

IN THE MATTER OF:

AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

CHAired BY THE RT HON LORD JUSTICE LEVESON

SECOND WITNESS STATEMENT OF RICHARD DAVID WALLACE

I, **RICHARD DAVID WALLACE**, of the Daily Mirror, MGN Limited, One Canada Square, Canary Wharf, London E14 5AP **WILL SAY** as follows:

1. I am making this statement in response to a notice dated 6 December 2011 pursuant to section 21(2) of the Inquiries Act 2005 (the '**Notice**') addressed to me at the Daily Mirror. A copy of the Notice is annexed hereto at pages 1-4 of Exhibit RDW-2. This is my second witness statement to the Leveson Inquiry (the '**Inquiry**'). My first witness statement was provided to the Inquiry in response to an earlier notice dated 5 August 2011 under section 21(2) of the Inquiries Act 2005 (the '**First Statement**').
2. The Notice sets out seven specific matters or issues upon which I am asked to provide evidence. I respond to each of these matters below.
3. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true.
4. I am not authorised to waive any privilege on behalf of Trinity Mirror and nothing in this statement is intended to constitute a waiver of privilege on behalf of Trinity Mirror.
- (1) **Your attention is drawn to articles published in *The Daily Mirror* on 31st December 2010 and 1st January 2011 in relation to Mr Christopher Jefferies, and which were later the subject of libel and contempt of court proceedings. Insofar as these articles contain assertions of fact, please set out, without naming individual sources, your belief as to where the evidence allegedly supporting such assertions came, in particular stating:**
5. By way of introduction to my response in respect of this first matter, I should state that I understand that one of the Daily Mirror journalists involved in producing the 31 December 2010 and 1 January 2011 articles, Ryan Parry (see further below), is also providing a witness statement to the Inquiry in respect of these articles and that he sets out in some detail the investigations and inquiries carried out and the source of each of the facts and matters contained in the articles, to the best of his knowledge. Whilst Mr Parry is better placed than me to provide those specific details (because, as Editor, I did not look at the raw copy or verify individual sources myself) in view of the fact that this was a big story I asked the Content Desk to inform me in general terms who was providing us with specific pieces of information and I am therefore able to provide the information requested by the Inquiry in respect of this matter by way of overview. As set out below and, on a number of

specific points, in greater detail by Mr. Parry, the evidence supporting the factual assertions came from a number of sources, in particular the police; public records; internet searches; and friends, acquaintances, former tenants and former pupils of Mr Jefferies, as reported to Daily Mirror reporters or a news agency working on our behalf.

(a) Whether such evidence came from the police (if so, when, and in general terms by what means).

6. It is common for the media and the police to work closely together on large investigations such as the Joanna Yeates inquiry. As I have set out in paragraphs 41-42 of my First Statement, the police ask for our assistance and we cooperate with the police in disseminating information publicly about crimes and suspects of crime. In this respect, I see us as having a role in the detection and prevention of crime.
7. Appeals for help from the public (disseminated through the media) can be critical to an inquiry and the media therefore in some senses act as an adjunct to the investigation. For instance, in this case we interviewed a pub landlord who had CCTV footage of one of the last sightings of Ms. Yeates. Although police had spoken with the landlord before us, they did not take away the CCTV. As a result of our story they re-interviewed the landlord and took away the film.
8. The police sometimes put on press conferences and reconstructions in order to jog the public's memory, and also to sometimes provoke a response from a suspect. The Joanna Yeates inquiry was no different in that regard.
9. In addition to the information given at public press conferences, or in response to inquiries made with the police press office, it is normal practice for the media to be given regular "off-the-record" background briefings by police during a major inquiry and after any subsequent arrests. Often such briefings will be given to a small group of crime reporters after a larger public press conference. The "off-the-record" information that the police may give this small group of reporters might include details additional to those that have been given to the press more widely, as well as information about particular facts that the press may be asked to withhold from the public. I understand from the Content Desk that our crime correspondent at the time, Jon Clements, attended such briefings during the Joanna Yeates inquiry.

10. The following are examples of information contained in the Daily Mirror articles of 31st December 2010 and 1st January 2011 that I believe from my discussions with the Content Desk would have been sourced from the police during the Joanna Yeates inquiry:
- (a) The arrest of Mr. Jefferies on suspicion of the murder of Joanna Yeates on Thursday 30 December 2010 was itself announced in a statement from Avon & Somerset Police, which said: *"Just after 07.00hrs this morning, police attended an address in Canynge Road and arrested a 65-year-old man on suspicion of murder. He has been taken into custody at a police station within the Avon and Somerset force area and detained for questioning. Detectives investigating Joanna's murder are continuing to carry out forensic examinations, and are also continuing to appeal for anyone with any information that can help the enquiry to call the Operation Braid incident room on 0845 456 7000 or the independent charity Crimestoppers on 0800 555 111."* The off-the-record guidance to reporters on the ground from the police was that it was Mr. Jefferies who had been arrested.
 - (b) The day before Mr. Jefferies' arrest (29 December 2010) police sources briefed the media that Mr. Jefferies had told neighbours that he had seen three people leave Ms. Yeates' flat, including Ms. Yeates herself, on the night she disappeared. Mr. Jefferies said he was parking his car outside the house when he saw the three people. But Mr. Jefferies later told the media and neighbours, in impromptu comments before his arrest, that in fact he had not seen Ms. Yeates. I believe the police felt there was an inconsistency in his story, although Mr. Jefferies had a different view. Mr. Jefferies told Sky News on 29 December: *"It is a serious distortion of what I said to the police and I have no further comment to make as that, no doubt, will be distorted. I made some comment which was very, very, very much vaguer than that. Anything that I have said I have said to the police and I'm not prepared to make any comments to the media."*
 - (c) In the article of 31 December we reported that *"a source close to the police investigation"* said that it was believed *"Jo's murderer had tried to conceal her body"*. This information, to the best of my knowledge, came from one of the off-the-record briefings referred to above.

- (d) Other information, (such as that Ms Yeates' boyfriend had driven to Sheffield on the night of 17 December – as included in the 31 December article), came from a public press conference with the police.
 - (e) The facts that on 31 December police successfully applied to magistrates for a 72-hour extension to question Mr. Jefferies further and that he was released on police bail the following day, 1 January 2011, would, I believe, both have come from the police.
 - (f) Where we report in the 31 December article that the police had not ruled out a link between the murder of Glenis Carruthers in 1974 and that of Joanna Yeates, I believe from my discussions with the Content Desk that one of our reporters asked the police about a possible link, and our report was based on the response given.
 - (g) Information regarding various theories being considered by detectives contained in the article dated 1 January 2011 would have, I believe, also come from the police.
11. The police also give more general guidance to the press. When Mr. Jefferies was arrested on 30 December the Content Desk informed me that (off-the-record) the police were saying that they were confident Mr. Jefferies was their man. It is not uncommon for the police to give such an indication. I believe that our coverage of this news story should be viewed against that background.
- (b) The nature of the investigations and inquiries you believe were carried out.**
12. The investigations and inquiries that we carried out for the purposes of the articles dated 31 December 2010 and 1 January 2011 involved, in addition to the information provided by the police described above, inquiries by reporters on the ground in Bristol, as well as searches of public information and interviews with friends, neighbours and other acquaintances of Mr Jefferies.
13. We had several reporters on the ground in Bristol to cover this story. In addition to Jon Clements (our then crime correspondent) Ryan Parry went to Bristol along with a district reporter, Richard Smith, who is based in the south west of England. Ryan Parry or Richard Smith or a news agency working on our behalf would have been outside the property in Clifton (and I believe that they would therefore have been the source of some of the visual

facts contained in the articles, such as the removal of Mr Jefferies' car from the property after his arrest referred to in the 31 December article).

14. These reporters also covered the police conference and statement, made door-to-door enquiries, and looked into Mr Jefferies' background. The Content Desk would, as is the usual practice, co-ordinate the coverage. The Content Desk would also check various public records (such as the Land Registry, the Electoral Role or other publicly available information) to gain information as well as the identities of any potential sources. A door-to-door reporter (in this case, either Ryan or Richard) would then follow up these leads.
 15. My Content team (both on the ground in Bristol and back in London) spoke to as many people as possible to build up a picture of Mr. Jefferies. Greig Box Turnbull, a journalist based in London whose name appears on the byline to two of the 31 December 2010/1 January 2011 articles, would have assisted with these inquiries. I would describe our team - including Greig Box Turnbull and multi-award winning reporter Ryan Parry - as professional, experienced and conscientious. They interviewed friends, acquaintances, neighbours, former tenants and former pupils of Mr. Jefferies (as to the latter, see further below). I believe the quotes from each of those individuals contained in the articles would have been sourced in this way. From those inquiries it was clear Mr. Jefferies could be regarded as a memorable figure.
 16. We also used the local press agency, South West News. The agency provided some copy on this story, but by-and-large it was our own reporters doing the research.
- (c) Whether such investigations and inquiries entailed contacting Mr Jefferies' former pupils (if so, setting out how many, providing the gist of what they said, and supplying your notes of any relevant conversations, redacting them to protect sources as appropriate).**
17. As mentioned above, our reporters did contact some of Mr Jefferies' former pupils. I do not know precisely how many, however quotes from a number of former pupils appear in the articles and these sources are either attributed by name (where they were content to be named) or otherwise anonymously (where they were not content to be named or because we wished to protect these sources until after any subsequent trial so that we would have an exclusive editorial property). Several of them provided comments and those comments are quoted in the articles: for instance, individuals called Henry Pryor, Jeremy Wayne and

James Austin are all quoted by name, as well as an individual who did not wish to be named.

18. I did not personally have conversations with any of these individuals and therefore I do not have any notes of any relevant conversations which I can provide the Inquiry.

(2) State the nature of the steps, if any, you took or caused to be taken to verify the accuracy of any information you received.

19. This was a big story and I asked the Content Desk at each stage to inform me in general terms who was providing us with specific pieces of information, particularly information that would lead off any story.

20. I did not look at the raw copy or verify individual sources myself, but I considered the information that we published to be gleaned from sources that were bona fide. As set out in paragraph 49 of my First Statement, I am not always privy to the method by which a journalist has obtained information from a source and I do not believe that I should necessarily (or in some cases, properly, in accordance with the Editors' Code of Practice -- the "PCC Code") be aware of my journalists' sources and methods.

21. In this instance, I enquired with the Content Desk as to the nature of the sources and was satisfied that they were trustworthy. The sources included the police and individuals who knew or were acquaintances of Mr. Jefferies. I had no reason to believe that any of these people had an axe to grind or any other reason to provide inaccurate information. As far as I was aware, none of them requested or was offered payment for the information they provided. These were factors I took into account when assessing the accuracy of the information. I was aware that these were serious matters, but I felt satisfied (as far as any Editor can ever be) of their veracity.

(3) State the nature of the discussions, if any, which took place between journalists and yourself in relation to the foregoing matters.

22. On such a story there is a rolling conversation between the journalists on the ground, the Content Desk and the senior editors, including myself, which goes on.

23. As stated above, I asked the Content Desk about the sources in general terms: in particular as to who was providing the information, why they were providing it, whether they were being paid and so far as the sources for these articles were concerned, I was satisfied. I would not normally speak to an individual journalist on the ground about a source;

although it does happen occasionally, I did not have any such conversations in this instance. This information comes via the Content Desk who have spoken directly to the reporter and it is then passed onto me.

(4) What legal advice, if any, was taken in relation to any of the foregoing matters; and if you are prepared to waive privilege, what was the nature of that advice?

24. Legal advice was taken, however I am not authorised to or prepared to waive any privilege on behalf of Trinity Mirror by providing any further information about that advice.

25. I formed the view that the articles published on 31 December 2010 and 1 January 2011 did not breach the Contempt of Court Act 1981. I recognise that the Divisional Court took a different view, but I hope that the Inquiry will accept that the judgment I formed at the time was formed honestly and in good faith. We are currently petitioning the Supreme Court for leave to appeal against the decision of the Divisional Court.

(5) What consideration, if any, was given to the Editors Code?

26. The PCC Code was in my thoughts as part of the decision-making on this story, as it is every day. The PCC Code, the law and the public interest are taken into account for every story: the coverage of the Joanna Yeates inquiry was no different. As set out in paragraph 49 of my First Statement, all Daily Mirror journalists (like me) are expected to work within the PCC Code and the law and to the best of my knowledge and belief, my journalists do so and I must trust them to do so.

27. I have set out in response to matter 2 above details of the nature of the steps taken to verify the accuracy of the information. So far as other pertinent provisions of the PCC Code are concerned, I did not see any issue with privacy arising from our coverage. Indeed, the journalists on the ground remarked to the Content Desk that Mr. Jefferies was often hanging around, occasionally engaging in conversation with reporters about the case. It seemed Mr. Jefferies was not trying to avoid the press.

(6) What consideration, if any, was given by you to public interest issues?

28. I considered the public interest in the story, both in the sense of the public being interested in reading about it as well as the public interest in being made aware of it.

29. It is my belief that what the public are interested in is a central tenet of public interest. The public were interested in this story. As has always been the case, people are interested in

extreme human behaviour. The story had many of the ingredients that often capture the public's attention: the disappearance of a young woman; the hunt for her; the discovery of her body; the hunt and subsequent arrest of the killer. This was all set against a Christmas backdrop, a time when people turn to, and think most of, their families, so undoubtedly the story attracted interest. Acting within the framework of the PCC Code, I considered publishing these stories to be in the public interest because the public wanted to read about the story.

- 30. Moreover, in any murder inquiry there is a clear public interest in catching the culprit. As mentioned above the police had given us an indication that Mr Jefferies was their man. The stories published regarding Mr Jefferies must, I believe, be viewed against that backdrop.
- 31. Public safety is also important. As the story broke, Ms Yeates was missing. In devoting significant coverage to her disappearance, attention was directed to this, which may have assisted in the search. The broadcast media were similarly exhaustive in their coverage of the case. I believe that the public interest was clear.

(7) Was there a spike in circulation/sales at the time of and/or following the publication of this story or stories; and, if so, what was or were the profits which ensued? Please comment on the proposition that a decision was taken to publish the story, or these stories, regardless of the litigation or other risks, because the increase in circulation/sales of your title or titles would more than cover any resultant damages and costs?

32. I have set out below a table which shows the sales figures for the Daily Mirror from 27 December 2010 to 16 January 2011. There was a marginal increase in sales over Friday 31 December and Saturday 1 January, however not a "spike" in sales as such. Circulation on the following two Saturdays (8 and 15 January) was in fact greater.

Week-Ending	Mon	Tues	Wed	Thurs	Fri	Sat
1 Jan 2011	1,056,864	1,086,422	1,104,007	1,109,632	1,165,051	1,229,291
8 Jan 2011	1,083,211	1,189,006	1,126,667	1,117,139	1,105,756	1,500,325
15 Jan 2011	1,119,811	1,133,963	1,116,688	1,113,187	1,124,846	1,486,065

33. Whilst these stories obviously helped to sell papers, thereby generating the company revenues, as shown in the table the increase in sales (and therefore profits) was relatively small.
34. Part of my job each day is to consider commercial concerns and what may drive sales of the paper. Part of my performance as Editor is measured on our commercial performance, just like in any other business (see paragraph 64 of my First Statement).
35. However, the thought process on whether to publish a story is driven by what is a good story. I am in the business of good stories. Of course good stories sell newspapers and, as said above, part of my job is to drive sales. But my principal role as Editor is as the custodian of the traditions and values of the Daily Mirror: producing good stories is central to this tradition. Nonetheless, it is a source of great personal regret that Mr. Jefferies' character was impugned in this way and we failed him and our readers. I should like to repeat the apology to Mr. Jefferies which we made in court on 29 July 2011 and published in the Daily Mirror on 30 July 2011.
36. In response to the question, it is not correct that a decision was taken to publish these stories *"regardless of the litigation or other risks, because the increase in circulation/sales of the Daily Mirror would more than cover any resultant damages and costs"*. I certainly did not make that calculation at the time. In any event (as I understand Mr. Jefferies has stated in his evidence to the Inquiry) the Daily Mirror subsequently paid significant monies to him and has been ordered to pay a further significant sum following contempt of court proceedings. Those sums would dwarf any financial upside from these articles.

Signed...

Richard David Wallace

Dated: (0) January 2012