that I've been there was that when I started 7 there perhaps was an overemphasis on that relationship 8 with the media on behalf -- in terms of the department. 9 You know, people, even the staff would pick up the phone 10 and say, "Media services", they felt that they were 11 a resource for working with the media, whereas my own 12 view and what I've tried to change during the time I've 13 been there is to move it away from that. It's not just 14 about the media, it's about speaking to people -- the 15 media are a channel for communicating with the public 16 but they are not the only channel, there are a plethora 17 of other ones, social networking being one, and we're 18 embarking on a huge project which will launch next month 19 that really puts us at the forefront of the use of 20 social media as a communications skill. 21 Q. Can I ask you about how the corporate communications 22 department and the media team work in terms of the 23 relationship with the media. You heard obviously 24 Chief Constable House explain that the majority of 25 contact with the national media is channelled through</p> <p style="text-align: center;">Page 88</p>

<p>1 your staff and your department. Is that right? In your 2 experience, is that the position? 3 A. Yes. That's correct. 4 Q. I asked him a number of questions which I think he would 5 rather that you answer and it was about how this works 6 in practice. As I understand the system, the national 7 media would contact the department, your department 8 would process the query, you would ask the relevant 9 police officer, if someone needed to be asked, then you 10 would provide the response, and the query and the 11 response would both be logged. Does that logging 12 include off the record information that's provided? 13 A. Yes, as demonstrated in my written statement, we do try 14 to log every contact that we have, be it on the record 15 or off. So yes, in answer to your question. 16 Q. How do you define off the record information? 17 A. We feel it's information that -- or perhaps if we're 18 moving into definition we should talk somewhat about the 19 purpose. The purpose that we apply to using off the 20 record information is to make sure that information is 21 always presented accurately. So the examples that 22 I give in my witness statement are where we are 23 concerned that undue public fear and alarm are going to 24 be caused by -- with the best of intentions -- incorrect 25 reporting of a specific instance, so the wrong person <p style="text-align: center;">Page 89</p> </p>	<p>1 from me" or "a police source", that's a concept of 2 communicating with the media with which you do not 3 approve? 4 A. No. I think there's perhaps a middle ground on that, 5 which is when the media puts something to us which is 6 already circulating, so, you know, "somebody's been 7 named locally as", or "we hear that", and that, if we 8 felt it was appropriate, that would be in conjunction 9 with the senior investigating officer, if we felt that 10 was appropriate then that would be confirmed and again 11 that wouldn't be on the record or attributable. 12 LORD JUSTICE LEVESON: That would not be? 13 A. That would not be. 14 LORD JUSTICE LEVESON: That would be off the record because 15 that's merely to ensure accuracy? 16 A. Yes. 17 LORD JUSTICE LEVESON: So that falls within your original 18 definition? 19 A. Yes. 20 MS PATRY HOSKINS: To be absolutely clear, on the record 21 information is all logged? 22 A. Yes. 23 Q. Off the record information, the way that you've defined 24 it, is all logged? 25 A. Yes. <p style="text-align: center;">Page 91</p> </p>
<p>1 being named, the wrong suggestion of suspects. 2 I think one of the examples that I use in my witness 3 statement is about somebody was arrested for possession 4 of indecent photographs and that person worked at 5 a school and they were creating an immediate impression 6 that the photographs were taken at the school until we 7 corrected that. So we try and make sure that the off 8 the record information is all about correcting 9 inaccuracies or stopping inaccuracies from appearing in 10 the first place. 11 LORD JUSTICE LEVESON: Off the record is not reportable at 12 all, but merely to provide context for what is 13 reportable? 14 A. Yes, that's certainly the view that we take on that, 15 sir. 16 LORD JUSTICE LEVESON: It's rather different from not 17 attributable, which might be reportable? 18 A. Yes. Yes. There's the view that we take, which is 19 important to correct or prevent inaccurate, and then 20 there's perhaps this "Well you didn't get that from me" 21 approach which certainly is not something that we 22 encourage. 23 LORD JUSTICE LEVESON: You wouldn't do that at all? 24 A. We certainly don't encourage that. 25 LORD JUSTICE LEVESON: So "This is true but it mustn't come <p style="text-align: center;">Page 90</p> </p>	<p>1 Q. Is there any information provided that's not logged? 2 A. We would have -- 3 Q. Sticking with the national media? 4 A. Yes. We would have set piece press conferences and 5 various other things where we would log that the press 6 conference had taken place but not necessarily the whole 7 time we would log all the content, and we would -- if an 8 individual officer has an interview that's been arranged 9 by the department, again we would log that that 10 interview would take place but we wouldn't necessarily 11 transcribe it and log it on the system, but we would 12 file it. 13 Q. I asked Chief Constable House whether there's any system 14 in place to monitor your logging system. Spotlight, is 15 it called? 16 A. Yes, that's right. 17 Q. Whether or not you prepare any data on who's been 18 speaking to the media or how often they speak to the 19 media or provide responses or are asked about things. 20 Is there any such system in place, as far as you're 21 aware? 22 A. When you asked the question, I quickly got on the 23 telephone and sought out an answer for that when 24 I phoned back up to the office. I think it tells its 25 own story that I had to ask that question. Technically <p style="text-align: center;">Page 92</p> </p>

<p>1 it's possible for us to run a query on the system to see 2 which particular officer has been speaking on which 3 particular issue but it's not necessarily done as 4 a matter of course, the fact that I had to go and find 5 out that information. 6 Q. What does "it's not done as a matter of course" mean? 7 Does that mean it's generally not done or is something 8 that you might do if you needed to find out -- 9 A. I can't think of any example where it's happened. 10 LORD JUSTICE LEVESON: The interesting feature is that you 11 didn't even know whether it could be done. 12 A. Exactly. But I'm assured technically it can. 13 MS PATRY HOSKINS: You were asked at question 13 about: 14 "What is the media's attitude towards the press 15 office? Are they satisfied by the provision?" 16 You tell us about some of the concerns they might 17 have. Overall -- I'll ask again Mr Russell in a moment 18 -- what's your perception of whether or not they find 19 you useful, get on with you, it works well in practice? 20 A. I think overall -- and I'm conscious Mr Russell is 21 coming on after me so he may have a different view -- 22 but overall I get the sense that we have a positive 23 relationship with the media and the media find us 24 useful. I think they appreciate the fact that -- and 25 a lot of this is based on the high calibre of staff that Page 93</p>	<p>1 need to get back to me by and let's make sure we've got 2 that sorted for the Evening News", because everything is 3 24 hours, as you rightly describe. 4 MS PATRY HOSKINS: Let me ask you about your role, please. 5 In response to question 16, you say that you hold 6 regular meetings with editors and broadcast heads in 7 order to discuss the way in which the force is engaging 8 with the media. Now I need to ask you questions about 9 that. I mean how often is that? In what context? Is 10 it done over a meal in a posh restaurant or over a cup 11 of coffee? 12 A. It's the latter, generally. I am trying to think of the 13 last time I had -- I think I mention it in my evidence 14 that I had lunch with the news editor of the Sun about 15 a year and a half ago, but generally it's -- if it can 16 be, it's face to face, but more often than not it's by 17 telephone. I maintain the contact with the editors in 18 a way that the staff who work in the media team don't. 19 They tend to deal with the daily churn whereas I deal 20 with problems. 21 Q. You were asked about hospitality at question 17. You 22 say you don't as a general principle accept hospitality 23 from the media. The overwhelming majority of meetings 24 would be either in the offices of the editor or your 25 own. You said yourself that you once accepted lunch Page 95</p>
<p>1 I have working in that team. The staff are very 2 dedicated to making sure that there's a quick turnaround 3 and that people get the information that they want. 4 I think some the frustrations from the media would 5 be of course this perennial issue of they want direct 6 contact with individual officers, I'm sure, and I think 7 that's just a debate that's going to play out throughout 8 the course of this Inquiry. 9 But such is the competitive nature and such is the 10 change in dynamic of the media over the past few years, 11 with social networking and everything else coming into 12 play, and I note some of the evidence that some of the 13 editors have given over the past few days where they 14 talk about -- they've launched iPad apps and everything 15 else, so it's not just about let's get the information 16 by the print deadline at 9 o'clock tonight, we're 17 dealing with people who just want information and want 18 it as quickly as possible. 19 LORD JUSTICE LEVESON: For 24/7 business. 20 A. Yes, sir. And you have to include the newspapers in 21 that because the newspapers all have websites and 22 various other things. Obviously they're trying to raise 23 revenue through that, but it's not the way it was five 24 years ago where there were very traditional rules at 25 play of "Here is our print deadline, this is when you Page 94</p>	<p>1 with the news editor of the Scottish Sun, that was paid 2 for by the Sun, the estimated value of this lunch was 3 £20, and it was logged in the hospitality register. Why 4 would you adopt a different approach in an individual 5 case like that one? 6 A. The truth is I can't actually recall what led to that, 7 but I can remember the general circumstances round about 8 it, which was I'd never met the chap before and he 9 suggested going for lunch and I obviously said yes, 10 whereas most of the other -- because of the length of 11 time that I've worked on the West Coast of Scotland and 12 the roles I've had, I knew most other people who work in 13 the media, but I didn't know this chap and we clearly 14 had a strong relationship with -- well, the staff had 15 a strong relationship with him and his staff on a daily 16 basis and I didn't know him, so that was clearly -- must 17 have been the reasoning. 18 Q. Touching still on hospitality, in response to question 19 23, you say that as a general principle, senior officers 20 in this force don't accept hospitality from the media on 21 a regular basis. I'm asked to ask you this question: do 22 you know if there's any difference between local media 23 and national media in that respect? 24 A. Um ... 25 Q. By "the national media" I also mean newspapers Page 96</p>

<p>1 representing the whole of Scotland.</p> <p>2 A. I must admit my level of knowledge would probably be on</p> <p>3 what happens on the national situation, and I would</p> <p>4 imagine that there must be situations where local</p> <p>5 commanders would be invited to various events in the</p> <p>6 division, just as they're an important figure in civic</p> <p>7 Scotland, that's sort of part of their world, but it</p> <p>8 would be recorded as a matter of course on the</p> <p>9 hospitality register if that was taking place.</p> <p>10 Q. Touching on leaks briefly, you were asked whether or</p> <p>11 not -- sorry, I should say, in response to question</p> <p>12 35 -- how many investigations there have been in the</p> <p>13 last five years into actual or suspected leaks from the</p> <p>14 press office. You remember Chief Constable House told</p> <p>15 us how many investigations, there'd been 45 in the last</p> <p>16 five years. You say that in your time with Strathclyde,</p> <p>17 there have not been any leak enquiries conducted that</p> <p>18 centre on the media team staff. You're not aware of any</p> <p>19 having taken place?</p> <p>20 A. No, not at all.</p> <p>21 Q. That would suggest that the leaks come, if they were</p> <p>22 coming at all from the police, they would not be coming</p> <p>23 from your department or your media team?</p> <p>24 A. There's absolutely nothing to suggest at all that we</p> <p>25 have an issue with leaks coming from the media office.</p> <p style="text-align: center;">Page 97</p>	<p>1 I brought a lot of that together with that particular</p> <p>2 example. Asking them to sit on it was a big thing to</p> <p>3 do, and I think it was a measure of the responsible</p> <p>4 nature of the media in Scotland that they -- well, they</p> <p>5 found it exceptionally difficult to comply with that</p> <p>6 decision, but they actually did, and they held onto it</p> <p>7 for 48 hours, which allowed us, the SIO, to pursue</p> <p>8 particular investigative lines, which he needed at that</p> <p>9 time to do, so I was surprised that we got it, I didn't</p> <p>10 think it would be something that they would be willing</p> <p>11 to do, but I was pleasantly surprised and happy that</p> <p>12 that was something that --</p> <p>13 Q. Right across the media?</p> <p>14 A. Absolutely.</p> <p>15 Q. National, local?</p> <p>16 A. Absolutely.</p> <p>17 MS PATRY HOSKINS: Those are the questions I have for</p> <p>18 Mr Shorthouse, unless you have any, sir. Sorry,</p> <p>19 I forgot to ask you whether there's anything you wanted</p> <p>20 to add.</p> <p>21 A. No, I'm happy to take questions.</p> <p>22 LORD JUSTICE LEVESON: Again, I say to you, as I said to the</p> <p>23 Chief Constable, this is not necessarily</p> <p>24 straightforward, so using your experience, if there is</p> <p>25 anything that you can suggest that might make the system</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. There's only one other issue I need to ask you about and</p> <p>2 it's in response to question 45. This is about police</p> <p>3 officers asking the media to delay publishing particular</p> <p>4 information because of the risk of prejudice to</p> <p>5 a criminal investigation or a future criminal trial, and</p> <p>6 you're asked:</p> <p>7 "To what extent do the media comply with this</p> <p>8 request?"</p> <p>9 Essentially, you give an example of an investigation</p> <p>10 into explosive devices being sent to high-profile people</p> <p>11 linked to Celtic Football Club. And you say you told</p> <p>12 the media, "Don't print this story for 48 hours because</p> <p>13 we need to investigate some particular avenues", and the</p> <p>14 media didn't print it, they complied with your wishes.</p> <p>15 That would suggest that that particular request goes</p> <p>16 down relatively well and that your requests are listened</p> <p>17 to. Is that fair?</p> <p>18 A. Yes, and I must say that this is a -- this particular</p> <p>19 example -- I need to be careful about what I'm saying,</p> <p>20 because it's currently in court.</p> <p>21 Q. Fine.</p> <p>22 A. But I think in general asking the media to settle on</p> <p>23 something of that particular magnitude -- as I've</p> <p>24 already alluded to, you know, football, politics and the</p> <p>25 police on the West Coast of Scotland are big things, and</p> <p style="text-align: center;">Page 98</p>	<p>1 work better, then I'd be very interested to hear it.</p> <p>2 A. Again, as my Chief Constable said, I'm not going to use</p> <p>3 that as an invitation to start waxing lyrical about my</p> <p>4 own thoughts on things, but there are a couple of things</p> <p>5 that I would raise, one being that I think everybody who</p> <p>6 works in police communications is expecting there to be</p> <p>7 a change as a result of all of this, and us being the</p> <p>8 police and the candid organisation that we are, we will</p> <p>9 wholeheartedly adopt those changes.</p> <p>10 I think what will be interesting to see is that's</p> <p>11 one side of the relationship, and we can record all</p> <p>12 meetings and everything else, but that's just changing</p> <p>13 our behaviour, so I guess we are particularly interested</p> <p>14 to see what happens on the other side of that argument,</p> <p>15 what, if anything, is being proposed about the media.</p> <p>16 The other thing I would say is that from my own</p> <p>17 experience in working with the media for as long as</p> <p>18 I have, I've never actually been a journalist. The</p> <p>19 change in the nature of the media at the moment is huge,</p> <p>20 absolutely huge, and the pressures that are being</p> <p>21 brought to bear as a result of that, because of social</p> <p>22 networking and because of -- you know, people can</p> <p>23 send -- as is happening right here, right now, people</p> <p>24 are using Twitter to discuss what's happening at this</p> <p>25 Inquiry, I think the impact of that, I think, needs to</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

1 be part of the thinking, because it's changed the media
 2 and it's going to continue to change the media, and it's
 3 going to just make that need to be more immediate and
 4 move away from the traditional roles that journalists
 5 have played, and I think that's an important part of the
 6 debate. I don't necessarily offer up any solutions
 7 about that.
 8 LORD JUSTICE LEVESON: I'm sorry about that. I was hoping
 9 that you were going to give me an answer.
 10 **A. Well, all I can say, and I think I've made it clear in**
 11 **my witness statement, is that, you know, I didn't**
 12 **recognise and perhaps didn't understand a lot of what**
 13 **Mr O'Neill was saying in his evidence, because I don't**
 14 **recognise that culture. People in Scotland are obsessed**
 15 **by crime, but not -- they're obsessed by the crime, but**
 16 **they're not obsessed by the politics of who is who in**
 17 **Strathclyde Police and various other things. That's**
 18 **just something I don't recognise. I think that we have**
 19 **a pretty healthy relationship -- again I'm conscious**
 20 **that Mr Russell's going to come on and probably shoot**
 21 **that down in flames, but I think we have a healthy**
 22 **relationship and a healthy understanding of the way that**
 23 **things work. I think that we've built it on trust and**
 24 **that we all do trust one another, and we understand the**
 25 **rules that we all have to play.**

Page 101

1 **There's times where things appear in the press that**
 2 **infuriate me, because they may have looked like they've**
 3 **come from something that's been leaked or because it**
 4 **paints the organisation that I work for and am very**
 5 **loyal to in a negative light, but if we do something**
 6 **wrong, I think it's very important that we're properly**
 7 **scrutinised and held to account and the press play an**
 8 **important part in that process.**
 9 LORD JUSTICE LEVESON: Yes. I think there may be quite
 10 a lot in what Mr House said about the square mile that
 11 surrounds New Scotland Yard, but would you agree that
 12 it's appropriate that whatever happened should be
 13 consistent across the country?
 14 **A. I think it would help everybody. We're in the fortunate**
 15 **position in this particular context of only eight forces**
 16 **in Scotland are in the process of being merged into one**
 17 **national force, so it would be quite easy for us to**
 18 **introduce new national guidelines in Scotland because**
 19 **we're all going to be one happy family anyway, but**
 20 **I guess just to have that level of consistency, that**
 21 **level of understanding, notwithstanding the fact that**
 22 **I think it needs to be built on the absolutely changing**
 23 **dynamic of the media and the changing roles of**
 24 **communications departments themselves so they're not**
 25 **just a press office, we are trying to develop a whole**

Page 102

1 **range of skills across a number of people.**
 2 **So I guess it's not necessarily a plea, but my**
 3 **strong view on this is it's not about how do we reform**
 4 **and change the current systems, it's how do we look to**
 5 **the future and see where's this going to go and where**
 6 **are the police going to go and where are the media going**
 7 **to go and can we try and make sure that we have that**
 8 **consistent way of working.**
 9 LORD JUSTICE LEVESON: Yes. For some of it, it may be how
 10 we do reform the current system, but for you I get the
 11 clear message -- you've not said this in words -- but
 12 for Strathclyde, it ain't bust so don't fix it.
 13 **A. We're happy with the way it works, sir.**
 14 LORD JUSTICE LEVESON: All right, I understand. We'll see
 15 what the editor says. Thank you. Thank you very much.
 16 MS PATRY HOSKINS: Our final witness this morning is
 17 Mr Russell. I don't have very many questions for
 18 Mr Russell, but we might go to 1.05. I understand we
 19 have a very short afternoon, so if we went to 1.05 would
 20 that be acceptable or do you want me to stop at 1.00?
 21 It's just Mr Russell has to get back to Scotland.
 22 LORD JUSTICE LEVESON: I have no doubt the Scottish
 23 witnesses do have to return to Scotland and I don't want
 24 to do anything that creates difficulty for them.
 25

Page 103

1 MR JONATHAN RUSSELL (sworn)
 2 Questions by MS PATRY HOSKINS
 3 MS PATRY HOSKINS: First of all, your full name.
 4 **A. It's Jonathan Russell.**
 5 Q. You've provided two statements to the Inquiry now and
 6 you've in fact been here to give evidence before. I'm
 7 going to focus on the second of the two statements if
 8 I can. It's dated 1 February 2012. Again, can you just
 9 confirm that that is your formal evidence to the
 10 Inquiry?
 11 **A. It is, yes.**
 12 Q. Thank you very much.
 13 LORD JUSTICE LEVESON: Thank you very much for making the
 14 trip again. I hope you find that it's of value for you
 15 as well and that we're not just dealing with an issue
 16 that is England centric. I hope that Scotland will get
 17 something of value out of what I do.
 18 **A. Indeed, no, I'm happy to be here.**
 19 LORD JUSTICE LEVESON: Particularly because I have to cope
 20 with the if it ain't bust don't fix it, which is how
 21 I read Strathclyde, although both the previous witnesses
 22 have made it abundantly clear that they're waiting with
 23 real interest to see whether you want to challenge that.
 24 **A. We'll see.**
 25 LORD JUSTICE LEVESON: Indeed, we shall, yes.

Page 104

1 MS PATRY HOSKINS: I promise my first substantive question
 2 will be: is it broke and should we fix it? Before we do
 3 that, I'll just recap on your career history. We've
 4 heard it before but just summarising, you've been editor
 5 of the Herald and editor-in-chief of the Herald and
 6 Times Group since July 2010. You've held various
 7 previous jobs in the media and perhaps most importantly
 8 for this purpose, you've had dealings with Strathclyde
 9 Police on and off since 1994 when you first came to work
 10 in their particular area.
 11 All right. At the risk of repeating my question,
 12 you say at paragraph 2 that generally the relationship
 13 between your newspaper, certainly, and Strathclyde
 14 Police is healthy and robust?
 15 **A. Yes.**
 16 Q. That summarises is. In your own words, what works well
 17 and what doesn't work well?
 18 **A. I think it is a generally healthy relationship. I think**
 19 **that the -- when -- if there's an occasion that the**
 20 **police or it's felt that the media are critical of the**
 21 **police, I don't think -- the police don't, in my**
 22 **experience, sort of take it to heart and go all**
 23 **defensive. They're very good at accepting that perhaps**
 24 **they may be wrong on something and almost use the**
 25 **criticism as a way to look at themselves and see if**
 Page 105

1 **things should be done better, but it would be misleading**
 2 **to say we're very critical or we're critical of them.**
 3 **We're not.**
 4 **It happens on occasion, as it would do with any**
 5 **large organisation, whether you're a police force or**
 6 **some other organisation, I think we have a -- in terms**
 7 **of specific operational sort of issues on sort of**
 8 **stories, crime, general crime stories, et cetera,**
 9 **I think that the force deliver as good a service to the**
 10 **media as I've really come across, and I've worked in**
 11 **various force areas throughout my career, although**
 12 **I think, you know, part of that will be I think there is**
 13 **a general move towards slightly more openness over the**
 14 **last few years, so places I may have worked in the early**
 15 **1990s may be better at it now than they were then, you**
 16 **know, there is an element of that, but I think generally**
 17 **we get on well with the police and I think it's**
 18 **important for both sides to remember it has to be**
 19 **a mutually beneficial relationship. While we want**
 20 **information, obviously, it needs to be borne in mind**
 21 **that we provide a very important service for the police**
 22 **in terms of, you know, looking for witnesses and helping**
 23 **in solving crimes. And also, as Mr House alluded to in**
 24 **his statement, we're a very effective way for him to**
 25 **communicate a general policy message that the police**
 Page 106

1 **want to put across. It's the quickest way to reach the**
 2 **sort of large number of people in the force area is**
 3 **through the pages of the newspaper.**
 4 Q. You've heard both Chief Constable House and
 5 Mr Shorthouse explain the system whereby with national
 6 media, such as your newspaper, if there was a request
 7 for information, the system is you contact the corporate
 8 communications department, they'll process your query,
 9 you should get an answer back from them. That would
 10 generally speaking be how it works. In your view does
 11 that system work well?
 12 **A. I think it works well, generally. I think it needs to**
 13 **be -- it's quite important from -- I would suspect from**
 14 **the police's point of view that it's co-ordinated and**
 15 **there's not just reporters from various newspapers**
 16 **phoning willy-nilly serving officers here, there and**
 17 **everywhere. So I think it works quite well, but as the**
 18 **press we'd always like more information and more access**
 19 **to -- more information and more access to investigating**
 20 **officers and such like, but you know --**
 21 Q. Would you like to be able to ring up an investigating
 22 officer and ask them directly? I suppose that's the
 23 question.
 24 **A. Yes, we most certainly would, yes. But we understand**
 25 **why that may have practical difficulties for the police**
 Page 107

1 **as well, but there are occasions where in terms of**
 2 **writing a story or printing a story, you know, the story**
 3 **looks and reads better and carries slightly more**
 4 **authority if -- "Chief Inspector Smith said" sounds**
 5 **better than a bland "a force spokesman said". So for**
 6 **that reason, yes, and sometimes quotes are given out in**
 7 **that regard and there is some direct contact.**
 8 Q. In terms of the information that you receive through the
 9 corporate communications department, are you satisfied
 10 that the quality of that information, if you ask
 11 something, are you satisfied that you get the answer you
 12 want, and as full an answer as you want?
 13 **A. On the whole as I said we'd always want more, but we try**
 14 **to bear in mind that sometimes there may be very valid**
 15 **reasons why we're not given all the information that we**
 16 **want. Sometimes we may not quite understand why we've**
 17 **not been given the information that we want and that may**
 18 **require -- you know, and that's when you sort of may**
 19 **perhaps have an off the record discussion where you**
 20 **might not be told information but maybe explained why**
 21 **you're not being given something, and generally that**
 22 **works quite well because it saves you wasting time**
 23 **complaining about not being given information if you**
 24 **understand there's an operational reason for it.**
 25 Q. This touches on the main change that you identify that
 Page 108

<p>1 you'd like to see. At paragraph 2 of your statement you 2 say: 3 "It might be for more off the record advice to be 4 given to editors about the reasons why the police are 5 not releasing certain pieces of information." 6 A. I think that would help in terms of, you know, it's very 7 frustrating for the reporter if he feels he's being -- 8 you know, it's an unhelpful press officer he's dealing 9 with who just won't co-operate with him and has taken a 10 unilateral decision not to give him information. So 11 if -- you know and I can understand why a reporter may 12 not be given that off-the-record guidance on occasion 13 because he's not known particularly well, but if you 14 have -- if I have a relationship with a chief constable, 15 with a director of corporate communications, not just 16 within the police but with any sort of organisation, 17 they hopefully feel that they can build a relationship 18 so they can trust me by saying, look, I know your 19 reporter's looking for this, I'm not necessarily going 20 to give you the reasons for it all, but there is a 21 reason for operationally why we're not giving that out, 22 and this is what it is to a certain extent, and that 23 helps. Then I can -- not pass on the detail but I can 24 explain, look, I know what's behind this, this is why 25 you're not getting that and alleviate some of the Page 109</p>	<p>1 Q. Or any of those things? 2 A. No. 3 Q. You explain you have his mobile telephone number. 4 A. Mm-hm. 5 Q. Why? Why is that? 6 A. Just in case one of these conversations was required to 7 take place outwith general office hours, as it quite 8 often would have done. 9 Q. You say at paragraph 8 that you've never accepted 10 hospitality from Strathclyde Police beyond a cup of 11 coffee at a meeting. I understand you may never have 12 accepted hospitality. Have you ever been offered 13 hospitality over and above that? 14 A. No. 15 Q. Okay. Paragraph 14, please. This is about prior 16 information about arrests. You say you've never been 17 given any prior information about arrests, although 18 there are occasions when reporters and photographers are 19 invited to accompany police on a raid; you see that as 20 a legitimate way of increasing the profile given to 21 police action. 22 Do you see a concern, any concern with journalists 23 being invited along to such -- 24 A. Not in the terms of the things I'm referring to here, 25 no, I don't at all, to be honest. I think it's a good Page 111</p>
<p>1 frustration. 2 Q. All right. Can I ask about your personal contact with 3 the Chief Constable and the director, Mr Shorthouse. At 4 paragraph 4 you tell us that after you were appointed 5 editor of the Herald in July 2010 you were invited by 6 the press office -- it's not called the press office, 7 but call it that for the moment -- to an informal 8 meeting with the chief constable. That would have been 9 Chief Constable House; is that correct? 10 A. Mm-hm. 11 Q. Simply the purpose of the meeting you say was just to 12 get to know each other and begin to build 13 a relationship. Have you had any other meetings with 14 him since? 15 A. Since then, no. 16 Q. Right. You then say that you've had a small number of 17 conversations with the head of the press office, the 18 director; is that Mr Shorthouse? 19 A. Uh-huh. 20 Q. Usually about general police policy or for clarification 21 about story facts, and that's calls. Have you ever met 22 him for lunch or had a meeting in a restaurant? 23 A. No. 24 Q. Or gone to a football match together? 25 A. No. Page 110</p>	<p>1 way for the police to put a message across about 2 crackdown on drugs or whatever it is that was the 3 subject of the raids, and just -- you know, it can be 4 very reassuring to the public if they see pictures in 5 the paper of these sort of things taking place. 6 There are generally quite strict guidelines about 7 use of pictures so that you know that might be 8 incriminating when things come to court and you know 9 we'd make -- you know, there'd be liaison to make sure 10 there's no pictures of officers who perhaps work under 11 cover go in the paper, that sort of thing. So I think 12 there would be quite close dialogue over specific use of 13 that sort of thing, but in general no, I think it's 14 a good thing to do. 15 Q. How often does this kind of thing happen? 16 A. I wouldn't say it's common. I wouldn't want to put 17 a figure on it. It would be, I don't know, once, twice 18 a year, I don't know, something like that, maybe. 19 Q. Let me ask you about paragraph 15, off-the-record 20 briefings from police. You've heard the evidence of 21 Mr Shorthouse on what that means. Is that your 22 understanding of what it means? 23 A. It's a very -- it's a slightly confused phrase, "off the 24 record". In its strictest sense, I think it still means 25 this is not for use in the paper, but very often when it Page 112</p>

<p>1 is said the understanding is you can use this -- and I'm 2 not specifically referring to the police here, I'm 3 referring to just generally, sometimes it's said this is 4 off the record, but what is meant is that you can use 5 this, just don't say where you got it from. 6 Q. And this, you say, has generally simply been to ensure 7 that incorrect information doesn't appear in 8 a newspaper? 9 A. If we're back to referring to the police now, yes, that 10 would be the general use of that, yes. 11 Q. Paragraph 20, "There should be no payments made to 12 police officers by the media for information". Are you 13 aware at all, and this is a very general question, of 14 any such payments being made to police officers by the 15 media? 16 A. In my -- 17 Q. Your experience? 18 A. -- experience and things I have knowledge of, none at 19 all. 20 Q. You go on to explain that you do have a commercial 21 arrangement where the force contributes a sum of money 22 to the Evening Times Community Champions Campaign, but 23 you are satisfied that that doesn't influence coverage 24 of police matters? 25 A. Absolutely not. The Evening Times is a sister title, Page 113</p>	<p>1 ideal world, any time a reporter is covering a crime 2 story, in an ideal world you'd want him speaking 3 directly to the senior investigating officer, we 4 discussed the kind of reasons why that's not always 5 practical, and -- but it would be a good thing to, from 6 our point of view, to get back to it. It just helps the 7 importance of the story in a sense and it just make the 8 story generally more interesting to the reader if you 9 are able to read the quotes and the opinions of the man 10 who's actually leading the investigation, yes. 11 Q. I conclude by reading out the first sentence of 12 paragraph 24: 13 "In my experience, my paper's current relationship 14 with the police is a good template for how a force and 15 newspaper interact." 16 Is there anything that you would like to add to the 17 evidence that you've given, Mr Russell? 18 A. No, not particularly. I think again we have a good 19 relationship with Strathclyde Police from the Herald. 20 We cover more than -- you know, we're a national paper 21 for the whole of Scotland so we deal with other forces 22 as well and I would certainly say that the relationship 23 with Strathclyde Police isn't perfect, it's not what we 24 would always -- we don't always get what we would want, 25 but I'm fairly sure they don't always get the coverage Page 115</p>
<p>1 it's an evening paper for Glasgow, and the Community 2 Champions is our -- it goes around various parts of 3 Glasgow and it sort of pays tribute to unsung heroes, if 4 you like, and it's the police are a partner in -- 5 Strathclyde Police are a partner in that campaign and it 6 works very well. 7 Q. Finally I want to ask you about paragraph 22, please. 8 Top of page 5 you say: 9 "The police force must be generally committed to a 10 policy of openness rather than a policy of manipulation. 11 Strathclyde I suspect is better than most." 12 Is that based on your experience of other forces? 13 A. Yes. 14 Q. "Handled badly, the press office can be a means of 15 obstructing public scrutiny and the press office 16 shouldn't be the only conduit of information." 17 Sadly, you say this: 18 "... crime reporters find it more and more difficult 19 to speak directly to investigating officers who 20 frequently have a misplaced fear of data protection 21 obligations and are trained to refer all enquiries to 22 the press office." 23 Are you referring to Strathclyde Police there? 24 A. No, I'm not particularly referring to Strathclyde 25 Police. It's more as general fear that -- I mean in an Page 114</p>	<p>1 they would want, but I think generally it works pretty 2 well for both sides. 3 MS PATRY HOSKINS: Those are all my questions. 4 LORD JUSTICE LEVESON: Thank you. A couple of things. Of 5 course there's somewhat of an echo in what you said and 6 what the police have said about what happens in 7 Strathclyde with what happens in the West Midlands, and 8 therefore it may be, as Mr House explained, that this is 9 a London centric issue. 10 A. Mm-hm. 11 LORD JUSTICE LEVESON: Have you ever had the experience or 12 been concerned that the nationals have come in on a big 13 story in your patch and, as it were, rather trampled on 14 the undergrowth? 15 A. Not really, I mean a lot of my days as a reporter were 16 spent on the Daily Mirror, for instance, but in 17 Scotland, and I suppose you could say I would have been 18 one of the ones coming in that regard, but I do not, 19 we -- I've not -- not to the detriment of the indigenous 20 Scottish papers, no, I don't find that. I mean there is 21 sometimes a resource issue that, you know, if there's 22 a really big story, the better resourced London based 23 papers may be able to throw more resource at it, but 24 I don't think -- I don't think, for instance, it would 25 influence any police force's handling of our queries or Page 116</p>

1 **what we're looking for from them.**
 2 LORD JUSTICE LEVESON: And the second thing is just to test
 3 out one of the things that I was discussing before. You
 4 talk about the healthy relationship that you have with
 5 the Strathclyde Force, they don't take criticisms to
 6 heart and become defensive.
 7 **A. Mm-hm.**
 8 LORD JUSTICE LEVESON: Is there a risk that if the police
 9 become more politicised and we develop into a situation
 10 where there is a greater focus on the Chief Constable,
 11 as there has been here in London, there is a risk to
 12 that relationship? Because it may be that one of the
 13 reasons why police forces do become more defensive is
 14 that if the attack is not professionally ordered and
 15 based, but personal, then it becomes rather more
 16 difficult to cope with?
 17 **A. I'm not 100 per cent certain I completely understood the**
 18 **question, but I think it became personal in the Met**
 19 **because that was the nature of the story. The stories**
 20 **were specifically about the Chief Constable and other**
 21 **senior officers. I have been involved in stories in**
 22 **Scotland which have been specifically about chief**
 23 **constables and have been -- you know, negative stories**
 24 **about chief constables and over the handling of the --**
 25 **there's one in particular from -- it wasn't Strathclyde**
 Page 117

1 **Force, I have to say, in which ultimately the**
 2 **Chief Constable left his post, and I think that's -- you**
 3 **know, if there is a criticism of a chief constable**
 4 **I think that's fair and valid and that would mean that**
 5 **it would become a personal story, if you like.**
 6 **It's just the nature of what's happened. Because of**
 7 **what happened down here it was inevitable that the**
 8 **spotlight would be turned on the personalities involved**
 9 **and if that happened at Strathclyde, I'm certain it**
 10 **would turn on the personalities there, but it hasn't.**
 11 LORD JUSTICE LEVESON: I understand there may be a focus on
 12 one particular individual for one particular reason, I'm
 13 not asking any details, but one of the things that's
 14 been apparent in relation to the history of the
 15 Metropolitan Police in recent years is the number of the
 16 most senior officers who have come under the most
 17 intense media scrutiny, as if they are -- and Mr O'Neill
 18 was talking about this -- they've really become more
 19 akin to politicians than police officers. That's not
 20 happened in Strathclyde or indeed in Scotland?
 21 **A. I wouldn't say they become more akin to politicians than**
 22 **police officers, but I think there is a political**
 23 **element to the chief constable's role that you can't get**
 24 **away from. I wouldn't want to comment too much on how**
 25 **it works in the Met because I don't really know that**
 Page 118

1 **much about it, other than what I've kind of read in the**
 2 **papers, but I don't see the same set of circumstances in**
 3 **Scotland that I read about in the Met.**
 4 LORD JUSTICE LEVESON: That's fair enough. So that leads to
 5 the last question, which is do you see a value in there
 6 being a common approach across the piece, across the
 7 country, to the issues which I have been asked to
 8 address in connection with the relationship between the
 9 press and the police, or do you say, in my summary, not
 10 theirs: it ain't bust, don't fix it?
 11 **A. Yes, I think if what was proposed was something that**
 12 **would make freedom of information and the jobs of**
 13 **journalists and newspapers harder right across the board**
 14 **because of -- I hate to use the phrase one bad egg or**
 15 **one bad apple -- then I think that would be wrong, to be**
 16 **honest. If there was a specific problem that was**
 17 **related specifically to one force and one or two**
 18 **specific individuals, I don't think that there should be**
 19 **an across the board approach necessarily just because of**
 20 **that. I think that would be unfair.**
 21 LORD JUSTICE LEVESON: No, it's not because of that, it's to
 22 try and improve the systems to get the best for
 23 everybody.
 24 **A. Mm.**
 25 LORD JUSTICE LEVESON: It may be that there are things that
 Page 119

1 will have to be adjusted, I'm not reaching a conclusion,
 2 but having done that, I will want to ensure that what
 3 I come up with works for everybody well, and preferably
 4 improves systems that are already in place.
 5 **A. Mm-hm.**
 6 LORD JUSTICE LEVESON: But presumably you would have no
 7 problem about that, provided I don't bust what you've
 8 got?
 9 **A. Subject to knowing greater detail of what you're then --**
 10 **yes. Theoretically, yes.**
 11 LORD JUSTICE LEVESON: Everybody will say that.
 12 MS PATRY HOSKINS: Thank you very much indeed.
 13 LORD JUSTICE LEVESON: Mr Russell, thank you very much
 14 indeed.
 15 **A. Thank you.**
 16 LORD JUSTICE LEVESON: Right. We'll resume at just after
 17 2.10 pm, and I thank the Scottish contingent for coming
 18 from Scotland and I wish them a fair trip back. Thank
 19 you.
 20 (1.11 pm)
 21 (The luncheon adjournment)
 22
 23
 24
 25
 Page 120

A	77:12	47:13	approached 49:2	associated 49:2	badly 114:14	85:15
ability 16:3	acting 24:4	alluded 98:24	30:20	assume 86:9	balance 26:6,8	bite 16:6
27:14	action 2:25 30:8	106:23	appropriate 1:13	assurances 1:14	35:24 36:1	Blair 6:14 27:22
able 5:21 6:11	44:11 65:8	ambushed 79:3	11:21 31:2	assured 93:12	77:1 84:1,3	32:11 35:15
16:8 18:16	111:21	America 23:14	32:2,3 49:25	atmosphere	balanced 37:21	Blair's 34:23
26:10 27:13	actions 49:9	23:22	51:25 77:23	79:19,24	balancing 34:5	bland 108:5
61:11 67:25	actively 74:7	ammunition	91:8,10 102:12	attack 34:4	77:12	blazers 13:18
76:23 81:22	activities 86:2	35:13	appropriately	117:14	bare 24:25	blunt 37:19
107:21 115:9	activity 43:6,13	amount 37:2	37:21	attacks 33:25	based 6:12 56:14	blurt 16:22
116:23	actual 64:21	40:23 79:5	attend 51:23	52:24 53:4	93:25 114:12	board 3:18,19
absolutely 10:12	86:21 97:13	analogy 80:16	52:24 53:4	attendance	116:22 117:15	9:1 32:6 63:16
19:23 26:3	acute 80:15	analysis 30:24	attendant	51:25 55:2	basically 65:5	72:5 73:12
27:14 29:2	add 76:12 99:20	66:7 69:10	51:25 55:2	attended 39:20	87:25	75:14 82:14,15
35:14 37:4,7	115:16	Andy 30:11,15	areas 11:9	60:5	basis 1:10 10:15	83:9 119:13,19
55:7,24 56:10	address 1:15	30:18	106:11	attitude 4:10	11:3 41:17	Bob 28:11
79:16 82:2	25:11 26:16	angers 26:24	arena 68:1	93:14	60:2 62:7	body 38:2
91:20 97:24	76:13 119:8	angry 29:18	argument	attributable	66:16 82:22	bomb 10:9
99:14,16	adds 36:21	announced 7:2	100:14	90:17 91:11	86:8,25 96:16	bombers 10:8
100:20 102:22	adhering 38:8	annual 51:1	arm 12:16,21,22	attrition 35:19	96:21	bombing 18:14
113:25	adjournment	anonymous 15:8	13:4	auction 53:25	BBC 38:20 43:5	booth 20:14
abundantly	120:21	15:10	arrange 28:19	August 52:18	bear 81:23	borne 106:20
104:22	adjusted 120:1	answer 9:11	arranged 92:8	austerity 22:19	100:21 108:14	bosses 9:18
AC 7:9,9	adjustment	23:23 30:1	arrangement	80:5	becoming 84:23	bother 17:8
Acacia 68:11	26:14	57:21 60:25	113:21	authoritative 6:5	beginning 22:25	bottom 18:21
accept 18:22	admit 13:17 97:2	65:10 67:5	arrested 68:25	authoritatively	33:17 35:21	40:1 45:2
49:5 50:1,7	adopt 6:24 96:4	73:11 77:10	90:3	75:5	behalf 50:19	50:15 72:9
51:20 52:13	100:9	89:5,15 92:23	arrests 111:16	authority 4:4	88:8	bound 67:8 73:1
54:9,18 74:9	adopted 59:5	101:9 107:9	111:17	31:25 42:14	behaviour 27:5	74:25
95:22 96:20	advantage 13:2	108:11,12	arrived 80:21	108:4	behaviour 71:17	boundaries 27:2
acceptable 27:1	34:10 49:11	answers 50:11	articles 33:13	available 12:2	100:13	boundary 81:12
103:20	adverse 11:6	56:22	65:19	Avenue 68:11	believe 21:14	bounds 47:21
acceptance	advice 109:3	anybody 1:22	asked 30:15 33:4	avenues 98:13	24:16 26:17	79:24
49:12,23 52:7	Affairs 24:4	26:10	41:5,20 46:20	avoid 81:15	27:12 32:10	box 52:20
54:6	affiliation 37:25	anybody's 15:5	47:25 48:24	aware 40:15	43:5 44:3	boy 25:8
accepted 50:6,13	affirmed 2:3	anyway 56:18	49:17 55:13,15	59:13,16,16	49:22 52:6	branch 34:25
50:17,22 51:24	afraid 1:12 57:20	102:19	58:12 61:8	63:17 76:15	62:23 64:15	breach 11:5
53:20 95:25	87:4	apparent 118:14	63:3 64:9 65:7	92:21 97:18	65:24 66:17	49:21
111:9,12	Africa 10:8	appear 20:9	65:14 73:17	113:13	79:9 82:23	break 18:3,10
accepting 49:20	afternoon	53:19 102:1	77:20 89:4,9	awful 87:22	beneficial 106:19	64:2,6
105:23	103:19	113:7	92:13,19,22		benefit 45:17	breaks 18:14
access 22:3 23:9	agency 19:2 20:5	appeared 7:2	93:13 95:21	B	46:5 49:5	bribery 72:6,15
24:15 38:3	ago 15:9 25:2	65:23	96:21 97:10	back 16:15 20:14	77:14	73:4,4,5
48:17 77:1	87:5 94:24	appearing 90:9	98:6 119:7	23:10 33:17	best 33:22 73:13	briefing 5:8
107:18,19	95:15	appears 17:16	asking 48:4	36:11 37:14	86:1,20 89:24	briefings 9:13
accessed 70:19	agree 11:8,25	59:9 66:4	51:15 98:3,22	45:1,1 47:23	119:22	37:22 38:4
accommodation	19:24 20:7	apple 119:15	99:2 118:13	50:7 54:14	better 31:19 33:3	112:20
22:21	34:8,21 35:25	application 53:1	asks 26:7	59:11 65:23	34:15 38:6	briefly 72:6
accompanied	55:20 102:11	applied 52:10	40:21 47:17	67:5 68:13	46:13 48:19	76:14 97:10
30:24	agreement 27:7	84:20	71:23 75:2,2	71:20 74:15,21	68:19 72:3	bright 87:23
accompany	aid 36:13	apply 49:15 50:2	aspirational	80:19 84:3	76:5 78:14	bring 23:18
111:19	aims 55:5	63:14,16 89:19	63:18	92:24 95:1	87:11,11 100:1	81:22
account 14:4,18	ain't 103:12	appointed 85:3	assault 25:2,5	103:21 107:9	106:1,15 108:3	Britain 23:13
19:9 102:7	104:20 119:10	110:4	assert 1:19	113:9 115:6	108:5 114:11	British 7:22
accountable 36:5	airline 31:7	appointment	assessing 14:4	120:18	116:22	10:21 11:21
ACCs 82:17	akin 118:19,21	79:13	assessment 6:12	background	beyond 17:13	broad 88:1
accuracy 91:15	alarm 89:23	appreciate 22:11	14:18	8:20,21 82:3	111:10	broadcast 24:16
accurate 40:7	alcohol 45:8	69:12 82:4	assist 5:21 74:12	backtrack 66:12	bid 85:1	95:6
78:18	alert 14:21	93:24	77:3 78:14	backward 44:5,8	big 69:18 98:25	broadcasters
accurately 40:5	alleged 66:23	appreciated	assistance 10:22	46:10	99:2 116:12,22	38:13,20
89:21	alleviate 109:25	68:16	78:8	back-biting	biggest 41:17	broadcasting
achieved 47:2	allow 58:12 72:2	approach 15:8	assistant 7:5 8:1	27:23	Birmingham	43:20
acknowledges	72:3 81:10	32:2,2 35:11	8:22 32:21	back-stabbing	36:11	broadest 87:18
46:25	allowed 17:13	46:11 57:17	39:21,23,24,25	27:23	bit 4:21 6:18	broadly 15:3,15
acknowledging	99:7	59:20 80:11,12	40:3	bad 35:23 44:13	35:5 40:1	20:25 31:11
81:8	allowing 77:1	90:21 96:4	assisting 9:23	79:6 119:14,15	41:10 47:14	52:5 80:18
act 71:11,12	allows 26:14	119:6,19			52:2,9 63:18	broke 10:6 18:8

105:2	13:18,20 24:15	102:22,23	80:4 96:13,16	36:18 39:21,23	75:4 111:22,22	64:12 67:18
brought 30:6	24:19,25 29:24	channel 88:15,16	climate 28:18	39:24 40:1,3	concerned 1:24	80:21,25 81:2
83:11 99:1	33:7 38:17	channelled 88:25	close 19:3 34:4	80:3	25:24 40:18	86:10 87:8
100:21	65:11,17 83:7	channels 36:1	70:10 112:12	commissioners	74:21 83:21,22	88:24 92:13
brown 15:20	88:4 96:5	chap 96:8,13	closed 4:9,15	7:6 8:1,22	89:23 116:12	97:14 99:23
budgets 36:14	111:6	characteristic	closer 17:3	79:13,14	concerning	100:2 107:4
build 15:13 16:3	cases 8:16 9:25	34:22	closing 62:13	committed 114:9	57:13	109:14 110:3,8
17:22 21:22	13:24 62:11	charity 50:8	Club 52:21 98:11	common 51:14	concerns 93:16	110:9 117:10
34:18 109:17	65:25 66:3	53:20,25 54:4	Coast 85:12	52:9 55:10,10	conclude 115:11	117:20 118:2,3
110:12	69:20	54:12	96:11 98:25	112:16 119:6	conclusion 120:1	constables 56:2
building 61:15	catching 10:23	check 46:4	code 74:16 81:12	Commonwealth	conditions 75:22	117:23,24
61:24	cause 11:5 78:17	Cheesley 5:18	coffee 16:5 19:15	85:1	conduct 48:2	constable's
built 101:23	caused 89:24	chief 21:23 22:5	19:18 46:1	communicate	conducted 11:23	118:23
102:22	causes 27:11	22:6 23:1	95:11 111:11	106:25	61:12 64:20,23	constant 24:23
bunch 29:22	causing 19:17	29:13 39:2,14	cognac 53:17	communicating	97:17	24:24
burdensome	caution 51:20	40:4 41:9,20	54:16	87:17,18,19	conduit 114:16	constantly 18:19
77:14	cautious 14:8	42:6 43:23	colleagues 24:14	88:15 91:2	conference 4:4	46:16
Bureau 5:15	cautiously 27:5	46:7 50:1,14	24:16	communication	5:1 42:13 43:7	contact 4:22,25
burn 16:19	caveat 50:5	50:18,22 54:15	colloquially	14:10 36:2	92:6	5:3,5,14 6:8
business 55:4	caveats 56:12	56:2 64:12	62:25	84:21	conferences	7:3,5,25 8:3,3
94:19	CCU 64:25	67:18 80:21,25	Collyer-Bristow	communications	43:21 92:4	8:24 9:14
businesslike	70:12,12,16	80:25 81:2,24	1:6	55:1,7 57:3,7	confidence 11:5	15:11,13,22
46:18	71:24	86:10 87:8	come 6:18 8:5	57:15,25 60:6	confident 10:16	16:1,20 17:15
bust 103:12	celebrities 66:4	88:24 92:13	14:11 16:15	61:3,13 63:2	confidential 9:14	19:12 20:7
104:20 119:10	68:7 69:3,10	97:14 99:23	41:8 47:23	70:12 73:15	11:4,4 67:9	24:12 25:14
120:7	72:25	100:2 107:4	48:10 51:11	74:2 76:21	confidentiality	27:15 30:18
busy 1:11,13,22	celebrity 66:3,11	108:4 109:14	61:3 68:13	81:20,24 82:13	1:14,18	32:23 34:17
46:15	67:6	110:3,8,9	80:24 90:25	82:19 84:24	confirm 10:13	42:25 43:16,24
C	Celtic 98:11	117:10,20,22	97:21 101:20	85:2,4,15,18	104:9	45:3,12 46:8
cabinet 35:6	cent 3:1 68:9	117:24 118:2,3	102:3 106:10	86:14 87:21	confirmed 10:12	46:17 47:20
cake 46:12	76:9 117:17	118:23	112:8 116:12	88:20,21 100:6	91:10	62:22,23 63:14
calculated 44:25	central 55:7	children's 53:25	118:16 120:3	102:24 107:8	conflict 35:17	77:6,8,12
calibration 11:1	centre 97:18	chilling 58:8	comes 10:19 15:3	108:9 109:15	confused 112:23	88:25 89:7,14
calibre 93:25	centric 104:16	chocolates 53:18	19:23 23:10	communicator	congested 22:23	94:6 95:17
call 2:20 57:4,24	116:9	choice 30:20	54:14 74:14	81:20	conjunction 91:8	107:7 108:7
62:25 110:7	certain 4:15 18:2	choose 9:6 76:20	82:10	community	connection 119:8	110:2
called 5:16 57:10	27:14 28:3	chosen 20:9	comfortable	59:25 60:3	conscious 56:7	contacts 61:8
82:14 92:15	47:21 58:9	Christmas 53:14	20:13 26:5	62:24 77:11	93:20 101:19	63:4,7
110:6	61:9 62:1	chronicled 27:22	61:18	113:22 114:1	consequence	contained 60:25
calling 35:7	79:14 109:5,22	churn 95:19	coming 3:7 27:6	community-ba...	22:17 35:21	content 92:7
calls 30:2 110:21	117:17 118:9	circle 1:18 13:11	46:14 72:2,25	59:24 60:9,20	49:6	context 17:18
Cameron 51:3	certainly 3:12	13:12	73:16 74:1	companies 29:4	consequences	26:6,16 90:12
campaign	68:20 71:3	circulating 91:6	93:21 94:11	competitive 94:9	11:6	95:9 102:15
113:22 114:5	88:5 90:14,21	circumstances	97:22,22,25	complaining	conservative	contingent
campaigns 87:21	90:24 105:13	14:1 34:2 96:7	116:18 120:17	108:23	62:4	120:17
candid 100:8	107:24 115:22	119:2	command 31:16	complete 26:9	consider 6:23	continue 45:3,24
capable 77:16	cetera 45:23	citizen 31:22	39:20 88:1	completely 11:25	45:16,18 47:17	85:5,6 101:2
capacity 52:25	49:12 106:8	civic 97:6	commanders	15:7,10 28:13	49:25 54:20	contract 33:14
53:5	chain 61:3	civil 3:22	97:5	34:17,21 36:9	55:2 71:3 72:7	43:11 75:16
capture 19:3	Chair 42:14	clandestine 14:9	comment 31:19	36:19 76:9	77:20	contracts 32:24
20:5	challenge 104:23	clarification	118:24	80:24 117:17	considerable	contributes
car 25:8	challenges 33:25	110:20	commentary	complied 1:19	21:20 41:18	113:21
career 2:13	champagne	Clarke 30:20	30:24 31:10	98:14	considered 18:12	control 11:12
39:13,17 40:6	54:16	31:5	commentator	complimentary	consistency 81:8	26:13 30:2
78:4 84:18,19	Champions	class 30:6 42:5	31:3	52:20	81:10 102:20	86:22 87:3
105:3 106:11	113:22 114:2	clear 6:23 15:23	commented	comply 98:7 99:5	consistent 81:7	convenient 51:11
careful 6:1 34:16	change 3:16 11:3	18:20 21:9,20	35:20	comprises 41:12	81:13 102:13	51:12 64:1
56:11 75:25	36:4 88:12	26:22 27:3	commenting	compromised	103:8	conversations
98:19	94:10 100:7,19	38:6 40:9,15	11:9 31:1	67:12	constable 21:23	110:17 111:6
carries 13:22	101:2 103:4	42:5,18 52:2	comments 37:1	concept 91:1	22:5,6 23:1	convicted 25:2,4
56:16 108:3	108:25	56:10 65:19	56:12	concern 1:21	39:2,14 40:4	cooling 75:19
carry 26:1	changed 35:8	78:20 91:20	commercial 13:2	16:7 19:17	41:9,20 42:6	cop 63:23
case 4:12 5:2,7	43:25 46:24	101:10 103:11	113:20	58:19,25 61:2	43:23 46:7	cope 104:19
6:15 7:17	101:1	104:22	commissioner	66:3 67:10	50:1,14,18,22	117:16
12:14 13:15,15	changes 100:9	clearance 5:25	6:9,11 7:2	73:24 74:3	54:15 62:15	core 1:5,7,8
	changing 100:12	clearly 21:12	32:21 35:1			corporate 17:14

21:16 57:3,15 57:25 60:14 61:3,13 70:11 73:14 74:2 85:4,15,17 86:14 88:21 107:7 108:9 109:15 corporation 60:6 correct 2:16,17 15:15 30:16 50:24 86:3,13 89:3 90:19 110:9 corrected 90:7 correcting 90:8 correspondent 2:24,24 29:21 corruptible 28:9 corruption 65:1 70:8 cosy 82:8 Councillor 42:14 counsel 65:12 counter 65:1 70:8 country 3:14 8:12 57:6 81:8 102:13 119:7 couple 16:1 33:13 47:13 48:11 100:4 116:4 course 5:10 15:2 15:14 20:25 30:8 31:21 39:20 48:5 54:5 66:11 70:2 74:6 78:8 93:4,6 94:5,8 97:8 116:5 court 5:2 8:15 24:18 25:3 67:25 98:20 112:8 cover 4:17 40:12 72:12 112:11 115:20 coverage 86:20 113:23 115:25 covered 40:13 covering 115:1 covers 38:12 41:1 52:5 57:6 85:12 co-operate 109:9 co-ordinated 107:14 CRA 7:17,19 12:5 17:18 37:19,25 38:5 crackdown 112:2 create 37:13 56:7 creates 78:6 103:24	creating 90:5 credibly 47:15 crime 2:16,19,20 2:21,23,23,24 2:25,25 3:21 6:20 7:8 8:2,9 8:11,17,20,21 16:8 18:2 19:7 20:15 28:7,9 29:21 36:18 38:5,16 40:3 44:11 60:4 67:13 79:20 101:15,15 106:8,8 114:18 115:1 crimes 2:21 60:2 106:23 criminal 41:3 98:5,5 criminally-dri... 71:22 critical 24:3 28:15 105:20 106:2,2 criticise 43:15 criticism 48:13 51:17 56:8 105:25 118:3 criticisms 83:24 117:5 cross 20:4 crossed 19:23,25 20:2 cross-examina... 82:16 Crown 65:2,12 culture 41:22 46:21,23 47:19 61:14,23 101:14 cup 19:15,17 46:1 95:10 111:10 current 24:11 28:18 46:21 49:1 52:1 103:4,10 115:13 currently 39:14 86:16 98:20 curry 13:2 custody 23:22 68:8 69:5,11 72:25 cut 36:14 38:1 82:21	damages 68:18 damaging 69:21 danger 19:2 61:25 62:1 83:3 data 71:10,12,14 71:14 92:17 114:20 date 25:5 dated 2:8,10 39:9 84:14 104:8 David 51:3 54:15 54:17 day 7:2 16:15 78:6,6 days 36:11 87:1 94:13 116:15 day-to-day 79:18 deadline 1:10 94:16,25 deal 4:8 13:3 21:2 25:23 27:13 32:16 38:19 40:19 69:18 78:5 81:16 88:2 95:19,19 115:21 dealing 5:2 14:22 17:7 21:24 29:12 38:18 47:15 61:18 78:25 94:17 104:15 109:8 dealings 5:18 7:8 7:10 23:5 27:2 46:22 61:20 105:8 deals 5:24 dealt 70:15 debate 94:7 101:6 December 39:22 53:16 decent 19:20 decide 38:22 decides 30:3 decision 52:12 61:22 74:10 99:6 109:10 decisions 34:1 declarations 1:5 1:9 decline 52:13 dedicated 94:2 defensive 4:10 4:18 19:4 33:18 35:14 105:23 117:6 117:13 defensiveness 12:3 define 60:9,10 89:16 defined 45:14	91:23 defining 9:23 definition 78:7 89:18 91:18 definitive 78:9 degree 4:22 15:7 delay 98:3 delighted 62:9 deliver 63:13 106:9 delivers 70:13 demand 60:5 democratic 34:11 demonstrate 86:1 demonstrated 89:13 department 15:17 24:4 57:3,15 58:1,3 59:4 60:7 61:4 61:13 63:2 70:12 73:15 74:2,7,9,18 85:15,18 86:6 86:14 87:14 88:8,22 89:1,7 89:7 92:9 97:23 107:8 108:9 departments 102:24 depends 9:2 17:5 58:2 62:8 depth 63:1 deputy 6:9 33:8 33:11 39:23,24 82:16 describe 9:6 43:1 43:16 45:2 95:3 described 3:23 deserved 13:19 desire 62:1,5 desk 5:17 7:8 detail 25:17 52:11 73:3,16 109:23 120:9 detailed 18:13 73:6 details 43:3 118:13 detect 73:5 detriment 116:19 develop 16:17 102:25 117:9 developed 77:16 devices 98:10 devote 37:3 DI 17:10 dialogue 34:15 34:17 112:12 diet 2:18 differ 60:22	difference 19:15 54:5 55:22 62:19 63:19 96:22 differences 21:21 different 2:22 3:4 6:24 12:20 22:13,15 32:2 39:24 41:25 42:3,8 43:8 44:18 46:11 56:22 57:17 59:20 65:18 74:4 80:1,2,24 81:3,9 82:18 83:15,18 90:16 93:21 96:4 differs 59:23 difficult 4:8 11:7 24:17 33:6 34:1 51:6 67:2 70:1 75:16,21 76:6 77:1,11 87:4 99:5 114:18 117:16 difficulties 107:25 difficulty 77:3 103:24 digging 10:11 dinner 51:2 dinners 7:12 direct 45:4 53:1 94:5 108:7 direction 47:3 65:13 72:12 directions 1:23 directly 60:3 87:19 107:22 114:19 115:3 director 54:25 55:6 82:17 85:3,16,18 86:5 109:15 110:3,18 directorate 7:7 directors 87:6 director's 52:20 directs 49:4 dirty 47:7 disabuse 78:3 disagree 28:13 78:11 disappointing 69:22 75:10 disappointment 68:14 disciplinary 14:23 65:8 discipline 88:1 disclose 9:15 10:4,14 15:14 15:16 disclosed 10:1,2 10:10 21:16	disclosure 14:17 23:11,15 24:6 24:7 67:9 70:14,18,23 disclosures 9:24 71:21 discovered 65:16 65:20 discuss 95:7 100:24 discussed 36:20 115:4 discussing 72:24 117:3 discussion 76:15 83:23 108:19 disengagement 45:1 disgruntled 14:22 displays 4:3 disproved 65:4 disseminated 15:1 dissemination 15:3 distance 41:18 distrust 79:9 division 97:6 divisional 51:24 doctor 31:4 document 29:20 dogs 58:4 doing 1:15 22:9 28:10 44:9 47:6 56:5,9 73:11 77:3 82:19 83:13 domain 11:2 78:19 doorstep 66:10 doubt 72:20 103:22 doyen 28:7 DPA 5:15,17 17:15 draw 11:15 28:3 draws 7:3 drink 28:6,12 Driscoll 12:10 drop 56:6 drugs 112:2 dry 15:24 due 5:10 15:14 20:24 48:5 duty 14:10 dwindle 15:24 dynamic 94:10 102:23	echo 116:5 edition 6:22 editor 2:16,19,20 2:23 3:21 8:9 30:22 33:5,8,8 33:11 46:1 48:4 54:24 55:6,9 80:20 82:8 95:14,24 96:1 103:15 105:4 110:5 editorial 86:12 editors 29:12 43:4,18 45:23 45:25,25 46:8 51:1,5 54:23 94:13 95:6,17 109:4 editors/heads 60:1 editor-in-chief 105:5 educate 73:3 effect 17:1 58:8 82:7 effective 106:24 effectively 66:8 effort 55:7 egg 119:14 eight 65:3 102:15 either 7:13 8:1 20:5,20 27:1 50:6 53:4 71:1 95:24 elaborate 40:14 elected 55:23 Election 51:3 element 35:7 44:19 50:9 106:16 118:23 Elizabeth 29:15 Elveden 40:24 embargo 27:9 embargos 38:9 embarking 88:18 embarrassment 78:18 emergency 18:17 employee 14:22 employment 75:17 encourage 20:19 47:10 59:6 61:14,23 90:22 90:24 encouraging 77:1 engaged 5:4 42:24 44:18 engagement 42:11 62:2 78:14 engaging 59:24 95:7 England 104:16
---	---	--	--	--	---	---

enhanced 38:3	exaggerating 17:4	expressed 11:16	febrile 79:19,24	fit 19:22 38:23	61:23	51:3 62:3
enquiries 97:17	examining 14:23	55:21,22	February 84:15	five 16:19 17:21	fostered 61:14	63:17 65:16,22
114:21	example 3:20	extensive 72:14	104:8	43:10 44:17	found 4:15 6:2	72:11 77:20
ensure 1:25 49:8	23:18,18 28:1	extent 11:21	Fedorcio 17:15	64:22,24 66:15	23:16 25:6	95:22 96:7,19
77:22 91:15	45:6,10 53:17	14:18 20:3	17:21	71:8 94:23	37:15 54:1	98:22 106:8,13
113:6 120:2	54:24 65:19	43:16,24 50:12	feed 47:19	97:13,16	99:5	106:25 110:20
ensuring 82:7	67:16 68:18	62:22 64:10	feel 15:22 20:13	fix 48:20 103:12	four 36:12 43:24	111:7 112:13
entering 78:18	93:9 98:9,19	98:7 109:22	24:22 37:23	104:20 105:2	46:24 50:21,21	113:10,13
entertainment	99:2	extraordinary	40:12 48:15	119:10	70:2 71:7	114:25
20:3	examples 50:10	19:6	55:15,17,24	flames 101:21	frank 24:9	generally 7:25
entire 19:18	67:15 70:2	ex-politician	56:4 58:15	flavour 35:5	frankly 18:16	61:14 93:7
entirely 5:24 6:2	89:21 90:2	68:25	76:7 78:13	flights 23:14	21:24 29:12	95:12,15
17:5 32:1	exceptionally	eyes 36:4	89:17 109:17	flirting 29:23	31:22 33:1	105:12,18
entitled 29:17	99:5	<hr/>	feels 27:13 109:7	flow 20:24 21:1	54:8	106:16 107:10
31:20	exchange 87:5	F	felt 30:15,25	21:15 24:6	Fred 68:11	107:12 108:21
entries 53:15	exchanges 26:3	face 34:1,7,20	78:14 79:3	flurry 43:6	free 21:15 34:10	112:6 113:3,6
envelopes 15:20	excluding 34:17	44:20 95:16,16	88:10 91:8,9	flux 3:15	freedom 119:12	114:9 115:8
environment	exclusive 13:13	facilitate 58:6	105:20	focus 26:1 104:7	freelancers	116:1
27:15 42:8	Executive 84:23	facilitating 22:3	female 29:20	117:10 118:11	38:15	genuine 51:21
equivalence	executives 29:13	24:6,15	fever 53:3	focused 5:16	freely 16:9	52:3
10:25	exhibit 6:22 7:1	fact 14:3 43:3,8	fewer 36:14	79:22	freeze 83:8	genuinely 20:13
especially 13:13	exhibited 23:12	54:3 55:16	field 85:8	focuses 82:5	free-for-all	32:10 58:15
19:5 34:23	exhibits 21:10,11	71:12 86:24	fierce 58:4	followed 8:7,8	26:10,12,17,21	German 29:16
essentially 42:16	expect 63:4,7	93:4,24 102:21	figure 35:4 97:6	follow-up 43:6	frequent 7:8,10	getting 63:1
50:16 57:24	71:17	104:6	112:17	66:2	7:12	74:12 109:25
61:22 65:10	expectations	facts 78:16,17	file 92:12	footage 24:18	frequently 28:2	Ghaffur's 4:4
73:21 98:9	15:20	110:21	Filkin 29:15	football 52:21	114:20	gift 54:6
establish 4:22	expected 43:10	fail 35:4	final 73:14	53:3,4 85:10	friction 3:22 4:3	gifted 53:20,25
70:19	85:22	fair 3:7 4:14 7:14	103:16	98:11,24	frictions 3:19 9:1	gifts 7:11 48:23
established	expecting 100:6	7:22 21:9	finally 30:9	110:24	friendly 21:25	49:3,5,12,13
46:17	expects 38:7	31:18 40:23	84:23 114:7	force 19:6 40:9	37:13	49:15,20,24
estimated 96:2	expensive 20:10	76:3 98:17	finance 82:17	41:17 42:22	front 44:13,14	50:5,6 51:13
estimation 66:6	82:4	118:4 119:4	financial 49:13	44:24 46:23	53:7,10	52:7,8,13
et 45:23 49:12	experience 4:13	120:18	65:11	51:22 52:4	fronting 44:11	give 1:23 23:6
106:8	17:5 21:18,20	fairly 3:8 5:25	find 1:12,20 4:5	61:17 64:16	fruitful 23:6	24:9,10 26:2
ethics 74:16	27:20 32:5	7:10 10:11,16	22:2,6 26:6,8	76:17 81:1	frustrated 56:17	30:1 31:10
evening 38:14	37:25 55:11	15:21 24:24	27:17,18 29:19	85:25 86:22	frustrating	49:9 50:10
60:19 87:1	56:14 74:20	27:3 31:6	29:24 31:2	87:2 95:7	109:7	54:10 56:21
95:2 113:22,25	75:7 78:4,8,25	33:11 45:6	35:24,25 53:21	96:20 102:17	frustration	65:16 67:14,15
114:1	80:19 87:12	62:4 78:1 79:4	54:10 66:24	106:5,9,11	55:21,22,25	67:16 83:7
event 12:21	88:5 89:2	82:24,24	70:1 86:23,23	107:2 108:5	56:8 110:1	89:22 98:9
19:19 79:15	99:24 100:17	115:25	93:4,8,18,23	113:21 114:9	frustrations 94:4	101:9 104:6
events 97:5	105:22 113:17	fall 79:13	104:14 114:18	115:14 117:5	full 2:5 25:10	109:10,20
Eventually 23:16	113:18 114:12	falls 91:17	116:20	118:1 119:17	39:6,8 84:12	given 8:19 12:13
everybody 9:24	115:13 116:11	family 102:19	Fine 57:22 98:21	forces 21:19	104:3 108:12	19:5 50:22
18:18 26:3	experienced	famous 4:4	fingerprints	76:19 102:15	full-time 16:3	53:17 54:3,4
59:7 78:22	28:24	far 12:2 36:16	71:19	114:12 115:21	24:12	94:13 108:6,15
100:5 102:14	expert 31:2,10	37:10 45:11	fire 33:10	117:13	functions 51:24	108:17,21,23
119:23 120:3	expertise 11:10	50:24 59:13	firm 6:10	force's 57:3 70:8	furious 29:21	109:4,12
120:11	explain 11:18	92:20	first 2:2 4:23,24	116:25	further 37:1	111:17,20
everybody's 35:6	25:17 45:4,22	fascinating	4:25 5:3 6:22	forefront 88:19	65:13 77:21	115:17
evidence 2:11	50:12 54:24	15:18	15:6 18:25	forensic 11:18	furtherance 55:4	gives 9:11
5:19 11:18	61:21 63:19	favour 8:12 13:3	30:7,20 33:17	36:8	future 5:9 54:20	giving 54:16
12:9 17:16	64:13 70:13	30:17 49:11	36:4 37:1,17	forgive 60:8	98:5 103:5	109:21
26:22 29:5	85:16,21 86:4	favourite 6:10,16	38:2 39:17	forgot 99:19	<hr/>	glance 36:4
33:18 35:21	88:24 107:5	favouritism 13:1	41:21,23,24	form 37:19 75:17	G	Glasgow 84:25
39:10 43:2	109:24 111:3	13:19 26:25	42:5,12 48:23	formal 2:11 27:9	gain 63:4,7 67:2	114:1,3
47:9 67:2	113:20	favours 28:16	49:25 52:14	39:10 43:7	gained 49:11	glass 52:16
72:14 79:12	explained 108:20	fear 16:3 27:16	57:4,24 60:8	61:5,6,6 84:15	56:4 77:15	go 10:14 13:10
84:15 87:8	116:8	89:23 114:20	65:15 73:14	104:9	game 16:19	15:16 17:13
94:12 95:13	explanation 1:12	114:25	81:2 84:24	forms 8:13	Games 85:1	18:4,10 19:1,3
101:13 104:6,9	20:12	feature 15:19	90:10 104:3	forthrightly 4:7	gatekeepers 24:4	22:8 42:12
112:20 115:17	explosive 98:10	19:16 41:6	105:1,9 115:11	fortunate 102:14	gathered 79:1	45:2 48:12
exactly 72:23	express 20:16	93:10	firstly 39:6 77:24	forward 4:21	general 8:3	49:7 53:5,10
83:6 87:14	55:24	features 34:5	85:22	73:9,10,13	40:24 47:24	53:11 58:9,11
93:12		67:24	Fiscal 65:3	foster 49:9 61:22	49:24 50:4	59:10 63:10

64:19 67:5	guess 43:6 59:1	30:18 31:5	HMIC 25:12	human 74:25	incidents 67:10	36:16 38:3
69:5 74:21,23	59:17 68:22	32:10,20	Hogan-Howe 9:4	hypothesis 25:18	70:10 85:23	51:21 52:3
76:20 80:19	80:1 100:13	head 17:15 30:7	22:4,13		include 47:12	57:19 60:2
83:4 93:4	102:20 103:2	81:20,25 82:1	Hogan-Howe's	I	57:18 89:12	64:14,17 65:9
103:5,6,7,18	guest 51:1,3 53:5	82:12 83:9	80:7	Ian 6:14 27:22	94:20	65:11,20 66:4
105:22 112:11	guidance 109:12	85:1,2 110:17	hold 19:8 39:21	32:11 34:23	includes 86:6	67:9,21 70:2
113:20	guide 12:6	headlines 37:10	85:6 95:5	idea 76:16 78:3	including 38:17	70:16 72:24
goes 5:4 27:23	guidelines 62:12	83:24	holding 83:14	ideal 115:1,2	inclusion 12:15	84:21 89:12,16
37:14 74:15	102:18 112:6	heads 95:6	homicide 67:20	identified 49:19	incorrect 89:24	89:17,20,20
98:15 114:2	guides 58:3,5	head-butted	honest 15:21	identify 50:16	113:7	90:8 91:21,23
going 3:8 15:5	Guildford 36:12	25:8	30:19 53:21	53:19 70:9,18	increase 71:24	92:1 93:5 94:3
16:4 18:12	guilty 25:7	health 31:3	59:1 111:25	108:25	increased 35:22	94:15,17 98:4
25:25 26:2,12	gun 8:20,21	healthy 18:22	119:16	identifying 10:19	increasing	106:20 107:7
27:7 30:4 31:7	20:14	101:19,21,22	honour 51:4	67:23	111:20	107:18,19
36:9 39:13	guns 23:13	105:14,18	honourable	ignorance 60:8	increasingly	108:8,10,15,17
45:17 48:12,12	guy 23:12,21	117:4	28:24	illustrative 53:17	16:12	108:20,23
48:16,23 62:16	33:9	hear 46:2 80:9	hope 3:12 18:4,6	image 4:19	incriminating	109:5,10
62:17 68:23	guys 22:9 31:9	91:7 100:1	18:15 20:23	imagine 97:4	112:8	111:16,17
70:7 73:2,25	H	heard 20:12 22:8	21:1 22:20	immediate 90:5	indecent 90:4	113:7,12
75:3 76:10,11	Hacking 31:12	58:19 81:24	40:10 48:8,14	101:3	indicate 46:10	114:16 119:12
78:9 82:20	half 41:14,16	87:5 88:23	104:14,16	impact 45:5	indicated 46:10	infuriate 102:2
83:13 84:18	78:24 88:6	105:4 107:4	hopefully 81:15	100:25	indigenous	inhibited 16:5
89:23 94:7	95:15	112:20	109:17	impair 51:21	116:19	78:13
96:9 100:2	hampered 67:12	heart 105:22	hopes 3:10	52:3	individual 13:3,4	inhibition 17:11
101:2,3,9,20	handguns 23:14	117:6	hoping 101:8	impede 24:7	17:5 40:22	initial 42:24 43:6
102:19 103:5,6	handle 5:3	heat 79:18	HOSKINS 39:1	impeding 41:2	45:15 54:23	43:11,17 44:15
103:6 104:7	Handled 114:14	heavily 7:3	39:5,6 41:8	imply 29:22	56:20 58:6	44:25
109:19	handling 70:16	heightened	51:12 52:7	importance	59:3 61:15,23	initially 42:19
good 3:14 5:7,8	82:18 83:12	36:13	62:22 64:1,8	115:7	62:9 72:22	43:25 45:22
22:1 23:3,10	116:25 117:24	held 39:15,18	70:4 76:10	important 6:6	81:6 92:8 94:6	initiative 30:18
31:9 33:9	hands 30:5	42:13 43:14,21	84:7,11,12	14:17 16:7	96:4 118:12	inject 75:7
34:16 35:22	hands-on 8:23	70:17 87:11	85:14 91:20	40:21 47:17	individually 48:9	injection 43:11
39:1 44:14	Hang 12:22	99:6 102:7	93:13 95:4	56:1 79:5 82:1	individuals	44:25
47:6,22,22	happen 28:4	105:6	99:17 103:16	90:19 97:6	53:18 72:20	inquiry 1:18
54:7 56:6	66:12,12 68:23	hello 46:2	104:2,3 105:1	101:5 102:6,8	119:18	2:11 5:19 39:7
61:17 63:22	72:19 112:15	help 18:16 26:8	116:3 120:12	106:18,21	individuals/or...	39:9,11 40:18
74:22,23 75:8	happened 22:18	34:18 58:16,17	hospitality 7:11	107:13	49:10	40:20,21 41:3
76:16 82:23	36:7 68:1	62:25 72:4	18:23 20:4	importantly	inevitability	70:3 79:23
86:1 105:23	75:10 93:9	78:21 102:14	37:15 48:23	48:10 105:7	68:22 69:8	84:16 94:8
106:9 111:25	102:12 118:6,7	109:6	49:3,5,12,14	importing 23:13	inevitable 22:17	100:25 104:5
112:14 115:5	118:9,20	helpful 9:5,19	49:15,20,23	impression 7:14	73:1 118:7	104:10
115:14,18	happening 3:18	22:3 32:21	50:1,13,17,19	30:16 46:21	inevitably 48:17	Inquiry's 77:25
Government	26:15 68:16	58:3,4 77:18	50:23 51:19	90:5	84:5	insignificant
84:21	70:5 73:1	helping 106:22	54:22 95:21,22	impressions 5:21	inferences 28:3	1:16
government's	100:23,24	helps 44:22	96:3,18,20	41:21,24	influence 113:23	inspector 81:24
45:7	happens 69:16	47:19 109:23	97:9 111:10,12	impressive 22:7	116:25	108:4
gradual 44:25	69:21 97:3	115:6	111:13	improper 28:11	influential 63:23	inspectors 59:25
grateful 26:7	100:14 106:4	Herald 48:4	hospitals 53:25	28:12	inform 75:6 77:2	59:25 62:25
76:23	happily 38:1	60:17 105:5,5	hot 6:16	improve 63:12	informal 9:13	instance 4:23,24
great 13:3 34:10	116:6,7	110:5 115:19	hour 78:24	71:3 119:22	110:7	89:25 116:16
greater 25:20,21	happy 47:2,25	heroes 114:3	hours 86:19 95:3	improvement	information 1:6	116:24
31:23 34:6,6	48:1 57:22	hidden 47:8 83:5	98:12 99:7	63:8	1:17 3:25 4:1,2	instances 51:14
36:1 61:2	72:4 73:12,13	high 5:25 67:3	111:7	improvements	4:5,16 5:11	instinct 4:9
117:10 120:9	99:11,21	93:25	House 39:2,4,8	70:25 71:2	6:13 8:14,25	33:19
greeting 26:4	102:19 103:13	highlighting	40:8 88:24	72:1 73:8	9:15,19 10:1,2	institutional 4:9
grew 8:7	104:18	8:18	92:13 97:14	improves 120:4	10:5,10,13,14	33:19
grossly 17:4	hard 4:5 9:25	high-profile	102:10 106:23	inaccuracies	10:18 11:2	intake 71:8
ground 40:12	harder 119:13	98:10	107:4 110:9	90:9,9	12:1 13:8,25	integrated 72:2
91:4	harm 9:5	hire 33:10	116:8	inaccurate 30:12	14:5,14,16,20	integrity 21:2
group 37:20	harmful 78:16	hiring 30:11	huge 8:10 14:13	30:13 90:19	14:25 15:5,14	64:18 68:18
105:6	harsh 59:5	historically	19:7 31:7 36:3	inaccurately	15:16 18:16	71:9
groups 29:4	hat 56:7	36:24	71:7 88:18	11:19	21:4,15,16	intended 40:11
grow 81:11,14	hate 119:14	history 39:13,17	100:19,20	inadvertently	23:15 24:6,8	intense 118:17
growth 71:6	Hayman 7:9,17	40:6 55:10	hugely 22:6	16:22	25:19 26:1	intent 56:12
guard 58:4	7:21 30:12,15	84:18 105:3	28:15 36:23	incident 41:2	29:17 30:2	intention 41:2
guarded 6:3		118:14		60:4		intentions 89:24

interact 48:3 61:5 115:15	100:3	journalism	Kenyans 10:16	13:15	51:19 53:7,12	89:11 91:21,24
interest 3:9,17 5:11 8:6,10 10:6 12:10,13 12:14 13:9 14:3,4,16 20:24 21:12 31:25 45:17 104:23	invited 51:1,4 97:5 110:5 111:19,23 inviting 40:19 involve 54:22 involved 40:16 44:23 56:24 59:7 62:11 79:6 117:21 118:8	journalist 7:21 9:16 10:1,3 20:6 21:6,7 57:9 100:18 journalists 13:1 16:8 17:20 25:14 46:9 61:18 74:8,9 74:11,17,19 101:4 111:22 119:13	kept 9:13 11:3,4 77:7 key 60:1 63:25 kind 2:25 4:16 5:9,24 7:21 9:2 9:5 15:6 17:12 27:6 28:7,20 112:15 115:4 119:1	laws 11:20 lawyers 20:18 lay 42:17,22 43:9 LBC 32:24 lead 56:8 leader 35:13 56:2 leading 115:10 leads 84:8 119:4 leak 65:24 66:13 68:17 97:17 leaked 64:14 65:20 66:5 67:21,24 102:3 leaking 11:19 64:17 65:9 leaks 1:16 8:25 64:8,10,21,24 65:15 66:23 67:1,6,12 70:1 70:5,10 97:10 97:13,21,25	69:12,15,23,25 75:21,25 77:18 80:7,13 81:17 83:16,19 84:6 84:9 85:8,10 90:11,16,23,25 91:12,14,17 93:10 94:19 99:22 101:8 102:9 103:9,14 103:22 104:13 104:19,25 116:4,11 117:2 117:8 118:11 119:4,21,25 120:6,11,13,16	92:1 96:3 logging 58:1,20 89:11 92:14 logs 58:14 London 6:19 21:19 38:19,20 38:20,20,21 84:5 116:9,22 117:11 long 1:21 8:6 16:13 18:1 28:22 62:11 100:17 long-term 80:12 look 12:5,16 16:16 50:10 53:13,14 54:20 63:23 73:13 74:4 77:5 83:8 83:15 103:4 105:25 109:18 109:24
interested 5:6 7:6 8:9,18,20 9:3 16:16 79:12 100:1,13	involvement 10:9	judge 46:14	knew 12:13 18:1 18:1 31:5 32:12 96:12	leak 65:24 66:13 68:17 97:17 leaked 64:14 65:20 66:5 67:21,24 102:3 leaking 11:19 64:17 65:9 leaks 1:16 8:25 64:8,10,21,24 65:15 66:23 67:1,6,12 70:1 70:5,10 97:10 97:13,21,25	117:8 118:11 119:4,21,25 120:6,11,13,16	looked 102:2 looking 3:6 28:20 35:24 52:14 56:21 57:12 66:23 68:19 72:11,23 74:10,11 87:25 106:22 109:19 117:1
interesting 56:24 68:7,10 80:3 93:10 100:10 115:8	in-depth 37:22 in-house 36:10 iPad 94:14 Ireland 2:14 Islamist 8:8 issue 10:24 24:20 31:13 37:17	judgment 19:22 50:9 54:8 56:15	know 3:17 6:5 8:15 9:18,25 12:12 13:7,7 13:24 14:6 18:13 20:10 23:4 26:2,9 27:13,19 28:18 29:6 31:5 36:8 41:10 42:21 46:13,13,14 57:20 61:16 68:11 69:7 71:18 83:2 88:9 91:6 93:11 96:13,16 96:22 98:24 100:22 101:11 106:12,16,22 107:20 108:2 108:18 109:6,8 109:11,18,24 110:12 112:3,7 112:8,9,17,18 115:20 116:21 117:23 118:3 118:25	leak 65:24 66:13 68:17 97:17 leaked 64:14 65:20 66:5 67:21,24 102:3 leaking 11:19 64:17 65:9 leaks 1:16 8:25 64:8,10,21,24 65:15 66:23 67:1,6,12 70:1 70:5,10 97:10 97:13,21,25	120:6,11,13,16	looks 35:19 87:17 108:3
interestingly 18:20	issues 3:6 4:15 11:7 31:10,11 40:17 45:5,7 54:11 56:4 62:20,20 75:6 77:11 79:20 81:15 82:18 83:15,22 85:23 86:10 106:7 119:7	jurisdiction 81:9 jury 24:19 justice 1:3,4 3:10 3:13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:18 36:13,20 37:1,5,8,12 38:10,14,22 40:8 51:9,13 51:19 53:7,12 53:24 62:19 64:3 68:3 69:12,15,23,25 75:21,25 77:18 80:7,13 81:17 83:16,19 84:6 84:9 85:8,10 90:11,16,23,25 91:12,14,17 93:10 94:19 99:22 101:8 102:9 103:9,14 103:22 104:13 104:19,25 116:4,11 117:2 117:8 118:11 119:4,21,25 120:6,11,13,16	known 42:1 69:4 109:13 knows 27:22 30:19	left 35:16 44:6 62:17 118:2 legal 36:13 62:12 legitimate 32:1 51:16 72:8 111:20	lie 52:12 lies 14:4 59:25 life 83:25 light 1:4 77:25 102:5 liked 30:23 likes 6:2 29:11 limit 20:7 37:2 49:13 limitation 73:21 limitations 75:11 limited 16:1 19:12 32:23 82:6 limits 75:23 line 11:16 17:1 17:14 19:23,25 20:2,4 48:16 53:8,10 76:25 lines 17:13 18:12 99:8 linked 98:11 listened 12:10 98:16 listening 16:11 little 6:18 13:19 14:8 17:16 20:13 41:10 52:2 75:23 live 2:25 23:13 23:21 lives 41:16 local 56:24 57:16 59:19,23,24 60:1,2,9,12,15 61:1,7 62:14 62:16,24 68:24 77:10,13 96:22 97:4 99:15 locally 91:7 lock 19:7 log 57:17,18 89:14 92:5,7,9 92:11 logged 57:10,14 58:10 71:19	
interview 33:12 47:12 92:8,10	items 52:15,17 54:4	justice 1:3,4 3:10 3:13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:18 36:13,20 37:1,5,8,12 38:10,14,22 40:8 51:9,13 51:19 53:7,12 53:24 62:19 64:3 68:3 69:12,15,23,25 75:21,25 77:18 80:7,13 81:17 83:16,19 84:6 84:9 85:8,10 90:11,16,23,25 91:12,14,17 93:10 94:19 99:22 101:8 102:9 103:9,14 103:22 104:13 104:19,25 116:4,11 117:2 117:8 118:11 119:4,21,25 120:6,11,13,16	knowing 120:9 knowledge 13:12 18:5,6 31:23 55:10 74:24 76:5 97:2 113:18	Leicestershire 11:17 12:3 length 96:10 lengthy 33:11 lesson 38:4 lessons 59:5 Letter 52:24 let's 50:10 94:15 95:1 level 20:8 29:9 43:12 46:18 50:4 59:23 60:2 61:1 79:9 83:3,4 86:12 97:2 102:20,21	lie 52:12 lies 14:4 59:25 life 83:25 light 1:4 77:25 102:5 liked 30:23 likes 6:2 29:11 limit 20:7 37:2 49:13 limitation 73:21 limitations 75:11 limited 16:1 19:12 32:23 82:6 limits 75:23 line 11:16 17:1 17:14 19:23,25 20:2,4 48:16 53:8,10 76:25 lines 17:13 18:12 99:8 linked 98:11 listened 12:10 98:16 listening 16:11 little 6:18 13:19 14:8 17:16 20:13 41:10 52:2 75:23 live 2:25 23:13 23:21 lives 41:16 local 56:24 57:16 59:19,23,24 60:1,2,9,12,15 61:1,7 62:14 62:16,24 68:24 77:10,13 96:22 97:4 99:15 locally 91:7 lock 19:7 log 57:17,18 89:14 92:5,7,9 92:11 logged 57:10,14 58:10 71:19	loose 37:25 Lord 1:3,4 3:10 3:13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:15,18 36:20 37:1,5,8,12 38:10,14,22 40:8 51:9,13 51:19 53:7,12 53:24 62:19 64:3 68:3 69:12,15,23,25 75:21,25 77:18 80:7,13 81:17 83:16,19 84:6 84:9 85:8,10 90:11,16,23,25 91:12,14,17 93:10 94:19 99:22 101:8 102:9 103:9,14 103:22 104:13 104:19,25 116:4,11 117:2 117:8 118:11
interviewed 22:4 22:5	ITV 32:24 38:20	known 42:1 69:4 109:13 knows 27:22 30:19	LEVESON 1:3,4 3:10,13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:18 36:20 37:1,5,8,12 38:10,14,22 40:8 51:9,13	Leicestershire 11:17 12:3 length 96:10 lengthy 33:11 lesson 38:4 lessons 59:5 Letter 52:24 let's 50:10 94:15 95:1 level 20:8 29:9 43:12 46:18 50:4 59:23 60:2 61:1 79:9 83:3,4 86:12 97:2 102:20,21	loose 37:25 Lord 1:3,4 3:10 3:13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:15,18 36:20 37:1,5,8,12 38:10,14,22 40:8 51:9,13 51:19 53:7,12 53:24 62:19 64:3 68:3 69:12,15,23,25 75:21,25 77:18 80:7,13 81:17 83:16,19 84:6 84:9 85:8,10 90:11,16,23,25 91:12,14,17 93:10 94:19 99:22 101:8 102:9 103:9,14 103:22 104:13 104:19,25 116:4,11 117:2 117:8 118:11	
introduce 102:18 introduced 33:8 introducing 7:21 introduction 44:16	J	lack 24:20 56:12 68:14 laid 44:16 Lancashire 6:19 language 29:16 large 62:2 66:15 86:14 106:5 107:2	level 20:8 29:9 43:12 46:18 50:4 59:23 60:2 61:1 79:9 83:3,4 86:12 97:2 102:20,21	leak 65:24 66:13 68:17 97:17 leaked 64:14 65:20 66:5 67:21,24 102:3 leaking 11:19 64:17 65:9 leaks 1:16 8:25 64:8,10,21,24 65:15 66:23 67:1,6,12 70:1 70:5,10 97:10 97:13,21,25	live 2:25 23:13 23:21 lives 41:16 local 56:24 57:16 59:19,23,24 60:1,2,9,12,15 61:1,7 62:14 62:16,24 68:24 77:10,13 96:22 97:4 99:15 locally 91:7 lock 19:7 log 57:17,18 89:14 92:5,7,9 92:11 logged 57:10,14 58:10 71:19	
introductions 71:20 investigate 14:14 66:14,24 73:5 98:13 investigated 69:24 70:6 71:14 investigating 91:9 107:19,21 114:19 115:3 investigation 9:20 11:23 14:15 40:16 41:3 67:13,22 71:1 98:5,9 115:10 investigations 40:22 64:20,23 66:15 67:20 97:12,15 investigative 70:21 71:18 99:8 invitation 78:23	James 33:10 January 2:8 7:3 39:10 Jay 2:2,4,5 3:17 13:24 20:22 24:2 26:7 27:25 32:20 33:15 Jay's 26:16 jeopardise 27:4 job 13:7 19:7 29:11 37:5 47:20 48:18,21 77:3 87:24 jobs 105:7 119:12 John 6:15 28:6 28:13 84:10,13 join 84:20 joined 2:15 39:17,22 85:2 joint 13:16 42:13 Jonathan 104:1 104:4	largely 8:12 larger 60:17 launch 88:18 launched 94:14 lavished 20:4 law 76:4,5 Lawrence 12:14	LEVESON 1:3,4 3:10,13 10:24 11:12,15 12:8 12:19,25 13:21 19:10,14,21 20:1,12,17,19 22:11,24 25:23 26:19 31:14,18 31:24 32:9,16 33:16,24 35:10 35:18 36:20 37:1,5,8,12 38:10,14,22 40:8 51:9,13	leak 65:24 66:13 68:17 97:17 leaked 64:14 65:20 66:5 67:21,24 102:3 leaking 11:19 64:17 65:9 leaks 1:16 8:25 64:8,10,21,24 65:15 66:23 67:1,6,12 70:1 70:5,10 97:10 97:13,21,25	live 2:25 23:13 23:21 lives 41:16 local 56:24 57:16 59:19,23,24 60:1,2,9,12,15 61:1,7 62:14 62:16,24 68:24 77:10,13 96:22 97:4 99:15 locally 91:7 lock 19:7 log 57:17,18 89:14 92:5,7,9 92:11 logged 57:10,14 58:10 71:19	

119:4,21,25 120:6,11,13,16 lot 4:1 6:4 10:10 21:23 27:21,23 30:12 52:15 62:5 69:7 78:25 79:1,16 79:20 87:22 93:25 99:1 101:12 102:10 116:15 lots 10:10 low 15:21 43:12 43:13 46:18 61:1 lower 17:10 low-level 77:13 loyal 102:5 lunch 7:19 15:2 19:20 20:23 51:2,8,8 95:14 95:25 96:2,9 110:22 luncheon 120:21 lunches 7:12,17 17:17,21,22 lyrical 100:3	markedly 41:25 42:3 marketing 87:21 match 110:24 matches 53:4 material 17:7 matrix 23:9 matter 1:20 19:21 26:11 53:24 54:5 57:13 81:21 86:24 87:13 93:4,6 97:8 matters 55:11 113:24 McNee 54:15,17 meal 95:10 mean 8:3 9:2,9 9:18 10:6 16:12 17:9,23 18:8 21:13,25 22:4 23:10 26:20 27:20 28:4,6,14 29:24 30:3 37:14 42:2 44:8 45:11 59:2 66:25 68:21 72:16 93:6,7 95:9 96:25 114:25 116:15,20 118:4 means 9:17 21:13 67:1 112:21,22,24 114:14 meant 76:6 113:4 measure 26:14 80:5 99:3 mechanism 37:21 media 4:11 17:8 23:3,4 24:17 29:4 32:24 37:5 41:22,25 42:7,20,25,25 43:17,25 44:1 44:7,10,23 45:3,12 46:4 47:12,20 48:1 48:3,8 50:13 50:17,19,23 55:1 56:20,23 56:24 57:4,5,6 57:12,16,25 58:3,15,16,23 59:3,4,14,15 59:20,23,25 60:1,4,5,9 61:6 61:6,7,9,11,16 61:17,24 62:4 62:6,10,14 63:5,8,11,12 63:15,20,20	64:11,14,17,22 66:5 67:10,12 67:21 69:9 70:9 72:8 73:20,25 74:7 74:9,14,16,18 74:19,21 75:18 76:17,21 77:2 77:6,22 78:6 79:1,4,10 80:23 81:4,12 81:19 82:2,2 83:9 85:1,16 85:21,22,25 86:5,6,7,8,9,12 86:17,21,24 87:15,19,20 88:2,8,10,11 88:14,15,20,22 88:23,25 89:7 91:2,5 92:3,18 92:19 93:23,23 94:4,10 95:8 95:18,23 96:13 96:20,22,23,25 97:18,23,25 98:3,7,12,14 98:22 99:4,13 100:15,17,19 101:1,2 102:23 103:6 105:7,20 106:10 107:6 113:12,15 118:17 media's 93:14 media-driven 71:22 meet 16:8 28:19 45:25 46:1 54:23 59:2 60:1 meeting 5:1 14:9 15:6 28:23 55:4 110:8,11 110:22 111:11 meetings 54:21 95:6,23 100:12 110:13 melting 36:21 member 65:9 72:9 79:3,4 members 38:11 41:13 45:20 49:4 50:2 73:25 86:16 membership 37:20 38:10 memory 49:22 50:24 men 32:12 mention 95:13 mentioned 83:6 merely 40:19 78:17 90:12 91:15 merged 102:16	merging 81:1 Merseyside 22:2 22:14 23:2,17 23:20 message 44:3,21 103:11 106:25 112:1 met 1:15 3:23 5:23 6:17 15:10 18:1,13 22:14 24:12 28:21,21 29:7 29:9 33:19,24 34:22 35:1,8 35:12 36:24 38:7 45:23 59:6 75:13 79:1,19 80:16 82:14 83:25 96:8 110:21 117:18 118:25 119:3 methodology 77:5 Metropolitan 4:3 25:3 42:1 42:10 118:15 mettle 46:15 Met's 30:1,7 middle 9:25 23:21 36:3 37:15 84:4 91:4 Midlands 87:8 116:7 mile 79:25 80:15 102:10 mind 17:25 36:10 63:19 106:20 108:14 mine 30:18 minimum 24:25 45:8 minister 35:6 84:24 ministers 84:22 Ministry 29:16 minutes 16:19 64:4 Mirror 116:16 miscarriages 36:12 misjudgments 26:22 misleading 25:9 106:1 misplaced 114:20 misreading 12:8 misunderstand 20:1 misuse 71:14 mixture 86:21 Mm 119:24 Mm-hm 11:14 25:16 110:10	111:4 116:10 117:7 120:5 MO 68:17 mobile 111:3 mocked 47:12 model 82:12,23 modus 67:24 moment 22:21 24:18 26:18 28:8 36:2 64:1 87:5 93:17 100:19 110:7 money 66:8 72:21 113:21 monitor 92:14 monitors 59:14 70:9,16 month 88:18 months 15:24 16:2 23:25 morning 39:1 48:11 86:25 103:16 motivation 71:5 motives 14:19 mouth 69:4 move 45:20 73:18 87:2 88:13 101:4 106:13 moved 2:14 28:8 39:24 84:3 movement 73:18 movements 73:23 moving 67:6 73:19,22 89:18 MPS 4:8 39:23 murder 68:17 Murphy 22:5 23:9 mustn't 90:25 mutually 106:19	99:4 100:19 117:19 118:6 NBC 32:24 neatly 70:4 84:8 necessarily 4:24 14:2 16:9 20:19 34:2,8 53:7 78:9 92:6 92:10 93:3 99:23 101:6 103:2 109:19 119:19 necessary 46:18 55:3 87:12 need 1:13 16:20 29:2 36:1,16 36:23 51:21 52:3 53:19 55:8 58:9 69:25 74:12 78:22 95:1,8 98:1,13,19 101:3 needed 89:9 93:8 99:8 needs 46:7 47:8 63:24,24 100:25 102:22 106:20 107:12 negative 102:5 117:23 neglected 8:12 nervous 28:23 nest 27:21 networking 88:17 94:11 100:22 networks 43:20 never 15:10 16:23 58:14 72:7 76:2 96:8 100:18 111:9 111:11,16 new 1:5 28:9 30:22,22 42:21 44:2 45:25 46:1 54:24 70:13,14 71:8 80:3,16 102:11 102:18 news 29:7 30:17 30:23,23 31:1 31:12 32:24 44:13,14 82:1 82:9 86:1 95:2 95:14 96:1 newspaper 1:7,8 29:4 34:9 45:15 60:13 65:23 105:13 107:3,6 113:8 115:15 newspapers 26:24 37:9 43:4 60:11,12 60:17,20 62:24	66:9 72:22 94:20,21 96:25 107:15 119:13 nice 20:23 54:14 54:17 nine 66:23 non-engagement 42:7 non-statistical 68:20 normal 2:10 normally 24:13 Northampton... 39:19 Northern 2:14 nose 13:15 note 64:3 94:12 noted 25:14 note-taking 27:11 notwithstanding 102:21 November 39:15 40:5 85:3 nub 87:13 number 6:15 22:1 40:17 54:3 58:22 65:14 66:16,18 67:3 68:5 69:19 71:7,11 74:18 84:22 86:7 89:4 103:1 107:2 110:16 111:3 118:15 numbers 62:2 86:15									
<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 104:13 man 115:9 managed 86:8 management 3:18,19 6:24 9:1 29:9 32:6 51:25 61:12 75:14 82:14,15 82:21 83:9 manager 55:1 86:8 manipulation 114:10 manner 42:18 March 1:1	<hr/> M <hr/> macro 3:6 mad 20:15 Magistrates 25:3 magnitude 98:23 Mail 12:16,21,23 13:17 Mail's 12:14 main 24:20 33:21 42:4 108:25 maintain 46:8 95:17 maintenance 86:11 major 18:14,14 24:18 43:4 majority 65:25 88:24 95:23 make-up 47:18 making 34:3 35:11 36:5 59:9 78:13 94:2 10

offended 54:11	off-the-record 9:13 57:18	organisations 18:23 38:19	115:20	patronising 29:20	49:5 54:8	plethora 88:16
offer 20:3 49:11	109:12 112:19	83:1	papers 38:12	PATRY 39:1,5,6	110:2 117:15	plot 31:7
77:23 101:6	Oh 54:1	organised 8:11	116:20,23	41:8 51:12	117:18 118:5	pm 1:10 120:17
offered 52:20	Okay 111:15	8:17 38:6	119:2	52:7 53:13	personalities	120:20
71:2 111:12	once 44:15 46:16	original 91:17	paper's 115:13	54:2 62:22	32:17 118:8,10	point 11:6 13:10
offers 38:8 51:23	68:16 79:5	ornaments 52:16	paragraph 4:6	64:1,8 70:4	personality 83:2	20:8 27:8 32:9
office 21:17	95:25 112:17	other's 38:1	4:20 5:14 6:7	76:10 84:7,11	personally 19:25	34:14 35:11
36:19 42:15	ones 21:14 67:20	ought 11:2 21:5	9:11 15:9	84:12 85:14	22:20 76:20	39:16 69:15,18
62:13,16 65:2	88:17 116:18	outlet 45:15	18:20 25:12	91:20 93:13	personnel 3:3,18	80:13 81:19
66:10 69:1	one-to-one 62:6	57:12 82:9	29:1 30:9	95:4 99:17	72:15 73:3	107:14 115:6
74:1 81:20	ongoing 8:15,15	outline 43:8	43:22 59:21	103:16 104:2,3	82:2	poisoned 79:16
85:19 87:7	67:10,13	outside 21:19	67:7 73:2	105:1 116:3	perspective 4:21	police 3:3 4:3
92:24 93:15	online 6:22	49:10 68:9	84:19 105:12	120:12	14:2,3 15:12	10:12,18 11:9
97:14,25	onwards 48:25	outwith 11:9	109:1 110:4	Paul 6:8,24	81:23	11:17,19,22
102:25 110:6,6	50:12 55:13	111:7	111:9,15	32:12	persuaded 33:5	12:3 13:4 14:2
110:17 111:7	56:21	overall 63:14	112:19 113:11	Paul's 6:18	Peter 30:20	15:2 16:8 19:6
114:14,15,22	on-call 86:22	93:17,20,22	114:7 115:12	pause 57:16	phenomenon	20:5 21:19
officer 4:25 5:1	87:2	overemphasis	paragraphs 24:2	pay 51:7	24:22	22:2,7,16,19
7:20,23 11:9	open 4:20 22:8	88:7	parallel 68:5	payments 72:8	phone 18:18 88:9	23:19 25:3,14
15:2 16:10,14	35:16 36:1	overfocus 37:9	paranoid 37:11	113:11,14	phoned 92:24	25:18 26:2,4
16:25 17:2,6,6	48:9	overhauled 36:9	Park 52:21	pays 114:3	phoning 107:16	28:2,24 29:3
17:9,12 21:24	openly 16:9	overlooked	part 19:7 40:21	PC 25:2,4	photograph	33:21 36:10,15
22:3 24:15	openness 25:20	27:18	44:14 47:17,20	PCs 25:6	10:22	36:18 39:2,14
26:4 27:9,12	25:21 34:6	overly 35:2	56:3,9 59:2	pen 52:16	photographed	39:17,19,22
27:16 28:19,21	36:17,23	37:13 77:14	97:7 101:1,5	pending 8:15	69:1	41:9,11,12,12
28:25 30:6	106:13 114:10	overplaying	102:8 106:12	14:23	photographers	41:13,15,23
31:15,20 44:20	operandi 67:24	69:16	partial 24:10	people 1:11,13	66:10 111:18	42:1,10,14,17
44:23 47:18	operate 64:18	overstated 33:7	partially 10:9	14:11 15:13	photographs	45:10 46:22
57:7,8,13 58:6	operating 49:2	overwhelming	participants 1:5	16:20 19:7,13	90:4,6	47:18 48:3
58:14,17 59:8	51:10 72:10	95:23	1:7,8	21:2,4 23:22	phrase 112:23	49:1 50:20
59:9 65:2 72:9	operation 15:18	o'clock 86:25	particular 8:7,16	26:23 28:2,5	119:14	53:11 55:18
76:17 81:22	23:17,21 40:25	87:1 94:16	18:6 24:15	29:10,23 36:14	pick 23:22 88:9	57:8,14 58:14
82:5 84:24	76:10 86:19	O'Neil 25:11	26:25 34:22	38:15 42:20	picked 60:6	58:20 62:3,13
87:23 89:9	operational	O'Neil 2:2,3,6	35:9 41:1	44:6,18,20	76:24	62:18 63:4,7
91:9 92:8 93:2	44:13 47:18	2:13 4:12 5:14	42:20 44:24	46:15,25 47:4	picture 24:10,23	63:15,21 64:10
107:22 109:8	52:25 62:19	13:6,24 20:20	45:7 55:18,19	55:5,8 63:10	24:24 25:10	64:21 66:10,22
115:3	70:20 78:17	20:22 24:3	55:20 58:20	69:2,7,8 71:4	65:16	68:15,18 69:1
officers 3:4 5:23	106:7 108:24	27:25 29:14	80:23 93:2,3	71:16 72:22,23	pictures 112:4,7	72:15,25 73:19
13:4 16:9 22:7	operationally	33:15 38:24	98:3,13,15,18	73:18,18,22	112:10	73:24 74:17
27:2 28:2 29:3	8:23 53:5	101:13 118:17	98:23 99:1,8	74:10,18 87:19	piece 6:21 7:1	75:11 76:8,16
29:7 30:5	109:21	O'Neill's 79:12	102:15 105:10	88:9,14 94:3	15:19 25:23	76:17,19,22
33:21 35:20	operations 5:17	80:6	117:25 118:12	94:17 96:12	92:4 119:6	77:2,3,6,22
36:6 37:3 38:4	7:7 8:2 27:4,4	P	118:12	98:10 100:22	pieces 109:5	79:10 81:22
41:13 44:12,13	28:16 40:23	Paddick 4:16	particularly 8:20	100:23 101:14	pint 16:5	82:5 83:21
44:14 47:11	opinion 29:17	paedophilia	18:9 22:1	103:1 107:2	pipeline 31:9	85:4,10,17
49:4,20 53:11	opinions 115:9	20:14	25:18 28:19	perceive 58:8	Pizza 20:16	86:2 87:6,8,23
55:18 56:20	opportunity	page 6:7 18:21	29:20 32:11	perception 37:12	place 30:7 59:13	89:9 91:1
58:21 61:11,15	40:14 42:16	25:12 30:9	60:12 71:10	48:1 54:6,19	77:8 90:10	97:22 98:2,25
61:16,23 62:2	opposed 82:8,9	40:1 41:11,21	78:11 100:13	57:23 93:18	92:6,10,14,20	100:6,8 101:17
62:3,6,8,9	optional 1:23	42:19 43:22	104:19 109:13	perennial 3:9	97:9,19 111:7	103:6 105:9,14
64:18 66:22	order 4:20 13:4	45:2 46:20	114:24 115:18	94:5	112:5 120:4	105:20,21,21
68:6 69:17	31:6 46:9	50:15 51:9	partner 114:4,5	perfect 115:23	places 80:2	106:5,17,21,25
70:19 71:7,11	83:22 95:7	52:14,18,19	partners 44:4	perfectly 28:24	106:14	107:25 109:4
71:13 73:24	ordered 117:14	53:13,15,22	parts 86:7 114:2	perform 46:9	plans 42:22	109:16 110:20
75:3,12 76:8	organisation 4:8	57:11 59:22	party 17:1 29:8	47:15	play 94:7,12,25	111:10,19,21
76:22 77:2,6	19:4 44:7	64:15 67:5	part-time 22:12	period 3:15	101:25 102:7	112:1,20 113:2
79:10 83:21	45:21 47:4	70:7 72:10	pass 15:5 109:23	22:19 42:24	played 4:2 24:19	113:9,12,14,24
87:6 94:6	55:5,8 56:5	114:8	passed 13:25	43:17 75:19	101:5	114:4,5,9,23
96:19 98:3	63:24 66:13	pages 50:10	50:7 54:18	person 5:10	plea 103:2	114:25 115:14
107:16,20	67:4 69:2,3	107:3	58:21	14:19 18:4	pleasantly 99:11	115:19,23
112:10 113:12	71:5 72:21	paid 96:1	passenger 23:14	32:7 83:3	please 2:2,5 5:14	116:6,25 117:8
113:14 114:19	73:20 74:13,15	82:21 83:10	passing 9:14	89:25 90:4	12:17 21:18	117:13 118:15
117:21 118:16	82:21 83:10	100:8 102:4	14:6 54:12	personal 4:22	25:11 40:13	118:19,22
118:19,22	100:8 102:4	106:5,6 109:16	65:11	32:13 33:25	52:18 56:20	119:9
offices 95:24			pastures 28:9	43:24 46:8	84:12 95:4	police's 107:14
official 17:14			patch 116:13		111:15 114:7	policies 3:2

47:23	63:18 107:25	principle 49:14	progress 79:21	pulled 25:7	questions 2:4	react 85:22
policing 3:2 8:13	115:5	95:22 96:19	project 88:18	32:13	18:24 23:24	reaction 34:12
19:5 27:20	practice 16:12	principles 52:12	prominence 8:19	punches 32:14	26:7,16 33:16	36:6
31:11 36:3,17	44:8 45:11	print 16:18,23	prominent 45:9	34:10	39:5 40:10	read 21:11 37:10
36:18 38:3	47:24 57:23	59:10 94:16,25	promise 105:1	punch-up 68:25	51:6,15 57:20	73:6 104:21
56:1,14 60:3	73:13 81:6,12	98:12,14	promoted 39:25	purely 51:23	64:19 65:14	115:9 119:1,3
70:21 71:6	89:6 93:19	printing 108:2	promoting 85:24	purpose 7:25	73:14 84:11	reader 115:8
72:1 78:5,15	predecessor 6:25	prior 1:9 39:16	promotion 27:18	15:12 17:22,24	85:14 87:4	readers 5:12
81:9,13,23	42:4 43:9	111:15,17	58:22	17:25 89:19,19	89:4 95:8	reading 72:18
policy 3:6 23:3,4	80:23	priorities 86:2	properly 102:6	105:8 110:11	99:17,21	115:11
49:1,18,21	predecessor's	private 31:22	proposals 45:8	purposes 70:21	103:17 104:2	reads 108:3
53:1 59:4	43:13	47:22 53:4	45:10	pursue 6:8 99:7	116:3	real 104:23
62:20 81:5	preferably 120:3	pro 32:22	proposed 100:15	pursued 33:1	quick 28:11 31:6	really 5:7 15:17
106:25 110:20	preferred 4:18	proactively	119:11	pursuing 8:14	94:2	15:18 16:16
114:10,10	67:23	85:24	proprietors 29:3	put 12:15,20	quickest 107:1	19:12 23:24
polite 1:25	prejudice 98:4	probably 8:23	prospect 22:13	13:5 15:13	quickly 1:19	24:11 27:12
political 34:25	prepare 92:17	23:15 28:7	protect 14:11	17:1 25:1	69:4 92:22	28:13 29:25
35:3 56:12	prepared 11:18	29:18 34:23	protection 59:7	30:16 33:4,11	94:18	51:9 66:21
79:15 118:22	35:12	46:12 60:23	71:10,12,14	37:19 40:10	quid 32:22	68:13 75:10
politician 68:24	presence 16:25	65:18 68:20	114:20	47:9 51:6,7	quiet 20:11,14	77:20 78:16
politicians 44:4	17:8	77:14 87:13	protective 4:18	73:8,10 80:20	quite 3:7 5:4 6:3	79:9,16 88:19
55:13,14,16,17	present 7:20,24	97:2 101:20	prove 67:1	83:17,17 107:1	6:17 8:14,17	106:10 116:15
55:19 56:17	17:12 56:11	probationers	proven 66:18	112:1,16	10:10,20,24	116:22 118:18
118:19,21	59:4	71:9	provide 1:5 9:22	puts 55:8 73:12	16:7,13 17:9	118:25
politicised 117:9	presented 89:21	problem 12:18	20:23 21:4	88:19 91:5	21:22 22:22	reason 22:25
politics 3:3 27:20	presently 40:16	12:20,25 35:15	35:13 39:6	putting 12:22	24:3,10,14,17	63:10 66:19
85:10 98:24	presents 53:14	64:11,16 66:17	50:1 57:8	puzzled 10:4,20	24:24 27:5,13	108:6,24
101:16	press 4:4,25 5:1	66:20 68:4	72:11 75:6		28:1 29:15,18	109:21 118:12
popping 44:21	5:15,23 7:20	69:23 72:14,16	77:17 84:12	Q	29:19 30:25	reasonable 11:13
population 41:16	7:23 16:10,25	72:17,18 74:20	86:20 89:10	qualifications	32:12 34:12	20:8
populations	17:2,9,12,13	119:16 120:7	90:12 92:19	87:12	38:15 40:9	reasoning 96:17
60:16	17:14 21:17	problems 30:1,6	106:21	quality 14:14,15	42:10 66:15	reasons 16:1
port 57:4,24	22:16,20 23:19	34:7,13,20	provided 2:7	108:10	68:6 69:7 76:1	43:14 47:7
Portuguese	25:1,4,25 27:8	37:14 49:19	21:6 39:9	quantity 12:1	79:24 82:25	60:23 63:21
11:19 12:7	27:13,15 42:13	78:6 80:15	50:19 51:8	Queen's 52:21	102:9,17	67:22 75:8
posed 8:11	43:7,21 46:22	95:20	52:8 57:19	queries 116:25	107:13,17	108:15 109:4
posh 95:10	46:25 68:10	procedure 49:2	84:14 89:12	query 57:8,9	108:16,22	109:20 115:4
position 4:7	73:25 74:1	51:10 81:5	92:1 104:5	89:8,10 93:1	111:7 112:6,12	117:13
20:25 31:23	85:19 87:6	procedures	120:7	107:8	quo 32:22	reassuring 112:4
39:15 45:6	92:4,5 93:14	72:10	provides 78:8	question 11:15	quotation 44:2	recalibrating
49:6 78:1	97:14 102:1,7	process 14:24	81:4	11:20 13:11	quote 80:9	11:25
80:20 89:2	102:25 107:18	33:12 44:23	providing 1:9	18:24 32:20	quotes 108:6	recall 17:21 96:6
102:15	109:8 110:6,6	57:7 59:23	14:19 25:19	41:21 42:18	115:9	recap 105:3
positions 45:9	110:17 114:14	60:22 61:12	provision 5:11	43:3 46:20		receipt 72:21
positive 42:11	114:15,22	70:4,22 71:1	93:15	48:24 49:17	R	receive 108:8
47:1,7 58:16	119:9	71:18 73:2	public 4:2,3 10:6	50:11,14,18	race 3:8 35:4	received 1:6,17
75:7 93:22	pressure 55:15	89:8 102:8,16	10:22 11:2	54:7,25 55:13	raid 111:19	37:18
positively 23:1	pressures 100:20	107:8	13:9 14:2,4,16	55:16 56:21	raids 112:3	receiving 3:25
40:20	pressurised	processed 57:14	20:24 21:12	57:2 59:21	raise 6:17 11:7	6:13
possession 90:3	55:17	58:10	24:4 31:25	61:8 63:3 64:8	33:16 63:22	recognise 26:19
possibility 14:21	presumably 6:12	processes 3:2	44:4,24 45:18	66:2 67:5 68:7	94:22 100:5	59:1 67:8
possible 47:1	120:6	47:10,11	47:6,22 51:22	70:7,24 72:7	raised 12:18 87:7	80:14 101:12
87:18 93:1	presumptuous	processing 58:1	52:4 56:1,3,5	72:13 77:19	raises 11:20	101:14,18
94:18	77:25 78:4,12	Procurator 65:3	62:17 63:9,13	80:14 81:18	40:17 80:13	recommendati...
possibly 13:20	pretty 46:17	professional 6:3	63:25 68:1	86:4 89:15	ran 10:15 24:1	25:13
33:13 82:6	85:11,12	38:6 47:5,21	75:6 77:2	92:22,25 93:13	range 16:14	recommendati...
post 6:9 85:6	101:19 116:1	56:14 58:11	78:15,19 83:22	95:5,21 96:18	103:1	72:5 73:8
87:11 118:2	prevent 70:5,9	63:21 74:16	88:15 89:23	96:21 97:11	rank 17:10 62:10	77:24
postulate 33:21	73:4,22 90:19	81:19	112:4 114:15	98:2 105:1,11	ranks 17:10	recommends
pot 36:21	prevention 71:1	professionalism	publication 12:6	107:23 113:13	rare 7:13 67:11	29:25
potential 11:5	78:15	68:15 76:21	14:5 60:14	117:18 119:5	rarely 15:1	record 54:13
power 30:1	previous 6:14	professionally	publish 14:15	questioned 83:11	rate 35:19	73:23 77:7
33:10	76:24 104:21	117:14	48:14	questioning	reach 22:20	89:12,14,16,20
powers 19:6	105:7	profile 6:11,18	published 65:19	76:25 82:16	107:1	90:8,11 91:11
PR 85:1	previously 26:21	61:17 63:22	publishing 98:3	questionnaire	reached 44:4	91:14,20,23
practical 45:6	pricing 45:8	111:20	pull 34:9	30:14	reaching 120:1	100:11 108:19

109:3 112:24 113:4 recorded 25:15 27:17 49:14 62:22 77:7 97:8 recording 16:11 27:10 57:18 59:4 62:23 77:4,8 records 17:16 50:24 recruit 71:16 74:7 recruited 71:6 recruiting 71:5 recruits 70:13,14 refer 15:8 57:5 114:21 reference 28:5 referred 4:17 9:4 referring 9:21 111:24 113:2,3 113:9 114:23 114:24 reflect 35:12 54:7 reflected 4:10 reflecting 80:3 reflection 76:3,5 reflective 26:14 reform 45:10 103:3,10 regard 51:25 58:3 108:7 116:18 regarded 5:22 42:5 regardless 49:15 register 7:11 52:8 96:3 97:9 regular 3:8 5:18 45:12,13 46:8 60:2 95:6 96:21 regularly 5:16 61:20 relate 86:10 related 119:17 relating 65:11 relation 14:5 44:9 51:13,19 57:13 63:3 69:19 81:23 118:14 relations 37:13 41:22 51:23 52:4 relationship 4:11 16:4,18 17:23 21:1,22 22:1 22:13,16,22 34:19 41:24 43:9,12 46:3 47:1,5 48:9 55:12,14 56:19	56:22 70:11 88:7,23 93:23 96:14,15 100:11 101:19 101:22 105:12 105:18 106:19 109:14,17 110:13 115:13 115:19,22 117:4,12 119:8 relationships 61:15,24 77:22 81:11 82:7 86:11 relative 60:15 relatively 30:22 67:11 98:16 release 24:18 25:1,4 released 66:11 68:12 releasing 83:14 109:5 relevance 29:10 relevant 49:21 52:1 57:8 89:8 reliant 74:16 rely 21:14 remain 65:5 77:23 remaining 65:3 remember 52:22 67:20 96:7 97:14 106:18 remembered 50:25 remit 82:13 reopening 12:17 repeating 105:11 report 25:12 29:15 65:4 68:10 reportable 90:11 90:13,17 reported 61:19 64:25 65:2 reporter 2:14 10:17 28:10 68:8 109:7,11 115:1 116:15 reporters 6:20 7:19 14:11 18:2,22 19:8 28:8 38:5 48:8 48:17 66:9 107:15 111:18 114:18 reporter's 109:19 reporting 24:13 34:22,25 35:8 70:9 89:25 report's 65:12 represent 44:6 51:22 52:3 representatives	55:23 representing 97:1 reputation 4:19 request 45:14 98:8,15 107:6 requests 2:1 98:16 require 108:18 required 111:6 requirement 1:4 requirements 74:13 requiring 34:5 40:20 77:5 resign 35:7 resist 27:10 resource 82:4 88:11 116:21 116:23 resourced 116:22 resources 71:25 82:17 respect 49:2 55:23 64:24 96:23 respects 76:8 respond 34:3 responding 40:10 59:21 63:21 response 18:13 42:18 52:23 54:25 55:16 57:2,9,10 64:19 70:6 72:7,13 85:14 86:4 89:10,11 95:5 96:18 97:11 98:2 responses 92:19 responsibility 14:13 49:8 59:24 85:24 86:9,11 responsible 70:23 78:10 99:3 restaurant 20:9 20:10 95:10 110:22 restraint 75:22 restricted 61:9 76:1 restrictive 37:20 40:11 result 54:15 65:18 68:25 100:7,21 resulted 65:1,4 resume 120:16 retain 67:23 retired 31:5,15 31:19 retiring 75:3	retrograde 76:18 retrospectively 73:5 return 38:8 79:7 103:23 revenge 75:8 revenue 94:23 review 7:11 65:6 reviewed 50:5 58:14 reward 65:12 rich 60:12 right 15:4 18:7 20:21 22:8,24 23:20,21 26:6 26:8 33:17 35:24 37:21 42:6 47:3 48:16 53:2,12 54:13 55:12 58:5,6,7 71:16 75:5 76:1,7 80:4,10,11 89:1 92:16 99:13 100:23 100:23 103:14 105:11 110:2 110:16 119:13 120:16 rightly 26:23 95:3 ring 107:21 ringing 18:17,18 rise 49:9 risk 13:1 31:14 32:3,5,18 34:4 83:20 98:4 105:11 117:8 117:11 risks 13:21 36:13 rival 26:24 rivals 38:1 Robert 84:10,13 robust 105:14 role 39:25 40:4 41:9,19,23 46:9 48:2 52:1 56:3,9 77:25 85:5,21 95:4 118:23 roles 39:18,21 75:12 96:12 101:4 102:23 room 86:22 87:3 Rooney 42:14 round 43:18 96:7 rounds 43:4,20 45:22 route 58:9 61:6,7 routinely 31:4 Rubicon 76:11 rules 38:9 50:2 94:24 101:25 run 10:8,21 16:17 47:24 93:1	running 15:17 18:11 23:17 76:17 runs 31:14 rush 16:17,23 Russell 93:17,20 103:17,18,21 104:1,4 115:17 120:13 Russell's 101:20 <hr/> S <hr/> Sadly 114:17 safe 51:7 55:8 safeguards 77:17 Sara 5:18,22 sat 23:25 satisfied 73:7 93:15 108:9,11 113:23 save 9:25 17:17 saves 108:22 saying 22:8 25:13 56:13 57:2 59:8 80:9 87:22 98:19 101:13 109:18 says 6:1 54:14 59:9 103:15 scathing 29:14 32:14 scenario 68:24 school 90:5,6 science 36:8 score 32:7 scores 75:9 Scotland 3:9 10:12,19,20 13:10 28:22 41:15,18 43:18 44:5,16 45:10 45:12 53:3 60:12 71:7 79:25 80:1,16 80:21 81:2,8 85:13 96:11 97:1,7 98:25 99:4 101:14 102:11,16,18 103:21,23 104:16 115:21 116:17 117:22 118:20 119:3 120:18 Scotland's 41:16 Scotsman 60:19 Scottish 45:7 51:1 57:6 72:1 84:23 96:1 103:22 116:20 120:17 screen 53:23 scrutinise 19:8 scrutinised 35:2 35:3 102:7 scrutiny 36:17	36:23 61:20 114:15 118:17 Sean 2:3,6 search 59:17 second 7:20 30:20 37:12,18 52:18,19 60:24 67:6 104:7 117:2 seconded 84:25 secondly 85:23 secrecy 11:20 12:2 secretive 4:10 36:5 sector 56:1 security 5:25 see 11:23 13:2,21 19:14,14 20:20 22:12 25:21 28:23 29:10 32:3,5,6,7,18 34:14 35:14 36:14 38:23 46:4 50:20 52:14,18,21 53:15,20 54:3 58:14,25 70:22 73:24 74:2 79:21 80:17 82:11,11 83:20 93:1 100:10,14 103:5,14 104:23,24 105:25 109:1 111:19,22 112:4 119:2,5 seeing 44:20 46:16 seek 4:23 43:15 75:17 seeking 4:1 5:10 7:25 8:25 seen 11:22 28:1,4 sees 47:14 selection 47:10 47:11 53:14 self-evident 21:7 send 100:23 senior 3:3 13:4 16:7,8 17:10 26:23 28:2 29:2,7 30:5,5 31:15,20 33:21 35:20 36:6 37:2 39:20 44:13,20 47:11 47:18 51:25 55:18 75:2,11 76:8,16 79:4 79:10 81:22 82:5 83:3,4,21 84:23 91:9 96:19 115:3 117:21 118:16 sense 37:14	40:25 51:14 52:10 63:17 87:18 93:22 112:24 115:7 sensible 22:21 30:8 sensitive 18:3,7,9 21:5 sent 10:17 30:14 50:6,8 52:24 98:10 sentence 29:1 52:2 115:11 sentenced 25:5 sergeant 62:15 serious 2:21 26:22 56:3 60:4 67:13,14 79:20 seriously 1:24 2:1 16:5 service 56:1,2 63:8,12 65:3 68:15 84:21 86:22 106:9,21 services 88:10 serving 7:7 87:6 107:16 set 4:6 35:2 42:16 51:9 64:19 70:6 78:1 92:4 119:2 setting 43:7 settle 3:10 32:8 98:22 settling 75:9 set-up 46:4 76:17 seven 64:4 65:5 80:22 86:18 87:1 SFA 85:2 sharp 22:9 sheer 60:23 sheriff 42:21 44:2 shift 86:25 ship 22:18 shoot 35:13 101:20 short 29:22 64:6 103:19 Shorthouse 73:16 83:17 84:8,10,13 99:18 107:5 110:3,18 112:21 Shorthouse's 82:13 shortly 73:17 shoulder 16:10 28:20 shoulders 75:14 show 54:16 63:22
---	---	---	---	--	--	--

showing 78:16	small 52:15,17	15:4,15 20:25	84:18 100:3	straightforward	succeeded 6:14	suspicious 9:8
shown 34:12	60:13 69:19	28:1 58:15,18	started 84:19	99:24	succession 3:8	Sussex 39:17,18
shrug 75:14	110:16	59:14 62:6	88:6	strategic 45:5	successor 35:5	swing 81:3
shut 62:16	smaller 21:25	63:20 88:14	state 8:16	strategy 15:18	sucked 83:23	sworn 39:4 84:10
side 78:17	60:19	92:18 93:2	stated 1:8	Strathclyde 39:2	suffer 71:20	104:1
100:11,14	Smith 68:11	107:10 115:2	statement 1:3	39:14 40:5,16	sufficient 49:18	system 57:11,23
sidelined 27:19	108:4	specialism 83:5	2:7,10 4:6 9:4	41:9,10,12,16	51:14	57:24 58:8
sides 77:17	smuggling 23:13	specialist 5:17	9:11,21 15:23	41:20,23 42:9	suggest 7:12 34:9	59:13 71:4
106:18 116:2	SOCA 15:10	7:7,8 8:1,2	18:21 24:2	42:17 43:23	68:21 83:19	73:7 77:16
sign 33:2,5	social 5:5 8:3	40:3	30:9,15 39:9	46:22 48:3	97:21,24 98:15	80:17 87:2
signed 2:10	15:12,22 16:1	specific 40:25	40:2 41:11	49:1 50:20	99:25	89:6 92:11,13
32:25 33:13	19:12,18 34:17	41:1 42:6	42:5 50:11	57:13 63:4,7	suggested 28:11	92:14,20 93:1
71:13	51:23 87:20	45:16 50:10	52:9 54:25	63:14 64:10,21	31:2 96:9	99:25 103:10
significance 68:4	88:17,20 94:11	62:10 67:15	56:11 78:2	66:20 72:15	suggesting 9:23	107:5,7,11
significant 64:16	100:21	72:20 77:24	84:14,19 89:13	79:2 81:1	20:2,2 68:3	systems 70:17
66:17,20	socialising 29:3	79:24 89:25	89:22 90:3	82:24,25 83:12	69:13 72:22	71:15,19 72:2
similar 45:9	socially 4:23	106:7 112:12	101:11 106:24	84:3 85:4,17	suggestion 78:13	103:4 119:22
simple 18:5	society 34:11	119:16,18	109:1	86:2 97:16	90:1	120:4
51:15 55:25	solely 38:16	specifically	statements 104:5	101:17 103:12	suit 76:22	
simply 9:18 14:7	solicitor 36:15	38:18 113:2	104:7	104:21 105:8	sum 113:21	T
20:20 25:4	solid 79:9	117:20,22	states 49:7	105:13 111:10	summarise	tab 52:9
35:23 36:6,21	solidify 81:11	119:17	station 36:15	114:5,11,23,24	39:16 70:7	table 20:11
110:11 113:6	solutions 101:6	specifics 47:23	62:18	115:19,23	summarised	tactical 67:22
single 81:1	solved 12:18	48:20,22	stations 45:23	116:7 117:5,25	40:6	take 1:21,25 14:3
SIO 67:22 99:7	solving 106:23	speech 34:10	statistical 66:21	118:9,20	summarises	14:8,18,25
SIOs 13:3	somebody 19:16	spend 16:13	statistically 67:3	street 33:20	105:16	18:12 40:13
sir 2:2 6:8,18,24	35:3 37:8 50:7	spent 116:16	steady 22:18	strength 41:15	summarising	45:9 46:7,11
26:17 32:18	51:7 54:10,14	spirit 25:20,21	step 44:25 45:1	strengthen 81:14	105:4	52:10 66:16,19
39:1 41:7	68:15 82:9	spoke 37:9	48:15 76:18	strengths 46:6	summary 119:9	68:17 69:10,15
51:18 52:6	87:11,25 90:3	spoken 22:19	Stephen 39:4,8	stress 47:14	summer 22:18	72:4 73:4,12
53:9 54:15,17	somebody's 91:6	58:13 59:15	Stephenson 6:8	56:13 69:24	26:20 29:8	78:23 90:14,18
64:1 76:6,13	somewhat 2:1	71:8 77:9	32:12	strict 112:6	Sun 95:14 96:1,2	92:10 99:21
78:23 82:11	89:18 116:5	spokesman	steps 1:25 14:8	strictest 112:24	Sunday 42:15	105:22 111:7
84:2 90:15	sorry 54:1 83:4	108:5	44:6,8 46:10	stridency 35:22	superior 17:10	117:5
94:20 99:18	97:11 99:18	sporting 51:23	73:4 77:21	strident 33:24	supplied 60:3	taken 1:24 44:5
103:13	101:8	spotlight 57:11	Steve 12:13	strong 14:10	support 41:13	55:18 61:22
sister 113:25	sort 2:21 11:12	57:18 59:16	13:17 28:5,7	29:15 76:22	supported 87:2	65:8 77:8,21
sit 23:23,24	14:25 21:10	92:14 118:8	28:14	96:14,15 103:3	suppose 8:5	90:6 92:6
50:25 51:5	32:22 34:4	square 79:25	Stevens 6:15	strongly 10:5	20:22 22:17	97:19 109:9
99:2	47:15 50:6	80:15 102:10	Sticking 92:3	struck 76:3	76:6 79:8	takes 33:17
sits 82:13 85:17	54:13 59:17	stability 3:15	stop 44:9,11	struggling 53:21	107:22 116:17	36:10 70:4
sitting 16:10	72:3,23 74:4	staff 41:13 49:4	48:12 103:20	stuff 3:1 13:5	supposed 9:15	talk 16:9,20 22:9
20:15 86:16	80:21 81:15	49:8,20 50:3	stopping 90:9	79:18	10:1,2	23:6,7,8 55:9
situation 7:23	83:6 85:25	57:14 61:9	stories 2:19,21	stultified 22:22	suppose's 66:21	62:14 68:5
8:8,10 12:4	97:7 105:22	63:11 64:18	5:16 15:9,21	STV 43:5	sure 10:11 11:8	69:3 89:18
18:17,22 24:11	106:7,7 107:2	65:9 70:19	18:3,7 21:10	style 6:24 30:22	13:24 40:11	94:14 117:4
34:24 47:4,15	108:18 109:16	72:9 85:22	28:14 44:11	80:23,24 81:3	43:2 51:16	talked 37:24
56:25 62:14	112:5,11,13	86:15,16 88:9	59:3 60:15	subject 6:4 12:12	58:5,16 59:9	71:9,10
67:16 97:3	114:3	89:1 93:25	61:1 86:1	17:7 23:7,8	60:10 68:5	talking 14:25
117:9	sorted 95:2	94:1 95:18	106:8,8 117:19	51:16 61:20	71:2 76:7	16:14 20:14
situations 6:14	sought 1:11	96:14,15 97:18	117:21,23	65:6 70:17	89:20 90:7	29:11 52:16
16:12 62:7	92:23	Staffordshire	story 2:21 3:24	75:22 79:23	94:2,6 95:1	60:15 62:10
97:4	sounds 63:17	39:22	5:3 10:7,15	82:15 112:3	103:7 112:9	69:2,9 78:16
Six 36:11	108:4	stage 40:13	13:14,18 18:8	120:9	115:25	118:18
size 19:22 67:4	source 91:1	51:11	18:10,11,14	subjects 8:18	surprised 99:9	Tarique 4:4
71:24	sources 15:24	stall 42:17	23:12 24:1,21	16:14 18:3	99:11	taught 44:12
skill 88:20	so-and-so 69:5	stand 55:19,20	30:23,23 31:1	submitted 43:2	surprisingly	team 23:9 84:25
skills 87:12,22	sparing 45:20	78:21	38:2 59:11	subscriptions	87:10	85:17,21,22
87:24 103:1	speak 16:23	standard 2:18	68:12 82:19,20	49:3	surrounds	86:5,6,7,17,21
skirts 29:22	22:25 31:22	38:14,15 49:2	83:7,12 92:25	subsequent	102:11	86:24 88:22
slightly 2:22 3:4	56:3 57:8,12	51:10 72:10	98:12 108:2,2	57:10	suspect 10:21	94:1 95:18
9:8 12:15,19	58:5,17,23	standards 71:17	108:2 110:21	subsidiary 80:14	107:13 114:11	97:18,23
20:10 56:21	61:11 63:1,11	stands 49:18	115:2,7,8	substantive	suspected 10:8	teams 60:3
60:25 84:3	63:11 78:24	Starbucks 20:15	116:13,22	105:1	64:21,24 97:13	technical 75:6
106:13 108:3	92:18 114:19	start 39:13 50:14	117:19 118:5	subtle 47:16	suspects 90:1	technically 92:25
112:23	speaking 12:11	57:2 82:10	Straight 87:4	succeed 6:16	suspicion 49:10	93:12

Telegraph 2:15 33:1,2	120:10	69:7 73:10	115:1	76:8 101:23,24 109:18	underplay 68:21	119:14			
telephone 92:23 95:17 111:3	they'd 73:11 80:22	74:8 75:4,4,16 76:3,18 77:4 77:10,16,24	times 2:15,19 12:21,23 13:7 13:13 24:23	trustworthy 16:4 76:9	underplaying 68:4	useful 9:22 46:3 55:6 75:7 93:19,24			
television 45:15	thing 5:9 13:12 35:22,23 37:15	79:2,5,15,20 79:23 80:1,2,4 80:10,11,22	30:11 34:9 48:11 60:19 64:18 102:1 105:6 113:22 113:25	truth 2:11 17:3 96:6	understand 5:25 10:24 11:6 20:17 21:5 24:13 25:24 26:4 35:10,11 35:18 40:25 41:5 47:5 52:12 54:2,19 55:21,24 65:17 69:15 74:11 80:13 81:18 89:6 101:12,24 103:14,18 107:24 108:16 108:24 109:11 111:11 118:11	usually 9:14 45:25 46:1 53:9 60:13 110:20			
tell 4:20 17:17 24:21 27:5 39:16 40:1 41:11,14 42:2 48:25 49:24 64:22 69:25 71:16 72:9,13 73:2,17 75:9 85:14 86:19 93:16 110:4	47:7,16 54:13 63:6,6 72:3 75:8 76:7,23 76:24 78:24 80:4,10 83:6 99:2 100:16 112:11,13,14 112:15 115:5 117:2	81:13,18,25 82:3,23 83:2,3 84:4 87:13,25 88:2,3 89:4 90:2 91:4 92:24 93:9,20 93:24 94:4,6 95:12,13 98:22 99:3,10 100:5 100:10,25,25 101:5,10,18,21 101:23 102:6,9 102:14,22 105:18,18,21 106:6,9,12,12 106:16,17 107:12,12,17 109:6 111:25 112:11,13,24 115:18 116:1 116:24,24 117:18 118:2,4 118:22 119:11 119:15,18,20	titles 81:21 today 1:10 2:2 told 10:17 54:22 97:14 98:11 108:20	try 5:5 20:7 26:8 45:20 48:11 70:5,9,18 71:16 86:20 89:13 90:7 103:7 108:13 119:22	trying 9:7,7 25:23 26:1,5 32:16 33:22 34:3,8 35:24 38:23 41:6 63:19 71:3 79:8 94:22 95:12 102:25	valid 108:14 118:4 value 45:17 49:15,16 80:17 81:21 82:3,11 82:12 83:20 96:2 104:14,17 119:5			
tells 47:16 92:24	things 3:4 11:10 29:8 38:9,16 38:23 42:12 45:24 47:8,13 76:13 83:10 84:1 92:5,19 94:22 98:25 100:4,4 101:17 101:23 102:1 106:1 111:1,24 112:5,8 113:18 116:4 117:3 118:13 119:25	102:14,22 105:18,18,21 106:6,9,12,12 106:16,17 107:12,12,17 109:6 111:25 112:11,13,24 115:18 116:1 116:24,24 117:18 118:2,4 118:22 119:11 119:15,18,20	tomorrow 18:11 tonight 94:16 top 3:23 42:19 57:11 67:5 114:8	turn 59:19 74:20 118:10	turnaround 94:2 turned 118:8 turning 57:16 TV 43:20 45:23 twice 112:17 Twitter 100:24 two 6:16 7:15,19 17:21 18:24 23:22 25:1,6 33:16 37:1 38:18,19 39:21 51:15 60:23 71:13 74:4 76:13 88:5 104:5,7 119:17 two-thirds 52:19 two-way 33:20 type 2:25 12:1 61:19	V vanity 7:22 variety 82:18 various 21:10 39:18 43:20 52:17 53:18 72:21,23 92:5 94:22 97:5 101:17 105:6 106:11 107:15 114:2 vehicle 12:4 ventilated 37:17 versa 46:15 73:20 79:11 version 17:2 60:14 vice 46:15 73:20 79:10 victimised 27:17 58:21 view 11:16 23:1 24:23 25:18 32:13 37:18 42:7,10 46:7 48:7 55:25 58:2 62:3 66:13,16,19,21 68:22 75:12,13 76:18 79:17 83:17,18 87:10 88:12 90:14,18 93:21 103:3 107:10,14 115:6 views 43:14 46:2 87:9 viper's 27:21 viral 69:5 visibility 53:9 vision 42:17 Voice 38:21 volume 60:23			
tends 2:24 4:25 45:13 60:25	think 3:14,22 4:14,16,17,24 5:4,22,23 6:17 6:22 7:1,15 8:6 8:11,18 9:3,9 10:5 11:16 12:2,3 13:15 13:19 14:6,10 15:5,8 16:6,7 16:18,21 17:11 18:21 19:1,1,2 19:25 20:8 21:16 22:15,22 23:3,25 24:9 24:19,24 26:9 26:17,20,21,23 26:24 27:1 28:4,5,6,9,10 28:10,14,16 29:2,6,18,23 30:19 31:1 33:7,7,10,12 33:19 34:15,16 34:18,21 35:15 35:25 36:2,16 36:24 37:8,10 37:24 38:4,11 38:17 42:4 43:2,5 44:19 44:22 46:4,5,6 46:17,23 47:3 47:3,9,16,19 47:25 48:10,12 48:16 49:17 50:4 51:4 54:9 55:11 56:9,16 60:24 62:3,5,7 62:15 63:1,17 65:22 67:2	102:14,22 105:18,18,21 106:6,9,12,12 106:16,17 107:12,12,17 109:6 111:25 112:11,13,24 115:18 116:1 116:24,24 117:18 118:2,4 118:22 119:11 119:15,18,20	touches 108:25 Touching 72:6 96:18 97:10 touchstone 9:22 town 42:22 44:2 60:11,12,13 62:18 towns 60:16 track 23:20 58:12 59:8 65:23 tracked 23:16 71:20 trade 75:22 traditional 2:20 3:5 94:24 101:4 trail 13:17 trained 114:21 training 70:13 trampled 116:13 transcribe 92:11 transgress 27:3,7 transparency 25:20,22 30:3 transparent 30:3 30:4 transpired 1:16 travelled 85:8 Treat 51:20 treated 2:1 trespassing 40:22 trial 31:7,8 98:5 trials 8:15 31:8 tribute 114:3 tried 88:12 trip 104:14 120:18 trouble 35:6 71:12 true 62:16 79:16 90:25 trust 4:22 15:7 15:13 21:1,2,6	turnaround 94:2 turned 118:8 turning 57:16 TV 43:20 45:23 twice 112:17 Twitter 100:24 two 6:16 7:15,19 17:21 18:24 23:22 25:1,6 33:16 37:1 38:18,19 39:21 51:15 60:23 71:13 74:4 76:13 88:5 104:5,7 119:17 two-thirds 52:19 two-way 33:20 type 2:25 12:1 61:19	turn 59:19 74:20 118:10 turnaround 94:2 turned 118:8 turning 57:16 TV 43:20 45:23 twice 112:17 Twitter 100:24 two 6:16 7:15,19 17:21 18:24 23:22 25:1,6 33:16 37:1 38:18,19 39:21 51:15 60:23 71:13 74:4 76:13 88:5 104:5,7 119:17 two-thirds 52:19 two-way 33:20 type 2:25 12:1 61:19	understandably 81:5 understanding 26:15 34:6,13 34:19 49:16 74:25 101:22 102:21 112:22 113:1 understood 40:18 78:21 81:11 117:17 undertakings 1:14 undue 89:23 unfair 119:20 unhappily 79:14 unhelpful 9:5,10 11:1,8 109:8 uniform 53:6 unilateral 109:10 unit 65:1 70:8 university 84:20 unreasonable 77:5 unreportable 12:5 unsubstantiable 66:25 unsubstantiated 65:5 unsung 114:3 untapped 62:5 untested 36:19 unusually 54:14 54:17 unvarnished 17:4 unwatched 83:6 use 12:4 19:6 29:15 42:20 44:1 68:1 74:24 80:5,16 88:19 90:2 100:2 105:24 112:7,12,25 113:1,4,10	U Uh-huh 110:19 ulterior 17:24,25 ultimately 27:16 118:1 Um 96:24 umbrella 52:16 unacceptable 1:12 8:25 9:2,3,7,9 9:17,24 10:25 23:10,15 67:9 70:14,18 71:21 uncomfortable 30:25 undergrowth 116:14 undermine 31:24 32:1 undermining 31:15	underplay 68:21 underplaying 68:4 understand 5:25 10:24 11:6 20:17 21:5 24:13 25:24 26:4 35:10,11 35:18 40:25 41:5 47:5 52:12 54:2,19 55:21,24 65:17 69:15 74:11 80:13 81:18 89:6 101:12,24 103:14,18 107:24 108:16 108:24 109:11 111:11 118:11 understandably 81:5 understanding 26:15 34:6,13 34:19 49:16 74:25 101:22 102:21 112:22 113:1 understood 40:18 78:21 81:11 117:17 undertakings 1:14 undue 89:23 unfair 119:20 unhappily 79:14 unhelpful 9:5,10 11:1,8 109:8 uniform 53:6 unilateral 109:10 unit 65:1 70:8 university 84:20 unreasonable 77:5 unreportable 12:5 unsubstantiable 66:25 unsubstantiated 65:5 unsung 114:3 untapped 62:5 untested 36:19 unusually 54:14 54:17 unvarnished 17:4 unwatched 83:6 use 12:4 19:6 29:15 42:20 44:1 68:1 74:24 80:5,16 88:19 90:2 100:2 105:24 112:7,12,25 113:1,4,10	useful 9:22 46:3 55:6 75:7 93:19,24 usually 9:14 45:25 46:1 53:9 60:13 110:20
tentatively 83:19 tenure 64:11 term 9:8 19:2 terms 1:8 2:13 2:18 3:18 38:8 49:24 54:5 55:11 86:15 88:8,22 106:6 106:22 108:1,8 109:6 111:24 terrible 36:12 82:1 territorial 41:17 terror 5:16 8:8 10:21 31:7,8 terrorism 8:6,16 31:10 terrorist 7:23 10:9 terrorists 20:15 test 47:13 51:9 63:13,15,25 117:2 testimonial 49:3 thank 2:7 6:7 33:15 38:24,25 39:3 40:7,8 41:7 64:4,4 77:18 78:23 81:17 84:6,7,9 84:14 103:15 103:15 104:12 104:13 116:4 120:12,13,15 120:17,18 thanks 52:24 theirs 10:14 119:10 Theoretically	think 3:14,22 4:14,16,17,24 5:4,22,23 6:17 6:22 7:1,15 8:6 8:11,18 9:3,9 10:5 11:16 12:2,3 13:15 13:19 14:6,10 15:5,8 16:6,7 16:18,21 17:11 18:21 19:1,1,2 19:25 20:8 21:16 22:15,22 23:3,25 24:9 24:19,24 26:9 26:17,20,21,23 26:24 27:1 28:4,5,6,9,10 28:10,14,16 29:2,6,18,23 30:19 31:1 33:7,7,10,12 33:19 34:15,16 34:18,21 35:15 35:25 36:2,16 36:24 37:8,10 37:24 38:4,11 38:17 42:4 43:2,5 44:19 44:22 46:4,5,6 46:17,23 47:3 47:3,9,16,19 47:25 48:10,12 48:16 49:17 50:4 51:4 54:9 55:11 56:9,16 60:24 62:3,5,7 62:15 63:1,17 65:22 67:2	thinking 17:12 69:17 101:1 third 43:22 53:13,15,22 thoroughly 69:24 thought 5:7 9:22 31:4,8 37:13 79:13 thoughts 100:4 threat 8:11,17 three 7:19 23:25 50:16 53:15 82:17 throats 38:1 throw 116:23 thrust 82:21 ticket 52:20 tickover 43:13 tightrope 13:8 tight-lipped 5:23 time 6:17 16:13 18:1 19:23 23:6 24:17 28:21,21 31:7 36:16 37:2 43:25 46:3 49:19 58:6 59:14 64:14,14 67:17,19 69:21 79:3,6 81:10 82:6 88:12 92:7 95:13 96:11 97:16 99:9 108:22	titles 81:21 today 1:10 2:2 told 10:17 54:22 97:14 98:11 108:20 tomorrow 18:11 tonight 94:16 top 3:23 42:19 57:11 67:5 114:8 touches 108:25 Touching 72:6 96:18 97:10 touchstone 9:22 town 42:22 44:2 60:11,12,13 62:18 towns 60:16 track 23:20 58:12 59:8 65:23 tracked 23:16 71:20 trade 75:22 traditional 2:20 3:5 94:24 101:4 trail 13:17 trained 114:21 training 70:13 trampled 116:13 transcribe 92:11 transgress 27:3,7 transparency 25:20,22 30:3 transparent 30:3 30:4 transpired 1:16 travelled 85:8 Treat 51:20 treated 2:1 trespassing 40:22 trial 31:7,8 98:5 trials 8:15 31:8 tribute 114:3 tried 88:12 trip 104:14 120:18 trouble 35:6 71:12 true 62:16 79:16 90:25 trust 4:22 15:7 15:13 21:1,2,6	Twitter 100:24 two 6:16 7:15,19 17:21 18:24 23:22 25:1,6 33:16 37:1 38:18,19 39:21 51:15 60:23 71:13 74:4 76:13 88:5 104:5,7 119:17 two-thirds 52:19 two-way 33:20 type 2:25 12:1 61:19	twice 112:17 Twitter 100:24 two 6:16 7:15,19 17:21 18:24 23:22 25:1,6 33:16 37:1 38:18,19 39:21 51:15 60:23 71:13 74:4 76:13 88:5 104:5,7 119:17 two-thirds 52:19 two-way 33:20 type 2:25 12:1 61:19	underplay 68:21 underplaying 68:4 understand 5:25 10:24 11:6 20:17 21:5 24:13 25:24 26:4 35:10,11 35:18 40:25 41:5 47:5 52:12 54:2,19 55:21,24 65:17 69:15 74:11 80:13 81:18 89:6 101:12,24 103:14,18 107:24 108:16 108:24 109:11 111:11 118:11 understandably 81:5 understanding 26:15 34:6,13 34:19 49:16 74:25 101:22 102:21 112:22 113:1 understood 40:18 78:21 81:11 117:17 undertakings 1:14 undue 89:23 unfair 119:20 unhappily 79:14 unhelpful 9:5,10 11:1,8 109:8 uniform 53:6 unilateral 109:10 unit 65:1 70:8 university 84:20 unreasonable 77:5 unreportable 12:5 unsubstantiable 66:25 unsubstantiated 65:5 unsung 114:3 untapped 62:5 untested 36:19 unusually 54:14 54:17 unvarnished 17:4 unwatched 83:6 use 12:4 19:6 29:15 42:20 44:1 68:1 74:24 80:5,16 88:19 90:2 100:2 105:24 112:7,12,25 113:1,4,10	valid 108:14 118:4 value 45:17 49:15,16 80:17 81:21 82:3,11 82:12 83:20 96:2 104:14,17 119:5 Vanity 7:22 variety 82:18 various 21:10 39:18 43:20 52:17 53:18 72:21,23 92:5 94:22 97:5 101:17 105:6 106:11 107:15 114:2 vehicle 12:4 ventilated 37:17 versa 46:15 73:20 79:11 version 17:2 60:14 vice 46:15 73:20 79:10 victimised 27:17 58:21 view 11:16 23:1 24:23 25:18 32:13 37:18 42:7,10 46:7 48:7 55:25 58:2 62:3 66:13,16,19,21 68:22 75:12,13 76:18 79:17 83:17,18 87:10 88:12 90:14,18 93:21 103:3 107:10,14 115:6 views 43:14 46:2 87:9 viper's 27:21 viral 69:5 visibility 53:9 vision 42:17 Voice 38:21 volume 60:23		
						W waiting 104:22 walking 13:8 waned 4:13 wanes 4:14			

<p>want 10:4,20 15:14 18:10 23:22 26:2 27:5 40:18 41:10 43:8 46:12,16 48:17 48:18 52:10,11 54:2,21 68:10 73:6,15 78:12 79:21 80:9 87:14,15,16,17 94:3,5,17,17 103:20,23 104:23 106:19 107:1 108:12 108:12,13,16 108:17 112:16 114:7 115:2,24 116:1 118:24 120:2 wanted 6:11,24 7:22 23:7,8 42:20,22 44:17 44:17 78:3,20 99:19 wants 38:7 62:14 war 3:22 wasn't 4:5 6:19 31:12,12 32:14 32:20 41:5 69:12 117:25 wasting 108:22 watch 72:3 watchdog 16:10 watchdogs 58:4 waxed 4:13 waxes 4:14 waxing 100:3 way 4:21 12:6 16:16 19:10 20:5,6,18,22 24:7 28:22 32:15 35:12 37:16 42:20,23 48:2,2 52:19 54:7 58:1,7,10 58:11 60:22 65:21 66:2 68:19,21 69:6 73:22 75:5 77:4,7 79:22 84:4 91:23 94:23 95:7,18 101:22 103:8 103:13 105:25 106:24 107:1 111:20 112:1 ways 61:5 weaknesses 46:6 weariness 44:19 websites 94:21 Wednesday 1:1 week 12:11 87:1 weeks 25:1 Weeting 40:23 weight 56:16</p>	<p>welcome 78:7 well-known 6:19 6:20 29:6 went 29:7 39:20 84:2 103:19 weren't 40:10 66:25 West 39:19 44:5 44:16 53:3 60:11 80:20 85:12 87:8 96:11 98:25 116:7 Westminster 25:3 79:15,19 Westminster/... 35:1 we'll 47:23 51:11 103:14 104:24 120:16 we're 10:11 14:25 18:11,12 26:2 38:18 44:15 45:19 47:4 52:15 56:20 69:1 74:10 81:1 82:18,19 88:17 89:17 94:16 102:6,14,19 103:13 104:15 106:2,2,3,24 108:15 109:21 113:9 115:20 117:1 we've 28:4 36:20 40:13 43:2 47:3 71:6 72:11,24 95:1 101:23 105:3 108:16 whatsoever 32:15 41:2 whilst 32:21 42:1 50:13,17 67:10 wholeheartedly 100:9 widen 13:11,12 widened 12:15 wider 36:1 wide-ranging 85:11 widow 10:7 wildly 30:12,13 William 39:4,8 willing 99:10 willy-nilly 107:16 wine 53:18 wish 33:1 120:18 wishes 98:14 withholding 4:16 witness 2:2,7 9:21 39:1 57:22 58:19 59:18,19 76:25</p>	<p>89:22 90:2 101:11 103:16 witnesses 103:23 104:21 106:22 woman 10:11,19 women 29:22 wonder 58:2 wandered 12:11 12:13 wonderful 15:21 word 4:18 16:11 16:11 26:13 69:4 77:9 80:6 80:8 84:2 words 67:23 103:11 105:16 work 3:1 5:24 15:19 19:10 22:10 23:19 37:22 40:9 42:23 61:19 63:22 65:24 68:9 70:24 73:19,25 74:1 74:23 85:25 86:5,24 88:2 88:22 95:18 96:12 100:1 101:23 102:4 105:9,17 107:11 112:10 worked 18:1 32:13 74:19 82:25 84:22 90:4 96:11 106:10,14 working 2:13 13:13 16:2 17:23 22:1,11 24:11 70:11 73:19 84:24 87:20,21 88:11 94:1 100:17 103:8 works 20:23 37:23 57:23 66:2 68:6 73:7 82:23 89:5 93:19 100:6 103:13 105:16 107:10,12,17 108:22 114:6 116:1 118:25 120:3 world 97:7 115:1 115:2 worsened 24:22 worth 14:22 wouldn't 10:13 20:19 74:22 78:12 79:21 81:7 90:23 91:11 92:10 112:16,16 118:21,24 Wright 13:17</p>	<p>28:5,7 Wright's 12:13 write 2:19,22 6:21 7:22 12:17 13:9 18:23 38:16 75:16 writes 31:4 writing 2:20 30:25 32:6,11 75:3 108:2 written 21:10 23:4 28:14 30:11 89:13 wrong 11:10 12:7 17:17 48:12,13 59:11 64:13 74:10 88:3 89:25 90:1 102:6 105:24 119:15 wrote 15:9 29:19 33:12 <hr/>X X 16:16 25:4 83:7 <hr/>Y Y 16:16 Yard 3:9 10:12 10:19,20 13:10 28:22 79:25 80:1,16 102:11 Yates 7:9 28:6 28:13,15 Yeah 24:5 year 2:8 66:23 95:15 112:18 years 15:9 16:13 16:20,21,21 17:21 21:11 22:2 27:22 34:23 43:10,24 44:3,17 46:24 50:21 64:22,24 66:15 71:8 79:21 80:22 81:14 88:6 94:10,24 97:13 97:16 106:14 118:15 yesterday 11:16 11:17 71:13 81:24 Yorkshire 39:19 <hr/>Z zone 12:15 <hr/>0 00640 6:7 00641 18:21 00645 9:12 00647 24:3 00649 25:12</p>	<p>00652 30:9 <hr/>1 1 84:19 104:8 1.00 103:20 1.05 103:18,19 1.11 120:20 10 57:11 59:22 10.05 1:2 100 117:17 11 54:25 11.43 64:5 11.50 64:7 12 55:13 13 6:7 93:13 14 55:16 67:5 70:7 111:15 14-year-old 25:8 15 56:21 59:21 72:10 112:19 16 61:8 95:5 17 63:3 95:21 19 39:10,15 48:24 52:18 1981 39:17 1990s 106:15 1992 2:15 1994 105:9 1997 39:19 1998 84:20 <hr/>2 2 40:1 41:21 85:14 105:12 109:1 2,400 41:13 2.10 120:17 20 96:3 113:11 2001 39:22 84:22 2003 39:23 2004 2:15 84:25 2005 39:25 2006 40:2 84:25 2007 2:16 3:21 39:15 40:5 85:3 2008 31:12 2009 7:3 85:5 2010 52:19 53:16 105:6 110:5 2012 1:1 39:10 84:15 104:8 21 1:1 18:20 46:20 21st 53:16 22 114:7 23 68:11 96:19 23rd 53:16,16 24 95:3 115:12 24-hour 86:20 24/7 94:19 25 86:16 26 49:17 28 84:15 29 65:4</p>	<p><hr/>3 3 4:6 41:11,21 85:14 86:4 30 2:8 60:16 64:8 67:5 31 70:7 32 64:20 33 64:20 34 72:7 35 97:12 36 72:13 37 73:2 <hr/>4 4 1:10 4:20 42:18 52:9 110:4 40-odd 38:11 43 9:11 15:9 44 46:20 65:3 45 64:23 66:15 97:15 98:2 48 98:12 99:7 <hr/>5 5 42:19 43:22 45:2 51:9 114:8 50 3:1 50,000 60:16 53 24:2 54 24:2 <hr/>6 6 5:14 50:10,11 50:14,15 61 25:12 29:1 <hr/>7 7 50:11 7/7 10:7 70 30:9 <hr/>8 8 50:18 86:25 87:1 111:9 8,000 41:12 66:22 8,500 66:21 69:17 <hr/>9 9 94:16 9/11 8:8 99 76:9 99.9 68:9</p>
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