

<p>1 Monday, 12 March 2012 2 (10.00 am) 3 Statement by Lord Justice Leveson 4 LORD JUSTICE LEVESON: Before embarking on the evidence for 5 today, there are a number of other issues which I must 6 mention. 7 First, there continues to be evidence of a leakage 8 to the press of information that is confidential to the 9 Inquiry. Everyone will remember that an early draft of 10 Mr Alastair Campbell's statement was disclosed, but 11 investigation revealed that the draft was not one that 12 had ever been shown to the Inquiry, thereby exonerating 13 all those at the Inquiry, along with the assessors and 14 core participants who had access to the statement that 15 he did in fact serve. Other, more recent leaks cannot 16 be so explained, and the timing suggests that this has 17 only happened after statements have been released by the 18 Inquiry team to the wider audience entitled to see them, 19 before the witness attends the Inquiry and they are 20 formally published on the website. 21 It is important to emphasise that early sight of 22 these statements is subject to the strict conditions of 23 confidentiality that that I imposed using the powers set 24 out in Section 19 of the Inquiries Act 2005. Further, 25 all those within the core participants and their legal</p> <p style="text-align: center;">Page 1</p>	<p>1 I can do to bring home how seriously I view unauthorised 2 disclosure information and how much more seriously 3 I shall view it as the Inquiry proceeds. The Inquiry 4 team is itself perfectly prepared to lead the way in 5 signing such a declaration, although I do not believe 6 for one moment that that is where the problem lies. 7 In addition, should any core participant wish to add 8 a person to the confidentiality circle, agreement must 9 be obtained from the Inquiry solicitor before 10 a confidentiality undertaking is signed and approved. 11 Finally, it is obviously important to remind 12 everyone, in particular the press, of my order as 13 amended, now dated 7 December 2011 to this effect: 14 "1. No witness statement provided to the Inquiry, 15 whether voluntarily or under compulsion, nor any exhibit 16 to any such statement, nor any other document provided 17 to the Inquiry as part of the evidence of the witness, 18 not otherwise previously in the public domain, shall be 19 published or disclosed, whether in whole or in part, 20 outside the confidentiality circle comprising of the 21 chairman, his assessors, the Inquiry team, the core 22 participants and their legal representatives, prior to 23 the maker of the statement giving oral evidence to the 24 Inquiry or the statement being read into evidence or 25 summarised into evidence by a member of the Inquiry</p> <p style="text-align: center;">Page 3</p>
<p>1 representatives who have access to documents on the 2 Inquiry's document management system Lextranet have 3 signed confidentiality undertakings. Against that 4 background, therefore, any leak is very disappointing 5 and a matter of concern. 6 Everyone has spoken about the difficulty of pursuing 7 an investigation aimed at identifying who is responsible 8 for the leaks that have occurred, but unless it stops, 9 I shall consider restricting the ways in which the 10 statements are made available. This could include 11 requiring anyone who wishes to read statements in 12 advance for the purpose of suggesting lines of enquiry 13 for counsel to pursue to do so in the Inquiry offices 14 rather than by having access to the Lextranet system. 15 In the meantime, I require all those who have been 16 authorised to access the Lextranet to sign a declaration 17 in standard form that the requirement of confidentiality 18 is understood and that the signatory has not been 19 responsible for passing any information contained within 20 any statement to anyone who has not signed the 21 confidentiality agreement. 22 I appreciate the limitations of this step, and 23 recognise that it might be considered somewhat offensive 24 by 99 per cent of those who are following faithfully the 25 requirements of the Inquiry, but it is the least that</p> <p style="text-align: center;">Page 2</p>	<p>1 team, as the case may be, without the express permission 2 of the Chairman. 3 "2. This order is made under Section 19(2)(b) of 4 the Inquiries Act 2005 and binds all persons, including 5 witnesses and core participants to the Inquiry and their 6 legal representatives and companies, whether acting 7 personally or through their servants, agents, directors 8 or officers or in any other way." 9 "Breach of this order by anyone can be certified via 10 the High Court and treated as contempt. See section 36 11 of the Inquiries Act 2005." 12 This is not just a question of publishing some 13 detail that will emerge in the evidence a few days 14 later. It affects the confidence that witnesses can 15 have in the Inquiry that their evidence is being treated 16 confidentially until I have decided that it should 17 become public and furthermore have the chance to 18 consider redactions of material which, for different 19 reasons, all of which are in the public interest, it is 20 suggested should not be included. 21 So that it is quite clear, the risk of a reference 22 to the High Court catches a newspaper that publishes 23 material disclosed by some source in breach the order. 24 The second matter that I wish to mention concerns 25 the recent public announcements in relation to the PCC</p> <p style="text-align: center;">Page 4</p>

<p>1 by Lord Hunt. He is absolutely correct to observe that                  2 from the outset of this Inquiry I have said to editors                  3 that the problems of press regulation are theirs and                  4 that they should seek to find a solution. I have                  5 equally emphasised that the solution not only has to                  6 work for them, but it must also work for me, by which                  7 I have explained I mean the public at large. That                  8 public includes all those who recognise the vital                  9 importance of freedom of speech and a free press, but                  10 have made it clear that regulation, however so-called,                  11 has failed, and that there has in truth been no                  12 mechanism for independent challenge to and restraint                  13 upon the excesses of the press.</p> <p>14 To say that the PCC was never a regulator,                  15 irrespective of the powers that it might have been able                  16 to exercise, and irrespective of the fact that it was                  17 badged as an effective regulator after                  18 Sir David Calcutt's second report, only underlines the                  19 concern that the public have been misled about what it                  20 could do.</p> <p>21 In evidence, Lord Hunt outlined his model of                  22 a five-year rolling commercial contract and, without                  23 committing myself in any way to such a model,                  24 I encouraged him to continue working, not least because                  25 I expect the industry to put forward to me the strongest</p> <p style="text-align: center;">Page 5</p>	<p>1 same way? On the substance, I will need Lord Hunt to                  2 address the proposed attitude to third party complaints                  3 or group complaints where there is no identifiable                  4 victim. What is the view about concurrent legal                  5 proceedings and why should the complaints arm not be                  6 able to award compensation? Informal resolution is                  7 obviously important, but how will that work as                  8 a mechanism to maintain, if not improve, standards? Is                  9 the new independent assessor an appeal mechanism? And                  10 if so, what will be done to prevent complaint fatigue                  11 and what has been said to be the grinding down of                  12 complainants by passage of time? What is meant by                  13 "a serious or systemic breakdown in standards"?</p> <p>14 This list of questions is not intended to be                  15 exhaustive, and I deliberately ask them in an entirely                  16 open way. I have raised them simply to underline my                  17 position. I do not suggest that Lord Hunt seeks to                  18 pre-empt me or that he proceeds on the basis that I have                  19 agreed with the approach which he proposes. My mind                  20 remains open to all options, although if, as Lord Hunt                  21 said, there are members of both Houses of Parliament                  22 looking for a chance to kerb press freedoms and                  23 influence conduct, I would be grateful if he would                  24 provide evidence of that fact.</p> <p>25 I repeat that Lord Hunt and the industry must</p> <p style="text-align: center;">Page 7</p>
<p>1 form of regulation that it could devise in order that                  2 I could test it against what, on full examination and                  3 analysis during Module 4, becomes the minimum                  4 requirements of an effective system. I am grateful to                  5 him and Lord Black for keeping the Inquiry team informed                  6 about the progress that has been made but it is                  7 important that this encouragement should not be taken as                  8 endorsement, let alone agreement. I have raised                  9 a number of questions and do not yet know the answers to                  10 them.</p> <p>11 By way of illustration, I must ask whether                  12 a five-year rolling contract is sufficient to deal with                  13 the fundamental problem of industry acceptance. The                  14 threat of what I might recommend may well encourage to                  15 sign up those who, for reasons which have been                  16 explained, do not consider that the PCC has worked for                  17 them but that simply potentially puts the problem off                  18 for five years. That is a more serious issue than has                  19 manifested itself in the past, because previous crises                  20 have concerned adequacy of regulation and there was no                  21 problem of publishers leaving the system.</p> <p>22 Secondly, I am keen to understand what is proposed                  23 in relation to the structure surrounding the new                  24 regulator. Is it proposed that PressBoF and the                  25 Editors' Code Committee should remain staffed in the</p> <p style="text-align: center;">Page 6</p>	<p>1 continue to work on what they see as the best way                  2 forward, not, I hope, simply viewing the task as one of                  3 trying to persuade me to adopt what for them is                  4 a least-worst option. They must expect that the                  5 ultimate suggestion will be subjected to forensic                  6 analysis.</p> <p>7 That will happen for their ideas, as it will happen                  8 to the ideas that have been submitted to the Inquiry by                  9 other individuals and groups. I will recommend what                  10 I perceive to be the most effective and potentially                  11 enduring system. It will then be for others to decide                  12 how to proceed.</p> <p>13 The third topic that I want to address this morning                  14 concerns a series of technical issues as to which                  15 I invite submissions from core participants. Rule 13 of                  16 the Inquiry rules 2006 permits me to send a warning                  17 letter to any person whom I consider may be or who has                  18 been subject to criticism in the Inquiry proceedings or                  19 about whom criticism may be inferred. Further, the                  20 report must not include be any explicit or significant                  21 criticism of a person, unless I have done so, and                  22 provided a reasonable opportunity to that person to                  23 respond.</p> <p>24 For individuals, that exercise is straightforward,                  25 but I will continue to apply the principle that I will</p> <p style="text-align: center;">Page 8</p>

<p>1 not criticise any individual in relation to allegedly                  2 criminal conduct that is presently or foreseeably the                  3 subject of criminal investigation or might give rise to                  4 criminal proceedings, whether or not such an                  5 investigation is presently being undertaken. But I am                  6 presently minded to the view that this does not prevent                  7 me from criticising any individual whom I do not suggest                  8 or imply participated in illegal conduct but whom I find                  9 knew perfectly well what was going on, albeit that he or                  10 she now denies all knowledge of any such thing.                  11 To take an example away from the Inquiry, for X to                  12 know perfectly well that Y has stolen property, whether                  13 he saw him do it or because Y admitted it to him, does                  14 not make X guilty of any crime, but it seems to me that                  15 if I conclude, assuming it to be relevant, that X                  16 falsely denied that he had such knowledge, that is                  17 a potential criticism for which warning must be given,                  18 and furthermore, that so to conclude does not imperil                  19 a criminal investigation or prosecution or represent                  20 unfairness to anyone, as I try to discern the custom,                  21 practices and ethics of the press.                  22 Second, the word "person" is not defined by the                  23 rules or by the Inquiries Act 2005. Applying the rules                  24 of construction to be found in schedule 1 of the                  25 Interpretation Act 1978, it seems to me that "person"</p> <p style="text-align: center;">Page 9</p>	<p>1 facts can similarly be high level, and the evidence                  2 simply the material that has been put before me.                  3 What I wish to hear submissions about, however, is                  4 whether such criticism is caught by Rule 13 at all.                  5 I am not thereby criticising any individual or person.                  6 Indeed, the individuals may be less worthy of criticism                  7 because they're simply part of the culture, and                  8 following the practice which is endemic to the industry,                  9 or at least to part of it. Furthermore, the closing                  10 submissions of each core participant will doubtless                  11 address the question of custom, practice and ethics, and                  12 I am unsure what a further bite of the cherry will                  13 achieve.                  14 An example that might assist: if I were minded to                  15 conclude that whether or not the illegality of                  16 interception of mobile telephone messages was                  17 appreciated -- that is to say, the fact that it was                  18 illegal -- the fact that it could be done and was being                  19 done was widely known among a section of the national                  20 press beyond a rogue reporter at the News of the World,                  21 is that a criticism that I have to address to every                  22 reporter or every title, or is it sufficiently high                  23 level that it does not contain an individual criticism                  24 of any person within Rule 13, and does not require prior                  25 notification within the rule?</p> <p style="text-align: center;">Page 11</p>
<p>1 includes a body of persons incorporate or unincorporate.                  2 Is that correct? If it is, and, for example, I wish to                  3 consider criticising the News of the World as a title                  4 because of its illegal or unethical practices, but                  5 without descending into analysis of precisely who did                  6 what to whom, is it appropriate to identify the                  7 News of the World as a title and address a Rule 13 to                  8 the title, or should it be addressed to                  9 News International Limited or both?                  10 That is not unimportant, given that complaints have                  11 been made about a number of the News International                  12 titles which have been named during the course of the                  13 Inquiry. Similar questions might arise in relation to                  14 other media entities that operate more than one title.                  15 Third, if I wish to criticise a title by name,                  16 I recognise the need to provide notice under Rule 13,                  17 but what is the position if I consider that any of the                  18 subparagraphs (a) to (c) of Rule 13(1) are satisfied but                  19 only in the sense that I consider that the relevant                  20 criticism relates to the culture, practices and ethics                  21 of the press as a whole, rather than any particular                  22 newspaper group or individual title.                  23 In one sense, stating the criticised culture,                  24 practice or ethical approach under resume 15(1)(a) will                  25 be straightforward and high level. A statement of the</p> <p style="text-align: center;">Page 10</p>	<p>1 I appreciate that in his challenge to the concept of                  2 anonymous evidence, Mr Mark Warby Queen's Counsel for                  3 Associated Newspapers addressed the Divisional Court as                  4 to what he described as "class libel" (see [2012] EWH                  5 C57 (Admin) paragraph 38) and I am prepared to hear                  6 further submissions on this topic, although for my part                  7 I do not find the concept particularly helpful when                  8 seeking to determine culture, practices and ethics.                  9 The technical issue is significant because time will                  10 not permit me to approach notices under Rule 13 only                  11 after the conclusion of the entire Inquiry, and as                  12 I move from Module 1 onto Modules 2 and 3, I shall be                  13 running Rule 13 warnings, which only require me to be                  14 satisfied that a person may be subject to criticism, in                  15 parallel, thereby requiring submissions well before the                  16 end of the Inquiry. To that end, I will decide on the                  17 correct approach to this rule at a very early stage,                  18 leaving anyone who wishes to challenge my conclusion to                  19 do so without in any way interrupting my overall                  20 timetable. To that end, I'd invite submissions on this                  21 topic by 12.00 midday on Wednesday, 21 March.                  22 The final topic I wish to bring up at this stage is                  23 this: I am aware that the Inquiry is being publicly                  24 requested to publish the Motorman files beyond the                  25 redacted version published by the</p> <p style="text-align: center;">Page 12</p>

<p>1 Information Commissioner. If Mr Sherborne, on behalf of                  2 the core participants who complained about the conduct                  3 of the press, wishes to argue that such a step is                  4 appropriate, given the terms of reference and the fact                  5 that this Inquiry is not concerned with individual                  6 behaviour -- that is to say, who did what to whom -- and                  7 has eschewed such investigation as a matter of fairness,                  8 but is rather concerned with custom, practices and                  9 ethics, he is at liberty to do so.</p> <p>10 Thank you. Yes, Ms Patry Hoskins?                  11 MS PATRY HOSKINS: Good morning, sir. The first witness                  12 this morning is Assistant Commissioner Cressida Dick.                  13 LORD JUSTICE LEVESON: Thank you very much.                  14 MS CRESSIDA DICK (sworn)                  15 Questions by MS PATRY HOSKINS                  16 MS PATRY HOSKINS: Good morning. Please state your full                  17 name.                  18 <b>A. Cressida Rose Dick.</b>                  19 Q. You've provided a witness statement. Could you confirm                  20 the contents are true to the best of your knowledge and                  21 belief?                  22 <b>A. Yes, they are.</b>                  23 Q. I'm going to start, please, with your career history.                  24 I'm looking at paragraph 2 onwards of your statement and                  25 I'm going to paraphrase it in this way.</p> <p style="text-align: center;">Page 13</p>	<p>1 leading teams investigating the majority of serious,                  2 sensitive, complex and organised crimes in London, and                  3 then it's in August 2011, following the requirement of                  4 John Yates, that you were appointed Assistant                  5 Commissioner Specialist Operations and it's since that                  6 time that you've held the role that you perform now. Is                  7 that all correct?                  8 <b>A. All correct.</b>                  9 Q. Thank you very much. Before I turn to ask you about                  10 your personal experience with the press or the media and                  11 also a bit about the practicalities of regulating                  12 relationships between the police and the press or the                  13 media, the first logical step is to ask you whether you                  14 consider such a relationship to be important, and if so,                  15 why.                  16 If we turn in that respect to paragraph 27 of your                  17 statement, you touch on this in a little detail. You                  18 set out there at paragraph 27 -- you start with the                  19 benefits to the police of a close relationship with the                  20 press. Can I ask you to summarise in your own words                  21 what those benefits are, in your view?                  22 <b>A. I think it's extremely important that we give the public                  23 accurate information. That's one of our most important                  24 roles. It's very important that the public understand                  25 policing as much as they can, and also that they hold us</b></p> <p style="text-align: center;">Page 15</p>
<p>1 You explain is that you are currently an Assistant                  2 Commissioner with the Metropolitan Police Service. You                  3 head up the specialist operations department, and your                  4 current areas of responsibility include                  5 counter-terrorism, diplomatic, VIP and royalty                  6 protection and counter-terrorism and security for the                  7 Olympic and Paralympic games?                  8 <b>A. Yes, that's right.</b>                  9 Q. You joined the MPS in 1983. You've served as be a                  10 constable, sergeant and inspector, all in London.                  11 We'll skip over paragraph 4 and turn to paragraph 5.                  12 You returned to the MPS after sometimes with Thames                  13 Valley Police. You returned as a commander and you were                  14 appointed director of the Diversity Directorate and head                  15 of the Racial and Violent Crime Taskforce?                  16 <b>A. Yes.</b>                  17 Q. You then also undertook command roles in the MPS's                  18 response to 9/11, the tsunami and the terrorist attacks                  19 in London, July 2005 and 2007.                  20 If we move to paragraph 6, you tell us that                  21 in February 2007, you were promoted to Deputy Assistant                  22 Commissioner and moved to specialist operations in                  23 charge of protection and security in London. In July                  24 2009, you were promoted again to Assistant Commissioner                  25 and you moved then to the specialist crime directorate,</p> <p style="text-align: center;">Page 14</p>	<p>1 <b>to account, and they can only do that by knowing about                  2 policing. We need the public to help us in a variety of                  3 ways. Obviously we need information about crimes that                  4 have happened, but also we need people to have                  5 confidence in the police and in the whole system, so                  6 that they will give us intelligence or give us evidence,                  7 be witnesses, provide observation posts. I could go on.</b>                  8 <b>I think this is all dependent on people having good                  9 knowledge and good understanding, and a very, very                  10 important thing also is for them to actually understand                  11 their rights and understand what they should -- you                  12 know, how they can interact with the police. All of                  13 these things -- the media in its broadest sense are                  14 extraordinarily important to us in terms of getting our                  15 legitimate messages out.</b>                  16 Q. If I can give you also a specific example you give at                  17 paragraphs 17 to 18, you explain that in 2001, you were                  18 responsible for implementing the recommendations of the                  19 Stephen Lawrence public Inquiry, and for several                  20 high-profile investigations, including the                  21 reinvestigation of the murder of Stephen Lawrence, and                  22 at that stage you had regular contact with national                  23 journalists, given those roles. You explain at                  24 paragraph 18 that you recently wrote an article for the                  25 Guardian on these issues, and that this article</p> <p style="text-align: center;">Page 16</p>

<p>1 illustrates the crucial and important relationship that 2 exists between the police and the media. 3 Again, can you give us a little bit of background 4 there on what you're saying? What were the specific 5 benefits of the relationship between the police and the 6 press surrounding the Stephen Lawrence inquiry and the 7 reinvestigation? 8 <b>A. I became responsible for that case in 2001, and remain 9 so to the present day, and clearly, coming back into the 10 Metropolitan Police, as I did at that point, it was 11 obvious that we had a great deal of work to do to 12 restore people's confidence in our ability to deal with 13 certain types of crimes, to ensure that people 14 understood that we were taking the public inquiry 15 seriously and responding to all their recommendations 16 effectively. 17 So in those early years -- and I think I inherited 18 this approach from my predecessor -- we did an enormous 19 amount of work with the media to sort of open ourselves 20 up, really, and to get their advice and guidance as 21 well. There were moments where, for example, we did an 22 enormous amount of what we called critical incident 23 training, and we had journalists present at the training 24 to put a different perspective to the officers. 25 In terms of the actual reinvestigation, of course we</b> Page 17</p>	<p>1 examples that you can give us? Also, can you state with 2 confidence that it's a small number? 3 <b>A. Well, there have been a limited number of convictions, 4 and indeed misconduct findings, in relation to leaks. 5 Of course, that's quite a broad word. 6 Q. Yes. 7 A. So losses of information, for example, whether negligent 8 or just careless, when it's official secrets, through to 9 actually forming a relationship with somebody and 10 deliberately passing information to somebody -- for 11 example, a member of the press -- we have had a small 12 number of convictions and some misconduct findings. So 13 that's why it's very clear to me. 14 I've also twice during the last couple of years been 15 in charge, at the management board level, of our 16 professional standards area, so I see the sort of 17 intelligence and the investigations that we're doing, 18 and they are very difficult and frequently we don't know 19 whether the information has come from the police or from 20 some other party, but there are sufficient there for me 21 to believe, again, that some of these unauthorised 22 disclosures have come from the police. 23 I'm also briefed on Operation Elveden, which has 24 obviously been discussed here before. So that's why 25 I say I'm clear.</b> Page 19</p>
<p>1 were very, very, very keen to bring the murderers to 2 justice and we wanted people to know that that's what we 3 were trying to do. 4 Q. All right. Can I move on then to regulating that 5 relationship which you've identified. Can I ask you to 6 turn, please, to paragraph 7 of your statement. Here 7 you state that generally there are good working 8 relationships between the MPS and the media, but you 9 identify two issues. If I can just read them out. You 10 say: 11 "However, it is clear that over the past years there 12 have been problems with a small number of MPS personnel 13 being willing to leak unauthorised and/or operationally 14 damaging information to the media." 15 So that's the first issue. Then you also identify 16 that: 17 "There has also been a perception that some senior 18 officers have had overly close contact with certain 19 parts of the media." 20 You go on to explain that in a little bit more 21 detail. Can I ask you a number of questions, first of 22 all, on the first of those two issues. Why do you say 23 that it is clear that over the past few years there have 24 been problems with a small number of personal being 25 willing to leak information? Are there any specific Page 18</p>	<p>1 I think in relation to that, I am confident that 2 it's not an endemic problem. I spent sort of, in some 3 senses, all my service thinking about issues like this 4 and talking to colleagues and talking to colleagues in 5 other forces around the world, and I genuinely do not 6 believe that this is a culture or anything other than 7 isolated individuals. That's my view. 8 Q. I'll come on to ask you about leaks in more detail in 9 a moment, if I can, probably not touching on Elveden in 10 any detail whatsoever. Can I turn to the second of the 11 two issues that you identify there at paragraph 7, the 12 perception that some senior officers have had overly 13 close contact with certain parts of the media? Is it 14 your view that some senior officers had overly close 15 contact with some parts of the media or is it just 16 a perception? 17 <b>A. I think it is certainly a perception. There's no doubt 18 about that, and this has clearly been discussed here and 19 widely in the media. It is also the case that there's 20 been very regular and close contact between some senior 21 members of the Met. I should say I think all of these 22 issues are not, of course, completely confined to the 23 Met, but that's what we're focusing on here. 24 I think some of the contact has led to the 25 perception. I can't tell whether it's been overly</b> Page 20</p>

<p>1 <b>close, but in terms of whether it's been wrong or right,</b></p> <p>2 <b>what I can say is that I think it's been unfortunate</b></p> <p>3 <b>that it has led to that perception, and I think for the</b></p> <p>4 <b>future we will have to be and will be clearer about the</b></p> <p>5 <b>professional boundaries between us and members of the</b></p> <p>6 <b>media.</b></p> <p>7 Q. Again, I'll come on to cover in some detail</p> <p>8 recommendations for the future, so perhaps park that</p> <p>9 issue just for now.</p> <p>10 You seem to suggest later on in your statement,</p> <p>11 paragraph 44 onwards, that this perception that you</p> <p>12 identify may have arisen as a result of essentially</p> <p>13 flaws in the way that policies and so on have been</p> <p>14 interpreted. Sorry, look at paragraph 44.</p> <p>15 <b>A. Thank you.</b></p> <p>16 Q. "I think policies, processes and practices have not</p> <p>17 previously worked in a way which has consistently</p> <p>18 maintained public confidence. This has allowed</p> <p>19 a perception to develop that there have been</p> <p>20 inappropriate relationships with certain quarters of the</p> <p>21 press."</p> <p>22 Can you explain that a little bit further? What do</p> <p>23 you mean when you say they've not previously worked in</p> <p>24 a way which has consistently maintained public</p> <p>25 confidence?</p> <p style="text-align: center;">Page 21</p>	<p>1 <b>we have changed our policies over the years and we --</b></p> <p>2 LORD JUSTICE LEVESON: Is this just specifically addressed</p> <p>3 to the question of relationships between the police and</p> <p>4 the media or is it a wider point? Is there a wider</p> <p>5 issue here about the way in which the Metropolitan</p> <p>6 Police have sought to convey information, perhaps</p> <p>7 naturally emphasising the very good and minimising the</p> <p>8 less happy, whereas a rather more transparent approach</p> <p>9 to everything, demonstrating that actually, even police</p> <p>10 officers are human beings and sometimes, occasionally,</p> <p>11 don't always get it absolutely right, may be a more</p> <p>12 appropriate way of seeking to obtain public confidence?</p> <p>13 <b>A. Yes, sir.</b></p> <p>14 LORD JUSTICE LEVESON: So is it a wider question?</p> <p>15 <b>A. Yes, sir. I do think that on occasion we may have been</b></p> <p>16 <b>over-defensive. That said, I think if I was to speak</b></p> <p>17 <b>for my colleagues, they would feel that there's often</b></p> <p>18 <b>news and information out there which is not "good news",</b></p> <p>19 <b>in inverted commas, which comes from us. So I wouldn't</b></p> <p>20 <b>be overly critical of where we have been personally, but</b></p> <p>21 <b>I do absolutely accept Ms Filkin's comments that for the</b></p> <p>22 <b>future it would be better if we were able to get as much</b></p> <p>23 <b>information as possible out in the first place and be</b></p> <p>24 <b>more transparent in every way. I do accept that.</b></p> <p>25 LORD JUSTICE LEVESON: You don't have to convince me that</p> <p style="text-align: center;">Page 23</p>
<p>1 <b>A. Well, that the -- "not consistent public confidence", I</b></p> <p>2 <b>think, is the point that I've just made, and I do think</b></p> <p>3 <b>that in general our policies and processes have been</b></p> <p>4 <b>quite good.</b></p> <p>5 Q. Yes.</p> <p>6 <b>A. We've changed them latterly and tightened them up, but</b></p> <p>7 <b>nevertheless, I don't think they've been that bad. As</b></p> <p>8 <b>a whole, they clearly haven't resulted in the public</b></p> <p>9 <b>being completely confident in our ability to maintain</b></p> <p>10 <b>a professional relationship, and I believe this is as</b></p> <p>11 <b>much about the clarity around the standards and having</b></p> <p>12 <b>the discussions about what we mean and, to coin a phrase</b></p> <p>13 <b>I know has been used here, shining a light on what has</b></p> <p>14 <b>actually been going on. I think we've perhaps not done</b></p> <p>15 <b>enough of that collectively.</b></p> <p>16 Q. Right, so your evidence is that you don't think there's</p> <p>17 much wrong with the policies; it's simply the way in</p> <p>18 which the spirit of the policies is conveyed to those</p> <p>19 who are interpreting it? Would that be fair?</p> <p>20 <b>A. Yes. I think it's also important to say that I think</b></p> <p>21 <b>this Inquiry is obviously looking at the</b></p> <p>22 <b>Metropolitan Police over a number of years, and some of</b></p> <p>23 <b>the witnesses have been, of course, talking about many,</b></p> <p>24 <b>many years ago. What might have been acceptable ten</b></p> <p>25 <b>years ago might not be acceptable now, and you will see</b></p> <p style="text-align: center;">Page 22</p>	<p>1 leaks can occur, whether or not the leaker is really</p> <p>2 believing something horrible is going wrong, which</p> <p>3 everybody is trying to suppress.</p> <p>4 <b>A. Yes.</b></p> <p>5 LORD JUSTICE LEVESON: I've spent five minutes this morning</p> <p>6 talking about the subject.</p> <p>7 <b>A. (Nods head)</b></p> <p>8 LORD JUSTICE LEVESON: But it may reduce the impact if that</p> <p>9 approach is taken.</p> <p>10 <b>A. Yes, sir.</b></p> <p>11 MS PATRY HOSKINS: Can I ask now about your own personal</p> <p>12 contact with the media and how you handle matters.</p> <p>13 Perhaps that's something we need to explore. If we look</p> <p>14 at paragraph 21 of your statement, you explain your own</p> <p>15 approach. You say, about halfway down that paragraph:</p> <p>16 "It's always been my practice that I redirect any</p> <p>17 request for information from a journalist straight to</p> <p>18 the MPS directorate of public affairs. Any request for</p> <p>19 an interview which I have accepted has been supported by</p> <p>20 DPA and I always have a press officer present at an</p> <p>21 interview. I do not speak direct to journalists on the</p> <p>22 telephone and do not arrange to meet with them, except</p> <p>23 with a press officer. As a consequence, I am almost</p> <p>24 never contacted directly by a journalist, and as I have</p> <p>25 said, on the very rare occasions I have, I have</p> <p style="text-align: center;">Page 24</p>

<p>1 re-directed the request. I do not instigate contact 2 with the media except through the press office." 3 That approach seems to be slightly different from 4 the approach that's suggested, if I can put it this way, 5 by the different media relation policies that there have 6 been over the years, in this sense: there isn't 7 a requirement in those policies for press officers to be 8 present, off-the-record conversations are permissible 9 and so on. We can look at the policy but I'm sure 10 you're very familiar with it. Why do you take the 11 approach that you do in those circumstances? 12 <b>A. This is the approach that I personally have always felt 13 comfortable with. It's fair to say that at various 14 stages in my service I've had a great deal of contact 15 with the media, particularly in my first job that you've 16 referred to, back in the Met, and secondly when I was 17 doing organised crime, cross-border crime, gun crime, 18 I was constantly doing media work. And again, when 19 I was Assistant Commissioner for specialist crime. So 20 I do have a fair amount of contact. This was the way 21 I felt and still feel most comfortable.</b> 22 I wouldn't want you to think that it is the sort of 23 -- "obsessively monastic", I think is the phrase that's 24 been used here, end, in that if I bump into a journalist 25 in the street, I will, of course, if I know them, say,</p> <p style="text-align: center;">Page 25</p>	<p>1 <b>A. No, I think that's all I want to say. Thank you.</b> 2 Q. Can we now look, please, at paragraph 28 of your 3 statement. It's a bit further on. At this stage in 4 your statement, you've just been asked questions about 5 your contact with the media, and then you say this: 6 "Very occasionally, the media have information from 7 their own investigations which we make available to us. 8 I have led operations as a result of such information on 9 a number of occasions." 10 Then the examples you give are in relation to 11 parliamentary expenses or the Pakistani cricketers case. 12 I've been asked by another party to this Inquiry to ask 13 you this question: what steps do you take to ensure that 14 this information that you receive from the media is not 15 obtained unlawfully? 16 <b>A. Well, it's a very important point, clearly.</b> 17 Q. Yes. 18 <b>A. It's not a common occurrence but not that unusual for 19 the Met to be contacted by a newspaper who say they have 20 some very important evidence, they would say, about 21 a crime, and sometimes that is, for example, as a result 22 of a leak, as I would call it, or as a result of a sting 23 operation, for example. And it's absolutely crucial 24 that as soon as the information comes in, we start to 25 assess the manner in which it has been obtained, and we</b></p> <p style="text-align: center;">Page 27</p>
<p>1 "Hello, how are you", and on occasions I might find 2 myself at an event sitting next to a journalist and 3 I will have a conversation with them. But if it is that 4 they are specifically seeking information, I feel more 5 comfortable putting it through the press office and 6 having a press officer present. 7 I absolutely understand that the policy allowed 8 a broader approach and I wouldn't criticise anybody for 9 one moment who has done that. 10 Q. So you're not saying that everyone should adopt the 11 approach that you do; you support the media policies in 12 place. It's just this is the personal approach that you 13 have adopted and feel most comfortable with. Is that 14 a fair assessment? 15 <b>A. Yes. I think when we're looking back, different people 16 adopted slightly different approaches, and for the 17 future, I think I can speak for the new Commissioner to 18 say that I think he believes, in general, a press 19 officer should be present, for example, at an interview. 20 But he's not -- perhaps I shouldn't speak for him. My 21 view is we wouldn't be saying it's a disciplinary 22 offence not to have a press officer there.</b> 23 Q. All right. Would you like to look at the relevant 24 policies or is there anything else that you'd like to 25 say about that?</p> <p style="text-align: center;">Page 26</p>	<p>1 always do that. 2 So I would have, alongside me or alongside the 3 senior investigating officer, people who are expert in, 4 for example, covert policing and the RIPA, the 5 Regulation of Investigatory Powers Act, to ensure that 6 this evidence is going to stand up. 7 We would also, very early on, include certainly 8 members of the Crown Prosecution Service in the examples 9 given there. The Crown Prosecution Service were 10 involved, in the case of the Pakistani cricketers, 11 within about two hours of us receiving the information. 12 So it's very important that we do do that, clearly. 13 Q. Moving on just below there, paragraph 29 and 30, please, 14 you were asked here what the media have been seeking 15 from you. You say in general they are seeking 16 information which will interest their audiences and in 17 addition they are often interested in helping to solve 18 a crime. Then you say this: 19 "On occasions, I have been aware that the media have 20 been seeking information I would not be prepared to 21 give, such as confidential information, information 22 which might undermine an investigation, or 'gossip' 23 about the Met and its senior officers and staff." 24 Without going beyond what you're comfortable to 25 share, what kind of circumstances here are we talking</p> <p style="text-align: center;">Page 28</p>

1 about and how often does this occur?  
 2 **A. Perhaps I could give an example.**  
 3 Q. Yes.  
 4 **A. When I was Assistant Commissioner specialist crimes, in**  
 5 **charge of dealing with all the most serious crimes in**  
 6 **London except for terrorism, I would meet every month**  
 7 **with two crime reporters over a cup of coffee in the**  
 8 **office, and it was usually a themed conversation. So**  
 9 **I would talk about, with a colleague, forensics or**  
 10 **a child abuse investigation, whatever it might be.**  
 11 **At the end of every such meeting, I think, they**  
 12 **would say, "And so what's happening with ..." and**  
 13 **mention two or three celebrated cases that we had, which**  
 14 **they knew perfectly well, I think, I wasn't going to say**  
 15 **a word about, because we weren't -- it might undermine**  
 16 **that investigation. And it became almost a joke and**  
 17 **I would always smile and say, "You always have to try**  
 18 **it on, don't you?" And that, of course, is their job.**  
 19 **I understand that.**  
 20 **And a similar sort of off-the-cuff comment sometimes**  
 21 **about what they perceived was going on in the Met,**  
 22 **particularly on the board.**  
 23 Q. All right. Can I ask you more about these meetings.  
 24 You say, looking back at the transcript, that you met  
 25 once a month, every month, with two crime reporters over

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1 a cup of coffee in the office, and it was usually  
 2 a themed conversation. Can you tell us a bit about  
 3 these meetings? Were these formal meetings arranged  
 4 with the Crime Reporters Association or were they  
 5 something else?  
 6 **A. I was very conscious, when I became Assistant**  
 7 **Commissioner, that having been in security and**  
 8 **protection where I had no contact with journalists at**  
 9 **all, really, I needed to meet some of them to ensure**  
 10 **that they were sort of kept up to date, really, with**  
 11 **what was going on in our world, and didn't think that,**  
 12 **to coin a phrase, the shutters had come down because**  
 13 **there was me in charge and they didn't know me as well**  
 14 **as my predecessor, Mr Yates.**  
 15 **So I thought -- going back to my first answer to**  
 16 **you -- very helpful for them to have a more detailed**  
 17 **understanding of some of the challenges, of some of the**  
 18 **crime issues in London, some of the approaches that we**  
 19 **were taking, and so these were formal meetings, press**  
 20 **officer present, me, usually a colleague, and a note**  
 21 **kept of the meeting.**  
 22 Q. Who attended these meetings?  
 23 **A. I think they were all crime reporters and members of the**  
 24 **Crime Reporters Association.**  
 25 Q. Do you have any knowledge of who made the decision as to

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1 who was invited or who would attend?  
 2 **A. I said at the beginning --**  
 3 Q. Yes.  
 4 **A. -- we need to do this over the next -- however long I'm**  
 5 **going to be in office and we need to sort of spread this**  
 6 **around. So the press officers would let the Crime**  
 7 **Reporters Association know that I was doing this and**  
 8 **then people could say, "Well, I'd like to come", I think**  
 9 **was the process. I didn't do it myself. I don't think**  
 10 **I ever had anybody twice, so we had a spread of people.**  
 11 LORD JUSTICE LEVESON: Are these interviews conducted on  
 12 a pool basis, so that the people who are present share  
 13 what they've learnt with others, or for that particular  
 14 week is that an exclusive for them?  
 15 **A. No, the principle on which it was done was that they**  
 16 **would hear about the issues and then, if they wished to**  
 17 **come back and do a follow-up, perhaps an interview with**  
 18 **one of our people or go out in the back of a car or**  
 19 **something like that, then they would contact us, but**  
 20 **they were not -- or indeed if they wanted to interview**  
 21 **me about something, then they could come and interview**  
 22 **me about something. So although there was a record**  
 23 **kept, they were not published.**  
 24 LORD JUSTICE LEVESON: I'm sure it's my fault.  
 25 **A. Sorry.**

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1 LORD JUSTICE LEVESON: That wasn't quite my question.  
 2 **A. Sorry.**  
 3 LORD JUSTICE LEVESON: My question was whether these were  
 4 individual interviews or meetings with two reporters  
 5 who -- their number would come up and they would get  
 6 exclusive access, or whether what you were saying was  
 7 then pooled so that all writers could learn of what  
 8 you'd been talking about, all journalists from all  
 9 papers, so that any one of them could pick up --  
 10 **A. No, I don't think it was pooled and I don't think it was**  
 11 **broadcast, if you like, in that manner. It was not put**  
 12 **out in that manner.**  
 13 LORD JUSTICE LEVESON: The snag then is that the person who  
 14 gets to you may get the scoop or the really good  
 15 story --  
 16 **A. I didn't see a single scoop or really good story result**  
 17 **from it, sir, I have to say.**  
 18 LORD JUSTICE LEVESON: That's a pity.  
 19 **A. I think it was more about increasing understanding**  
 20 **generally, and they were very generally conversations.**  
 21 **So -- what did follow sometimes was they would say,**  
 22 **"I want to go and see more of Trident", or something**  
 23 **like that, but I wasn't there to, as it were, get**  
 24 **a message out. It was more about helping people to**  
 25 **understand the challenges, and they could ask anything.**

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<p>1 LORD JUSTICE LEVESON: I understand that, but there are lots 2 of people who need to understand the challenge, and of 3 course the risk is that somebody who feels that they've 4 not been favoured with this sort of attention may try 5 and get it some other way. 6 <b>A. Yes, I see that risk. I think all the themes that we 7 did were also -- pretty much, they were all reflected at 8 bigger meetings.</b> 9 LORD JUSTICE LEVESON: Okay. 10 <b>A. And certainly I wasn't saying anything secret or 11 exciting, I think.</b> 12 LORD JUSTICE LEVESON: Well, I'm sure it was exciting, but 13 it may not have been secret. 14 <b>A. Well --</b> 15 LORD JUSTICE LEVESON: It depends on your perception. 16 <b>A. Yes.</b> 17 LORD JUSTICE LEVESON: But you understand the point I'm 18 making? 19 <b>A. I do.</b> 20 LORD JUSTICE LEVESON: There has certainly been some 21 evidence before the Inquiry about favoured status -- 22 <b>A. Yes.</b> 23 LORD JUSTICE LEVESON: -- for certain reporters. 24 <b>A. Yes, which was why I was so keen that we got through 25 lots and lots of people, and obviously over a protracted</b> Page 33</p>	<p>1 <b>people to understand broader issues, to invite them in 2 in that manner.</b> 3 Q. You explain there that you were asked on a number of 4 occasions for confidential information or gossip or 5 information that might undermine an investigation, and 6 clearly you say you were never prepared to do that. 7 I think you said it almost became a running joke. Did 8 you ever feel under pressure from anyone else -- 9 editors, journalists -- to disclose this kind of 10 information or gossip in any other forum? 11 <b>A. No. I mean, I think possibly to some extent my 12 reputation went ahead of me with some people. There's 13 just no point. Secondly, other people who might have 14 been interested didn't know me, didn't have 15 a relationship with me. So for example, you mention 16 editors. There aren't many editors that I know, so it 17 would be very odd if they rang me up and said, "Tell me 18 the latest gossip from the Met." You know, it would be 19 absurd.</b> 20 Q. Was there ever, perhaps in the early days before they 21 knew your reputation -- did they ever ask you to 22 consider changing operational decisions or was this just 23 a request for information? 24 <b>A. I don't believe I've ever had a journalist or a member 25 of the press try to get me to change an operational</b> Page 35</p>
<p>1 <b>period.</b> 2 MS PATRY HOSKINS: Perhaps it's just me, but just so I can 3 be absolutely clear, am I right in thinking that you 4 would have a meeting and there would be -- I think you 5 said two crime reporters? 6 <b>A. Two or three.</b> 7 Q. And then the next time it happened, there would be 8 another two or three; is that right? 9 <b>A. Yes.</b> 10 Q. And the next time it happened, another two or three? 11 <b>A. Yes.</b> 12 Q. And you don't feel that you ever saw the same person 13 twice? 14 <b>A. I don't think so.</b> 15 Q. So was it done on a sort of rota basis, as far as you 16 understand? 17 <b>A. Yes.</b> 18 Q. And these meetings were not something that you had 19 chosen to set up; they had been in existence before -- 20 <b>A. No, no, they were something that I thought might be 21 a good idea. I was regularly seeing individual 22 journalists on individual subjects. I was regularly, 23 with the Commissioner, going to large meetings or doing 24 press conferences and that sort of thing. I thought it 25 would be useful, to break down barriers and also to help</b> Page 34</p>	<p>1 <b>decision.</b> 2 Q. Paragraph 36, please. You were asked here about 3 politicians and whether politician had ever put pressure 4 on you to take a particular course of action. We're 5 moving away from the press. You explain that on 6 occasion you have been aware that pressure groups have 7 lobbied politicians and also newspapers to gain further 8 prominence for their issue and then politicians have 9 then sought to also raise the prominence of the issue. 10 You say: 11 "If any politician has ever sought to put 12 inappropriate pressure on me (for whatever motive) to 13 take a particular course of action, investigatively or 14 during an operation, I have made it clear that the 15 police have operational independence, such decisions are 16 mine and I would ignore such pressure." 17 Can I take it from the answer to that question that 18 you have been the subject of inappropriate pressure to 19 take a particular course of action by a politician? 20 <b>A. Well, I think there's quite a fine line here, and one 21 could debate this for hours. I won't, I assure you. 22 Politicians have a very legitimate role in being the 23 voice, if you like, for victims or for people who are, 24 you know, weaker in some sense or other, and for 25 setting -- some politicians, for setting priorities for</b> Page 36</p>

<p>1 <b>policing. But we in the British policing model and we</b>  2 <b>in the police have always been very, very, very clear</b>  3 <b>about the need for impartiality and operational</b>  4 <b>independence in relation to our operational decisions.</b>  5 <b>So if I give -- I could -- perhaps a couple of</b>  6 <b>examples?</b>  7 Q. Yes.  8 <b>A. The first one is when I worked in Oxford, I did an</b>  9 <b>enormous amount of public order work with student</b>  10 <b>protests and environmental protests and animal rights</b>  11 <b>protests, and it was not unusual for politicians of one</b>  12 <b>complexion or another to ring up and ask about the</b>  13 <b>policing plan either that was upcoming or the one we had</b>  14 <b>just done, and I would be very happy to explain what</b>  15 <b>I had done and why I had done it or what I intended and</b>  16 <b>why, but if there came a point where I felt they were</b>  17 <b>telling me whether to shut such-and-such a street or</b>  18 <b>allow such-and-such a protest, then that would be the</b>  19 <b>point where I would gently and politely remind them that</b>  20 <b>of course that's my decision and not theirs.</b>  21 Q. You said you might have a couple of examples. Is that  22 all you wanted to say?  23 <b>A. I'm conscious that Sir Paul made mention in his evidence</b>  24 <b>of the conversations that he was having -- I didn't know</b>  25 <b>he was having, actually -- with our then chair of our</b></p> <p style="text-align: center;">Page 37</p>	<p>1 a joking way. Nevertheless, you felt the need to put  2 down a marker. Is this really an example of pressure in  3 your view or not?  4 <b>A. I don't know his intent, and often one doesn't. I know</b>  5 <b>mine, which was to make it clear that I felt that this</b>  6 <b>was a decision that I should make and would make.</b>  7 <b>Perhaps to balance things out, in parliamentary</b>  8 <b>expenses, which is also a highly charged, clearly,</b>  9 <b>political investigation in some respects in terms of</b>  10 <b>party politics, I never had any issue whatsoever with</b>  11 <b>any politician at all in terms of them attempting to put</b>  12 <b>any pressure on me to do or not do anything, and I think</b>  13 <b>that's the way the system should work.</b>  14 LORD JUSTICE LEVESON: Do you think this line is going to  15 become more blurred as we move into the era of  16 Commissioners?  17 <b>A. It's certainly going to be a challenge, sir, and I think</b>  18 <b>that's why there's been a great deal of debate about</b>  19 <b>this, as I'm sure you're aware, and some checks and</b>  20 <b>balances are now in place in terms of a protocol to</b>  21 <b>clarify who should do what and what's legitimate for</b>  22 <b>each party, the Chief Constable and the Policing and</b>  23 <b>Crime Commissioner, but I'm sure it will be challenging</b>  24 <b>in the future.</b>  25 LORD JUSTICE LEVESON: But you've already got it because of</p> <p style="text-align: center;">Page 39</p>
<p>1 <b>authority around the phone hacking investigation,</b>  2 <b>Operation Weeting, in the early part of this year --</b>  3 <b>sorry, early part of 2011. You'll be aware that I was</b>  4 <b>the management board member for that, and the line</b>  5 <b>manager for Ms Akers.</b>  6 <b>On a couple of occasions, Mr Malthouse, I thought</b>  7 <b>jokingly, said to me: "I hope you're not putting too</b>  8 <b>many resources into this, Cressida", and on the third</b>  9 <b>occasion, when he said it again, I said, "Well, that's</b>  10 <b>my decision and not yours, and that's why I'm</b>  11 <b>operationally independent", and we then went on to have</b>  12 <b>a perfectly reasonable sort of conversation about where</b>  13 <b>the public interest lay, which, of course, is an</b>  14 <b>entirely thing for him to want to discuss with me.</b>  15 <b>But I felt that I wanted to put down a marker,</b>  16 <b>mainly because I didn't want to compromise him. I think</b>  17 <b>if it was ever felt outside that we had or hadn't put</b>  18 <b>this resource or that resource or arrested this person</b>  19 <b>or that person because a politician, to whom I am</b>  20 <b>accountable but nevertheless of a particular political</b>  21 <b>party, in such a charged investigation had put pressure</b>  22 <b>on, that would compromise him and us and our</b>  23 <b>investigation.</b>  24 Q. You said, I think, at the outset of the answer to that  25 question that you considered the request to be made in</p> <p style="text-align: center;">Page 38</p>	<p>1 the way in which London is organised?  2 <b>A. Exactly, yes. So it's a change for us, from what we're</b>  3 <b>used to, and the policing and crime commissioners and</b>  4 <b>Mr Malthouse himself, of course, will speak for how they</b>  5 <b>see that line.</b>  6 LORD JUSTICE LEVESON: Yes.  7 MS PATRY HOSKINS: Before I come on to ask you a bit more  8 about leaks -- I said I'd come back to that -- can we  9 touch on hospitality, please. You don't say much about  10 this in the statement, but to what extent is the  11 acceptance of hospitality a genuine issue, in your view,  12 that needs to be tackled in relation to the MPS?  13 <b>A. I think we have been tackling it in the last several</b>  14 <b>months, and we have tightened up, again, on both the</b>  15 <b>policy and our processes that sit underneath that and</b>  16 <b>our auditing and our leadership and management around</b>  17 <b>the issue.</b>  18 <b>Again, I think any abuse or excess has not been</b>  19 <b>a cultural problem or an endemic problem, but I do think</b>  20 <b>we have, for a variety of reasons, ended up with</b>  21 <b>a perception, as Ms Filkin outlined, of excessive</b>  22 <b>hospitality and, you know, we're the police and it's</b>  23 <b>very important that people don't see us in that light,</b>  24 <b>so we do need to be, you know, very, very, very clear</b>  25 <b>about this and very transparent about it. I think</b></p> <p style="text-align: center;">Page 40</p>

<p>1 transparency is probably the key, and five years ago we                  2 didn't publish our hospitality registers for our most                  3 senior people.                  4 Q. So you don't wish to take away anything from what she                  5 has said? You don't wish to differ, in your view?                  6 <b>A. In relation to hospitality? No, I don't think so.</b>                  7 <b>I think, again, I don't wish to be seen criticising the</b>                  8 <b>past. You know, that was then. I think for the future</b>                  9 <b>in relation to, for example, hospitality from the media,</b>                  10 <b>we will be normally conducting that media relationship</b>                  11 <b>without alcohol and usually not over meals, but -- but</b>                  12 <b>back to my -- of course, if I meet somebody in the</b>                  13 <b>street, for example -- you know, if I'm sitting next to</b>                  14 <b>a journalist at a dinner, I don't think the Commissioner</b>                  15 <b>will expect me to say, "I'm sorry, I can't be at this</b>                  16 <b>dinner because you're here." We have to be reasonable.</b>                  17 Q. Before I move on to leaks, is there anything else that                  18 you wish to say about hospitality as an issue or                  19 anything at all on that?                  20 <b>A. No.</b>                  21 Q. Can we turn, please, to leaks from the MPS.                  22 Paragraph 45 of your statement onwards. If I can just                  23 read out what you say here. You're asked here:                  24 "To what extent have leaks from the MPS to the media                  25 been a problem during your career with the MPS?"                  Page 41</p>	<p>1 occasion, become more secretive than they would                  2 otherwise be, and that makes managing quite difficult.                  3 Q. I understand. From your understanding, can you tell us                  4 a bit about motive. I mean, are we talking in all cases                  5 about bribery? Are we talking about whistle-blowing?                  6 Are we talking about just wanting to the source of the                  7 story that gets out into the newspapers? What are the                  8 motives?                  9 <b>A. As I said before, sometimes information gets out through</b>                  10 <b>pure mistake. It might be negligent, it might be</b>                  11 <b>careless. The file that's left on the train, the person</b>                  12 <b>who doesn't realise the sensitivity of the information</b>                  13 <b>and the degree of restriction that should be on it, and</b>                  14 <b>mentions it, you know, casually in the pub, and it's</b>                  15 <b>overheard.</b>                  16 <b>And then, at the furthest end, of course -- and</b>                  17 <b>I say this -- I truly believe it to be the case that</b>                  18 <b>it's very rare: somebody who is selling information to</b>                  19 <b>the media for money. And in between, there are a number</b>                  20 <b>of different scenarios that can occur.</b>                  21 Q. Let me ask you about bribery. You were asked about this                  22 at paragraph 47 onwards of your statement. You were                  23 asked:                  24 "To what extent do you believe bribery of personnel                  25 by the media is a problem for the MPS (if at all)?"                  Page 43</p>
<p>1 And you say:                  2 "They have been a considerable problem. They have,                  3 on occasion, undermined investigations. They have                  4 damaged individuals and public confidence. They have                  5 sometimes caused individuals and teams to be very                  6 secretive within the organisation, which can, itself,                  7 cause difficulties."                  8 Can we unpick that, please. You probably can't give                  9 us every example, but what kind of leaks are we talking                  10 about here? What sort of leaks undermine                  11 investigations, for example?                  12 <b>A. I should underline my point that very often in the world</b>                  13 <b>that I've been in, it's quite hard to pinpoint the leak</b>                  14 <b>to the Metropolitan Police.</b>                  15 Q. Yes.                  16 <b>A. Frequently, the information is known to a broader group</b>                  17 <b>of people than just the Met. But there have certainly</b>                  18 <b>been occasions that I am aware of where operationally</b>                  19 <b>sensitive information, which, for example, we wouldn't</b>                  20 <b>want to be known to the suspect, has got into the public</b>                  21 <b>domain. There have certainly been leaks where</b>                  22 <b>individuals who had, you know, a right to privacy had</b>                  23 <b>that privacy intruded upon because, it appears, a leak</b>                  24 <b>has come from the Met in an utterly inappropriate way.</b>                  25 <b>And as I say, if people fear leaks, they can, on</b>                  Page 42</p>	<p>1 And you say you believe it is a problem but it's not                  2 widespread or endemic, but you fear that there may have                  3 been colleagues who have been prepared to take money for                  4 information, and you go on to say that you're aware of                  5 a small number of cases where it appears or has been                  6 proven that colleagues have received money for                  7 information.                  8 Now, as I say, I don't want to ask you about any                  9 ongoing investigation, please, but perhaps you can give                  10 us a flavour of any concluded investigations: sums of                  11 money involved, nature of the information, the level of                  12 seniority of the officers involved and so. Is there                  13 anything you can assist us with there to give us                  14 a flavour of what's been happening? Information that we                  15 are entitled to know about?                  16 <b>A. Well, there have certainly been some investigations --</b>                  17 <b>one in particular comes to mind for me -- in Thames</b>                  18 <b>Valley more recently, where, as you say, although those</b>                  19 <b>investigating it didn't see it this way, the person saw</b>                  20 <b>it and said it was whistle-blowing and indeed, they were</b>                  21 <b>found not guilty at court, together with the journalist,</b>                  22 <b>and that was a case of prison intelligence.</b>                  23 <b>Now, clearly, intelligence officers working in</b>                  24 <b>prisons are working in a very, very sensitive</b>                  25 <b>environment, and you know, that was whistle-blowing, but</b>                  Page 44</p>

1 the damage done to the confidence in prison intelligence  
 2 was quite considerable. I think possibly the case of  
 3 Mr Landlack^name has been mentioned here, which is  
 4 in my world of specialist operation. Mr Landlack was  
 5 convicted for passing information from counter-terrorism  
 6 to the media, and it was a relatively small amount of  
 7 money. He was a relatively junior, if I can put it that  
 8 way, person in terms of rank, a retired officer working  
 9 at a relatively junior level, but very, very  
 10 experienced, and it appears that he was disaffected.  
 11 So those would be the two example that is come  
 12 straight to my mind.

13 Q. So when you say that you don't believe it's widespread  
 14 or endemic, how do you get that feel? Is it just from  
 15 the investigations that you've been briefed on, or is it  
 16 something that you've discussed more formally with  
 17 colleagues?

18 A. I suppose it's based on, as I said, a quite considerable  
 19 length of service now, and a fairly considerable  
 20 interest in these issues. So I have, you know, over the  
 21 years, read quite a lot of research on the subject.  
 22 I have spoken to colleagues in our police forces, I've  
 23 worked with and in professional standards, and I know,  
 24 from colleagues and surveys, how absolutely appalling  
 25 the vast majority of officers and staff regard such

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1 behaviour, but I do acknowledge that there has been and  
 2 no doubt is some of this going on. I don't think we'll  
 3 be unique in that. We have to try to reduce it to  
 4 a minimum and I think hopefully get rid of it, but as  
 5 Lord Condon said, we have to then keep the pressure on.  
 6 If we think of other forms of corruption --  
 7 I genuinely believe that the Police Service that I am  
 8 now in is less corrupt than it has ever been, and I hope  
 9 that continues. This is an element which is causing  
 10 concern within the service and to the public, and we  
 11 need to really, as you say, assess the full extent and  
 12 then deal with it.

13 Q. I'm going to come on to ask you about recommendations  
 14 for the future. Before I do, can I ask you about leaks  
 15 from the MPS management board. There are a number of  
 16 questions here from another party to the Inquiry.  
 17 You explain that you became Assistant Commissioner  
 18 in 2009. You must have joined the MPS management board  
 19 at that stage; is that correct?

20 A. Yes.

21 Q. Some general questions, please, about the management  
 22 board first. How often has the management board  
 23 generally met since you joined it?

24 A. Until the new Commissioner, Bernard Hogan-Howe, arrived,  
 25 we met three times a week for a short operational type

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1 of meeting and once a month as a bigger team with a --  
 2 sorry, once a month for a more formal agenda and  
 3 occasionally a bigger team there, and sometimes we would  
 4 meet as a whole group for a specific subject or topic.  
 5 That was rare.

6 MS PATRY HOSKINS: Sir, I don't think if you have had  
 7 sufficient information on the role of the management  
 8 board or if you'd like Assistant Commissioner Dick to  
 9 give us a bit more?

10 LORD JUSTICE LEVESON: Well, you were just about to go on to  
 11 say what's happened since the new Commissioner arrived,  
 12 and if you describe what the role is now -- I think  
 13 we've probably got sufficient as to what it was in the  
 14 past -- that would be helpful.

15 A. The new Commissioner has simply changed the rhythm  
 16 a little bit. So he likes his senior team, as far as is  
 17 possible, to meet together for a shorter period each  
 18 weekday morning. So Monday to Friday, if we are not  
 19 anywhere else, we will all sit down together, and  
 20 I think it's probably a very similar role overall to  
 21 predecessors in terms of who is present and the topics  
 22 on the table. Daily we're looking at critical issues  
 23 and monthly we're looking at policy and strategy and  
 24 planning and looking forward.

25 MS PATRY HOSKINS: So who does attend the management board

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1 meetings?

2 A. The management board consists of the Commissioner, the  
 3 Deputy Commissioner, each of the Assistant  
 4 Commissioners -- so at present we have an Assistant  
 5 Commissioner for territorial policing, which is sort of  
 6 wider London, uniform and CID that you see on the  
 7 boroughs. We have an Assistant Commissioner for the  
 8 Olympics, we have an Assistant Commissioner for  
 9 counter-terrorism, protection and security -- that's  
 10 me -- and we have an Assistant Commissioner for  
 11 specialist crime and operations, so things like firearms  
 12 and that sort of thing, as well as crime.

13 Also present as a member of the board when it sits  
 14 as a full board is director of legal services and always  
 15 is our director of information and our director of  
 16 resources, which at the moment includes human resources,  
 17 so people.

18 Finally, present at the board until recently would  
 19 have been our director for public affairs.

20 Q. What do you mean by "until recently"? When did that  
 21 stop?

22 A. Well, we currently have an acting director of public  
 23 affairs, so he sits there.

24 Q. Is the general rule, though, that the director of public  
 25 affairs should attend the monthly management board

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<p>1 meetings or does attend?</p> <p>2 <b>A. Yes, and the daily management team meetings.</b></p> <p>3 Q. Thank you.</p> <p>4 <b>A. I think at various stages -- and I will not be forgiven</b></p> <p>5 <b>for forgetting this -- that role -- post-holder has</b></p> <p>6 <b>either been or not been a full member of the board but</b></p> <p>7 <b>either way they've been present --</b></p> <p>8 Q. Either --</p> <p>9 <b>A. -- at all those meetings, yes, and an important role.</b></p> <p>10 Q. You've told us briefly what you do when you meet in the</p> <p>11 mornings and what you do at the monthly meetings. Can</p> <p>12 I ask you this: are significant high-profile</p> <p>13 investigations, therefore, discussed at board level,</p> <p>14 either sort of daily basis or at monthly meetings?</p> <p>15 <b>A. Many are. Some are not, or not in any detail. So</b></p> <p>16 <b>sometimes we have a very significant covert operation</b></p> <p>17 <b>going on, and by definition it's covert. It might be is</b></p> <p>18 <b>a counter-terrorism operation or something similar, and</b></p> <p>19 <b>we operate on a need-to-know basis, so I, as the</b></p> <p>20 <b>Assistant Commissioner over the last few years, have</b></p> <p>21 <b>frequently been running operations where I would only be</b></p> <p>22 <b>briefing the Commissioner, and rarely the board,</b></p> <p>23 <b>depending on what stage we had got to.</b></p> <p>24 Q. All right. Again, questions from another party to this</p> <p>25 Inquiry: did you discuss the reinvestigation into the</p> <p style="text-align: center;">Page 49</p>	<p>1 <b>progress of that review, because I was absolutely</b></p> <p>2 <b>determined, if I could possibly ensure it, that only</b></p> <p>3 <b>those people who really needed to know did know, in case</b></p> <p>4 <b>there was any unhelpful media coverage which might</b></p> <p>5 <b>undermine the investigation or any future trial in terms</b></p> <p>6 <b>of people's right to a fair trial.</b></p> <p>7 LORD JUSTICE LEVESON: That's entirely fair enough and</p> <p>8 understandable, but could I just see. Is that because</p> <p>9 you took the view that it really was an absolute need to</p> <p>10 know, or was it because you did have some concern that</p> <p>11 somebody might say something if this matter was</p> <p>12 discussed, even at this senior level? That's a rather</p> <p>13 unfortunate question, but I think it's probably</p> <p>14 important.</p> <p>15 <b>A. I was certain that if anybody was briefed who didn't</b></p> <p>16 <b>need to know, and then there was a leak or unauthorised</b></p> <p>17 <b>information in the media or indeed any sort of</b></p> <p>18 <b>speculation in the media, that it could reflect on</b></p> <p>19 <b>everybody who had been briefed. In this particular</b></p> <p>20 <b>instance -- and this is by no means the only</b></p> <p>21 <b>investigation that I have dealt with in this manner.</b></p> <p>22 LORD JUSTICE LEVESON: No, I --</p> <p>23 <b>A. But in this particular instance, at various stages,</b></p> <p>24 <b>forensic scientists were aware, obviously, of the</b></p> <p>25 <b>evidence that was becoming known to them. The Crown</b></p> <p style="text-align: center;">Page 51</p>
<p>1 Lawrence murder at such meetings?</p> <p>2 <b>A. It's an interesting example to give. As you say,</b></p> <p>3 <b>I became a member of the board in 2009. The short</b></p> <p>4 <b>answer to that is: no.</b></p> <p>5 Q. No, since 2009?</p> <p>6 <b>A. Not until we got to trial in relation to Mr Dobson and</b></p> <p>7 <b>Mr Norris and we had reporting restrictions lifted, to</b></p> <p>8 <b>some extent.</b></p> <p>9 LORD JUSTICE LEVESON: By 2009, the process of pursuing</p> <p>10 these two suspects was under way, presumably, and that</p> <p>11 was being run by the team that were running it, and</p> <p>12 therefore there aren't any wider strategic issues to</p> <p>13 discuss. Is that the position?</p> <p>14 <b>A. No. Sorry, sir, it's more that this was an</b></p> <p>15 <b>investigation which, over the years, had been obviously</b></p> <p>16 <b>very important to the public and to the Met, but in the</b></p> <p>17 <b>1990s one of the things that had been very difficult</b></p> <p>18 <b>about it as an investigation -- one of the things -- had</b></p> <p>19 <b>been unauthorised disclosure of information. Another</b></p> <p>20 <b>thing that had been difficult about it was the degree of</b></p> <p>21 <b>media coverage that there had been of certain</b></p> <p>22 <b>individuals who were regarded as suspects. I took the</b></p> <p>23 <b>decision when I took this on that as soon as we start</b></p> <p>24 <b>our forensic review in 2005/6, I would personally only</b></p> <p>25 <b>brief the Commissioner, and only intermittently, on the</b></p> <p style="text-align: center;">Page 50</p>	<p>1 <b>Prosecution Service and counsel were kept very, very</b></p> <p>2 <b>closely informed, and a small number of people on my</b></p> <p>3 <b>team were informed.</b></p> <p>4 <b>So that group knew a certain amount, and then we</b></p> <p>5 <b>regularly met with Mr and Mrs Lawrence and we kept them</b></p> <p>6 <b>updated about aspects of the investigation. So there's</b></p> <p>7 <b>already quite a large number of people who knew. I knew</b></p> <p>8 <b>how devastating it would be to witness confidence, to</b></p> <p>9 <b>family confidence, and potentially our ability to deal</b></p> <p>10 <b>with suspects, if information got into the public</b></p> <p>11 <b>domain, and I knew that I would immediately launch</b></p> <p>12 <b>a leak inquiry and it would reflect on all of us,</b></p> <p>13 <b>potentially people who never even needed to know about</b></p> <p>14 <b>it, so I restricted the numbers.</b></p> <p>15 MS PATRY HOSKINS: It has been alleged that despite that</p> <p>16 there were two damaging leaks -- well, at least two</p> <p>17 damaging leaks, in October and November 2007. Do you</p> <p>18 know anything about that? Was an investigation launched</p> <p>19 into those?</p> <p>20 <b>A. Yes. Yes. There was information in the media which, as</b></p> <p>21 <b>is often the case, included quite a lot of speculation,</b></p> <p>22 <b>a certain amount that's inaccurate, and one or two</b></p> <p>23 <b>things which could only really have been known to the</b></p> <p>24 <b>groups that I have just described before, and it was</b></p> <p>25 <b>very damaging to our relationship with the family in the</b></p> <p style="text-align: center;">Page 52</p>

<p>1 short term and potentially could have been to our wider 2 witnesses as well as, as I say, being part of an 3 argument about a fair trial at the beginning of any 4 trial. So it was very disappointing and annoying, and 5 I did launch -- or rather I talked with the Commissioner 6 about it and professional standards launched a leak 7 inquiry.</p> <p>8 Q. Can you tell us any more about that leak inquiry?</p> <p>9 A. Yes. I think I'm right in saying that they did not 10 identify anybody from within the Met who had -- who they 11 could say had leaked this information. I think it's 12 fair to say that the journalist indicated that he 13 felt -- he was prepared to say that the information had 14 not come from the Met, but I don't know whether that's 15 true and in essence we never discovered who had leaked 16 the information, and this is obviously quite common in 17 relation to reactive, after-the-fact leak inquiries. 18 They are very difficult, as I know you know.</p> <p>19 Q. Right, I'm going to ask you now about paragraphs 50 to 20 51 of your statement. You were asked about the MPA at 21 this section of your witness statement. You were asked 22 about the level of contact and oversight there is from 23 the MPA and you explain, as we all know, that the MPA 24 doesn't exist any more in its old form. At 25 paragraph 51, you say this:</p> <p style="text-align: center;">Page 53</p>	<p>1 sometimes some tension between us about information 2 which we had -- I can think of one example where we'd 3 held onto this information for a long time, it's then 4 gone to them, it's then in the media, and that may 5 actually be a complete coincidence. Very well, but it 6 creates and has created some tension and, on occasion, 7 some sort of pointing of fingers in both directions, 8 which is not helpful.</p> <p>9 But I would want to underline my last sentence 10 there. As an example, I shared with the chair of the 11 authority the fact that we were doing an enormous covert 12 operation to find the person who was burgling and 13 assaulting and, on occasion, sexually assaulting 14 women -- elderly women and sometimes men in south London 15 and we had hundreds of officers deployed covertly for 16 several weeks, and that never became known to the media, 17 as far as I'm aware. And I told the chair about that 18 because I thought he was likely to be asked by other 19 people: "What's going on? Are they doing anything?" and 20 he could say, "No, I know they're doing a lot". It was 21 a very important case and I could give tonnes and tonnes 22 of examples where I thought it was appropriate to share 23 that sort of information and I've never had that 24 breached.</p> <p>25 Q. Right. Before I turn to recommendations, I want to ask</p> <p style="text-align: center;">Page 55</p>
<p>1 "There have been some occasions when material which 2 has been shared with the MPA or its members on 3 a restricted basis has subsequently appeared 4 inappropriately in the media. Inevitably, this has 5 created some suspicion between the parties. It is often 6 very difficult to establish where a leak has come from."</p> <p>7 But then you go on to say, I should say for the sake 8 of completeness, that on the rare occasions that you've 9 had to share sensitive operational information with the 10 chairs and chief executive, you've always had complete 11 trust in them and have never had any reason to doubt 12 that the trust was honoured. Is this a concern, in your 13 view? I appreciate that the MPA doesn't exist any more 14 in that form, but in your view was this a concern that 15 leaks from the MPA or its members -- I just wonder why 16 you mention this.</p> <p>17 A. I think it is an important point. I've already made the 18 point of the difficulty that any leak creates in 19 a collaboration, in a team that are trying to deliver an 20 outcome, and clearly the Met and the MPA have to work 21 very closely together. They hold us to account, and are 22 given an enormous amount of information, some of which 23 is sensitive, and I'm not saying I was, for example, 24 constantly concerned that the MPA would leak it. I'm 25 not saying that. I am just saying that there was</p> <p style="text-align: center;">Page 54</p>	<p>1 you a question, please, about July 2009. You've told us 2 in your statement that July 2009 is in fact when you 3 were promoted from Deputy Assistant Commissioner to 4 Assistant Commissioner within the specialist crime 5 directorate. That's correct, isn't it?</p> <p>6 A. Yes.</p> <p>7 Q. You are no doubt aware that John Yates was asked to -- 8 I hesitate to use the word "review". He was asked to 9 investigate, establish the facts, on 9 July 2009 10 following the now famous Guardian article on the phone 11 hacking issue, if I can put it that way. Have you heard 12 or read his evidence to this Inquiry in that respect?</p> <p>13 A. I have -- I've read his statement and I have seen some 14 of his evidence, yes. But, of course, I haven't -- 15 maybe not "of course", but I haven't seen the documents 16 and bundle that were attached, I think, to his 17 statement. I haven't seen his exhibits.</p> <p>18 Q. Right, thank you. Can I start with this question: can 19 you assist us at all on whether there were any 20 discussions as to who should be asked to carry out this 21 establishment of the facts?</p> <p>22 A. Yes. I think there were. I can remember when the 23 article was being published, I, as the Assistant 24 Commissioner for specialist crime, actually rang, 25 I think Mr Yates in the first instance and then</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

1 Mr Godwin to see who was likely to be going to deal with  
 2 this, and I felt that it was something that probably  
 3 needed to be dealt with at Assistant Commissioner level,  
 4 which I think they both agreed at the time, although one  
 5 could have argued something else, I'm sure.  
 6 Q. Why did you take that view?  
 7 A. Because of the sort of nature of the allegations, for  
 8 want of a better word, that were around at that stage,  
 9 and the fact that it was clearly a very, very, very  
 10 high-profile case in which there appeared to be some  
 11 criticism of what had gone before. So I thought at the  
 12 very least the decision as to what to do should be  
 13 signed off by an assistant commissioner, which is  
 14 relatively rare, but I thought it was a serious matter,  
 15 and so did he and so did, I think, the Commissioner and  
 16 the Deputy Commissioner.  
 17 I was subsequently rung and told that John was --  
 18 Mr Yates was going to do the investigation -- sorry, was  
 19 going do the piece of work and that Sir Paul had set  
 20 him -- I don't think I was told the detail of what he  
 21 was going to do or those terms of reference, but I just  
 22 knew that it was him. I wasn't involved in any further  
 23 discussion about that.  
 24 LORD JUSTICE LEVESON: Was there a discussion about who  
 25 should do it, whether it was right for Mr Yates or for

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1 somebody else? Did you have a view about that?  
 2 A. I didn't have a view. As I said, sir, I think it  
 3 probably was an Assistant Commissioner decision, and at  
 4 the time I thought it could be me or it could be him.  
 5 You could make arguments for either. He certainly, with  
 6 his immense experience and skill and, indeed, the work  
 7 that he'd been doing on other sensitive inquiries was,  
 8 I suppose from a technical point of view, probably  
 9 slightly better qualified than I was. He also had, as  
 10 I did, the advantage in most ways that neither of us had  
 11 been involved in the original case. It has some  
 12 disadvantages, of course, but we were people who would  
 13 be seen as slightly independent of it.  
 14 I imagine, sir, you are going to the point about --  
 15 perhaps about John's relationship --  
 16 LORD JUSTICE LEVESON: You are right.  
 17 A. -- with Mr Wallis.  
 18 LORD JUSTICE LEVESON: Yes.  
 19 A. Well, I was completely and totally unaware of that  
 20 relationship at that time, and it was not discussed with  
 21 me at the time. Indeed, I had actually never heard of  
 22 Mr Wallis until early 2011.  
 23 LORD JUSTICE LEVESON: Well, here's one of those hideous  
 24 hypothetical questions. I could put it a different way.  
 25 What would have been your reaction if you had been asked

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1 to conduct this sort of investigation and you had known  
 2 somebody as senior in the organisation which was the  
 3 subject of investigation as Mr Yates knew Mr Wallis?  
 4 A. I think if I'd been asked to do this piece of work and  
 5 I knew somebody as well as it now appears he knew him,  
 6 who was senior in this organisation -- and I must caveat  
 7 it by saying it is terribly easy, sitting here, to say  
 8 what one would have done back then, but I think I would  
 9 have -- you know, I think in any piece of work that  
 10 one's asked to do, you have to ask yourself: "Am  
 11 I skilled? Do I have the resources? Do I have the  
 12 time?" All those sorts of questions, and then: "Do  
 13 I have any conflict?" And if you do think you have any  
 14 conflict, then you have to discuss that with the boss,  
 15 and so that's what I think I would have done. I think  
 16 I would have done. As I say, it's easy for me, sitting  
 17 here. He was in the hot seat. I think I would have  
 18 gone and discussed that with the boss to say, "Is there  
 19 any conflict here or not?"  
 20 LORD JUSTICE LEVESON: But he wasn't actually in the hot  
 21 seat because what you've said is there were a number of  
 22 options about who could do it.  
 23 A. Well, I think -- there were a couple of options, I think  
 24 that's true, but it's also the case that John and,  
 25 I suppose, I are people who do take on difficult cases,

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1 and he particularly has put himself up to do difficult  
 2 cases on a frequent basis. If he had just said  
 3 immediately: "Oh no, I can't do this", that might have  
 4 aroused other sorts of questions in people's minds.  
 5 But I do think that he should -- looking back,  
 6 I think -- certainly, we wouldn't be sitting here in  
 7 this manner if he had gone and discussed this in more  
 8 detail, perhaps, with Sir Paul. I don't know how much  
 9 Sir Paul knew about the relationship, but I think at  
 10 a minimum, a conflict like that should be discussed.  
 11 To be fair to John, I can think only fairly  
 12 recently, in a completely different context, of a time  
 13 which he said, "I don't think I should do this  
 14 particular investigation because ..." and likewise I've  
 15 said that twice in the last six months as well. Nothing  
 16 to do with the media or anything; just knowing or  
 17 meeting regularly with somebody in a professional  
 18 context who is then being subject to an investigation or  
 19 their organisation is.  
 20 LORD JUSTICE LEVESON: But you didn't discuss it with  
 21 Mr Yates?  
 22 A. No, not at all.  
 23 LORD JUSTICE LEVESON: You've said something else that has  
 24 interested me. Was the perception that you had, as you  
 25 have described it -- this was a very, very high-profile

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<p>1 case, a serious allegation, not three short sentences in 2 a newspaper but a substantial serious allegation -- that 3 it therefore had to be treated with a level of gravity 4 that was perhaps, as you put it, slightly unusual, given 5 that you agreed it should be signed off by an Assistant 6 Commissioner? 7 <b>A. Yes, I do think it then needed a degree of gravity, as 8 you say. We -- all of us are juggling tens and tens and 9 tens of things that need a degree of gravity, 10 undoubtedly, but yes, it certainly wasn't a trivial 11 matter. For sure.</b> 12 LORD JUSTICE LEVESON: So it would be wrong to characterise 13 it as just a routine newspaper article? 14 <b>A. Again, it's almost impossible for me to --</b> 15 LORD JUSTICE LEVESON: Well, you didn't characterise it as 16 that at the time. 17 <b>A. No, I characterised it as something that we couldn't 18 ignore and definitely needed to have a look at. I could 19 see that. We needed to have a look at and --</b> 20 LORD JUSTICE LEVESON: You see, all Sir Paul had heard was 21 a radio report of it. He'd not -- he was off to some 22 conference. 23 <b>A. Yes.</b> 24 LORD JUSTICE LEVESON: Policing conference. I'm not saying 25 anything else.</p> <p style="text-align: center;">Page 61</p>	<p>1 <b>What do we need to do?"</b> 2 <b>LORD JUSTICE LEVESON: Hm.</b> 3 MS PATRY HOSKINS: I do have some more questions about this. 4 LORD JUSTICE LEVESON: Let's have a break now. Just have 5 a few minutes. 6 (11.39 am) 7 (A short break) 8 (11.47 pm) 9 MS PATRY HOSKINS: Before the break, we were discussing the 10 period 9 July 2009. I've asked you a little about 11 discussions that took place prior to the decision that 12 Mr Yates conduct this investigation into the 13 establishment of the facts. Can I ask you another 14 theoretical question, if I can. You may know that 15 Mr Yates gave evidence to the Inquiry that he was asked 16 by Sir Paul to establish the facts. He showed us a file 17 note which indicated that he wanted to establish the 18 facts of the case and consider whether there was 19 anything new arising as a result of the Guardian article 20 to which we've just been referring. 21 He explained in evidence as well that he had 22 a meeting with a number of senior officers, he had 23 access to briefings document he was given DSC Clive 24 Timmons. He then gave a brief overview of what he'd 25 done on that and how he came to the conclusions that he</p> <p style="text-align: center;">Page 63</p>
<p>1 <b>A. Sure.</b> 2 LORD JUSTICE LEVESON: And he heard it on the radio. So he 3 hadn't had the chance of seeing the article. Did you 4 have the chance to see the article? 5 <b>A. I didn't see the article until later on in the day, but 6 I was also hearing the radio and I think I'd -- I think 7 I'd had a contact from the press office about it as 8 well, because people were wondering -- needing to be 9 reminded about who had dealt with it before.</b> 10 LORD JUSTICE LEVESON: So I gather that this not only just 11 involved Mr Stephenson and Mr Yates but actually you had 12 been involved in a discussion, as had the Deputy 13 Commissioner, Mr Godwin? 14 <b>A. Yes, a very brief discussion. From me, it was 15 literally: "Who's going to deal with this?" and if it 16 had come my way, then I would have settled down to work 17 out, on the brief that Sir Paul had given me, what 18 needed to be done, but it didn't and I never discussed 19 it with him again.</b> 20 <b>It was not -- it is -- now, of course, it looks 21 a most unusual case. Then it perhaps looked slightly 22 different, but we do deal with difficult and demanding 23 things often. So it didn't scream out at me as anything 24 other than the kind of thing that we quite often have to 25 pick ourselves up on and say, "What's gone on here?"</b></p> <p style="text-align: center;">Page 62</p>	<p>1 did. 2 I know that you were not asked to be involved, you 3 didn't attend relevant meetings or really have anything 4 to do with it after that initial discussion, but given 5 that you took over his role in due course, and you're 6 therefore, it seems to me, familiar with the process of 7 conducting such a procedure when asked to do so, I'd be 8 grateful for your thoughts on what you would have 9 done -- what process you would have undertaken, had you 10 been asked to carry out this establishment of the facts 11 on that particular day? 12 <b>A. Well, a lot would depend on how much I knew already, as 13 it does in any case. I would want to have the article 14 analysed to see exactly what it was saying, and I would 15 want to get as thorough a briefing as I could about what 16 had gone before, through looking at documents, through 17 talking to people who were involved.</b> 18 <b>The essential question in any sort of looking-back 19 process is always: what's changed, and indeed, what's 20 new? And sometimes it's very hard to understand what's 21 new if you don't have a good understanding of what's 22 gone before.</b> 23 <b>But -- I hesitate to draw parallels, but this is 24 a kind of process that somebody like me is asked to do, 25 albeit in different times of cases, quite often, and it</b></p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



<p>1 could be quite a short process or it could be one in                  2 which, at a very early stage, I would say, "I want this                  3 reviewed", or: "I want somebody knew to come in and have                  4 a look at it." I would always, as I think John did,                  5 want to look at the sort of briefing notes and also to                  6 have the views of whatever it was I was asking to take                  7 a view actually recorded for me. I might very well talk                  8 to the CPS, and indeed to our own lawyers, which I think                  9 I'm right in saying John did, certainly the lawyers                  10 initially.                  11 But it's very hard to be hypothetical about it and                  12 it's very hard for me to put myself in his shoes, but                  13 the essence of working out what needs to be done now is                  14 to be clear about what it is being said is new and                  15 fundamental and clearly whoever's written the article                  16 thinks needs doing something about and in order to                  17 understand that, you frequently have to have quite                  18 a good understanding of what's gone before.                  19 LORD JUSTICE LEVESON: But why this focus on the word "new"?                  20 Why isn't it: "Did we get this right?"                  21 A. Um ... well, I -- from my point of view, sir, as I see                  22 it, of course there are times when we have to go back                  23 and ask whether we got something right or wrong, but --                  24 and that can be part of any kind of review process, but                  25 sometimes you are, if you have a full understanding of</p> <p style="text-align: center;">Page 65</p>	<p>1 past.                  2 LORD JUSTICE LEVESON: That's the point.                  3 A. And however you get that -- it might be: "I know X, Y,                  4 Z", sometimes, because I did that, or it might be:                  5 "I need somebody to undertake an enormous review of this                  6 for me."                  7 LORD JUSTICE LEVESON: But not necessarily enormous.                  8 A. Or short, yes.                  9 LORD JUSTICE LEVESON: As you said you need to understand                  10 what had gone on in the past --                  11 A. Yes.                  12 LORD JUSTICE LEVESON: -- I was internally nodding rather                  13 vigorously.                  14 A. Yes.                  15 LORD JUSTICE LEVESON: But I'm not sure it's appropriate to                  16 latch onto Sir Paul's word "new". Sir Paul, after all,                  17 is in a motor car driving up the M6 to another                  18 commitment. He's heard something on the radio. His                  19 words are not to be construed like a statute.                  20 The Met is being criticised in an article which is                  21 not a trivial piece of work but a substantial and                  22 researched effort, and there are two quite separate                  23 issues here: first of all, as a matter of appropriate                  24 policing, did we get it right? And secondly, how do we                  25 cope with the reputational risk to the Met that is</p> <p style="text-align: center;">Page 67</p>
<p>1 what's gone before, starting with: "We think we know                  2 what happened here. New information has come in; do we                  3 need to respond to it?" Or: "Time has passed. Do we                  4 now need to do anything different?"                  5 LORD JUSTICE LEVESON: But you premised it on the basis that                  6 you had a full understanding of what had gone on, and,                  7 I mean, having sat here listening to a number of                  8 extremely senior police officers, and recognising                  9 entirely, as I did when he said it, that Mr Clarke was                  10 absolutely right in September to say, "With the risk of                  11 bombs exploding all over the country or in the air, this                  12 is not a subject for further resource" -- that's one                  13 thing.                  14 A. Yes.                  15 LORD JUSTICE LEVESON: But that wasn't quite the position                  16 in July 2009, and indeed it had come back to bite you in                  17 the form of the Guardian article. So it's the word                  18 "new" that bothers me.                  19 A. Right.                  20 LORD JUSTICE LEVESON: If it shouldn't, please tell me.                  21 A. I suppose I latched onto it because it was in the terms                  22 of reference that Sir Paul gave, but I'm not sure we are                  23 disagreeing that much. I think you're absolutely right.                  24 My point is: in order to know whether you now need to do                  25 something, you have to have a good understanding of the</p> <p style="text-align: center;">Page 66</p>	<p>1 inevitable if this sort of well-researched piece goes                  2 into the public domain and we haven't actually addressed                  3 it presently?                  4 A. Yes, I accept both absolutely, sir. I understand                  5 exactly what you're saying and I accept that entirely.                  6 I suppose you could characterise what Sir Paul was                  7 saying in the way that would often be said, which is:                  8 "I've read this article; do we need to do anything now?"                  9 And obviously the articles that we read sometimes alert                  10 us to all sorts of suggestions about what we did and                  11 didn't do previously, and then sometimes we need to go                  12 back and ask exactly the question you've asked, which                  13 is: did it suffice then or does it suffice now, what we                  14 did?                  15 LORD JUSTICE LEVESON: You see, I'm sorry that you're being                  16 pressed on this, but it's important for -- first of all,                  17 you were there at the time, albeit on the periphery.                  18 A. Yes.                  19 LORD JUSTICE LEVESON: But it has been suggested -- and                  20 let's be quite uncoded about it -- that Mr Yates was                  21 very keen to dismiss this, and that might be because of,                  22 or conscious of, his friendship with Mr Wallis. It                  23 might also be possible that he adopted rather too                  24 dismissive a line, for reasons which do not bear on his                  25 integrity but demonstrate a lack of judgment. Or it may</p> <p style="text-align: center;">Page 68</p>

<p>1 be that he was absolutely fair enough.</p> <p>2 Now, those are the three possibilities. It doesn't</p> <p>3 seem to me there are any others. Therefore, because</p> <p>4 it's obviously become very important in the context of</p> <p>5 the Inquiry -- and indeed Mr Yates ultimately resigned,</p> <p>6 so it's important for him as well -- that I investigate</p> <p>7 those three possibilities and try to get to the right</p> <p>8 answer. So that's why you're being pressed on this.</p> <p>9 <b>A. Yes, sir.</b></p> <p>10 LORD JUSTICE LEVESON: If you have any further observation</p> <p>11 you want to make, I'd be very interested to receive it.</p> <p>12 <b>A. Simply to say I know Mr Yates well. I've known him</b></p> <p>13 <b>a very long time. I find it impossible to countenance</b></p> <p>14 <b>that he would not have done what he saw as his best and</b></p> <p>15 <b>the right thing in that situation. He has clearly said</b></p> <p>16 <b>that the outcome of that decision, knowing -- as he</b></p> <p>17 <b>says, knowing what we now know, was poor, and he clearly</b></p> <p>18 <b>wishes that the decision had had a different answer.</b></p> <p>19 LORD JUSTICE LEVESON: Yes.</p> <p>20 <b>A. And I completely see that as well. Of course, it would</b></p> <p>21 <b>have been better.</b></p> <p>22 LORD JUSTICE LEVESON: The outcome of the decision wasn't</p> <p>23 merely poor; it was disastrous, in the events which</p> <p>24 later obtained. The question is whether the decision</p> <p>25 itself was poor -- and I think he probably recognised</p> <p style="text-align: center;">Page 69</p>	<p>1 <b>is that in that process, he didn't get a good</b></p> <p>2 <b>understanding of -- I think, of what had gone before,</b></p> <p>3 <b>and there are a number of different ways that any of us</b></p> <p>4 <b>in that position can go about trying to be clear about</b></p> <p>5 <b>the answer to your question, sir, which is: was what</b></p> <p>6 <b>happened before sufficient or is it now sufficient?</b></p> <p>7 LORD JUSTICE LEVESON: I withdraw the comment on your</p> <p>8 question, but I will ask one follow-up.</p> <p>9 You say this has happened several times, and I'm</p> <p>10 sure it has, that you've had to respond. Is there any</p> <p>11 enormous urgency of time about that?</p> <p>12 <b>A. Um ...</b></p> <p>13 LORD JUSTICE LEVESON: I mean, would it have mattered if</p> <p>14 some sort of announcement had been made in the middle of</p> <p>15 the following week?</p> <p>16 <b>A. I think it's important that one responds in some way</b></p> <p>17 <b>clearly. If it is a matter which has been on the front</b></p> <p>18 <b>page of a newspaper, then people legitimately can ask,</b></p> <p>19 <b>"Well, what are you doing about this?"</b></p> <p>20 LORD JUSTICE LEVESON: Yes.</p> <p>21 <b>A. And we have to be able to -- we have to say either: "We</b></p> <p>22 <b>are absorbing this, we're analysing it and we will</b></p> <p>23 <b>update you", or you can say, "We've read it and we</b></p> <p>24 <b>realise we need to do a review", but you clearly can't</b></p> <p>25 <b>not respond. You have to say something. But I think if</b></p> <p style="text-align: center;">Page 71</p>
<p>1 that it was -- but there's also the issue of the</p> <p>2 perception of the whole thing.</p> <p>3 <b>A. Yes.</b></p> <p>4 LORD JUSTICE LEVESON: Which is actually what I asked him</p> <p>5 about, I think.</p> <p>6 <b>A. Yes, and I understand that -- I understand absolutely</b></p> <p>7 <b>what you are saying. There is a perception issue.</b></p> <p>8 <b>There's a process -- what did he do and was that</b></p> <p>9 <b>sufficient at the time? And then: was it the right</b></p> <p>10 <b>answer, a good answer? And as I say, he has conceded</b></p> <p>11 <b>undoubtedly that --</b></p> <p>12 LORD JUSTICE LEVESON: I put the three possibilities not</p> <p>13 because I thought all three were possibles but they were</p> <p>14 the range and therefore it's important that somewhere</p> <p>15 along that range I reach a conclusion.</p> <p>16 <b>A. Yes, I see that, sir.</b></p> <p>17 MS PATRY HOSKINS: Is there anything about the process that</p> <p>18 you would have done differently that you can assist us</p> <p>19 with?</p> <p>20 LORD JUSTICE LEVESON: If you can't answer that question</p> <p>21 "yes", in the light of hindsight, I think that's</p> <p>22 probably quite a difficult question.</p> <p>23 <b>A. In the light of hindsight, undoubtedly. If I was</b></p> <p>24 <b>sitting in his shoes, I think it's very, very hard for</b></p> <p>25 <b>any of us to go back there then, but what is quite clear</b></p> <p style="text-align: center;">Page 70</p>	<p>1 <b>your question is: do you always have to give an answer</b></p> <p>2 <b>within a day? Well, certainly not, no, a final answer.</b></p> <p>3 LORD JUSTICE LEVESON: Yes. I recognise that, and just</p> <p>4 pursuing it one more stage: do you have an observation</p> <p>5 on the fact that there was a press release, an interview</p> <p>6 that afternoon, yet it was only over the weekend and in</p> <p>7 the ensuing days that paperwork was obtained: a report</p> <p>8 from the Detective Chief Superintendent, a note of</p> <p>9 a conference or a discussion -- we'll find out which --</p> <p>10 with counsel -- that all followed the announcement,</p> <p>11 rather than coming before it.</p> <p>12 <b>A. I don't think I can comment on that, sir, except to say</b></p> <p>13 <b>that it is not unusual for further work to be done after</b></p> <p>14 <b>a decision has been made, nor is it unusual for things</b></p> <p>15 <b>to be written up subsequently, because sometimes it's</b></p> <p>16 <b>not possible to write absolutely contemporaneously. But</b></p> <p>17 <b>I am not familiar with what went on here. I haven't</b></p> <p>18 <b>seen the minutes.</b></p> <p>19 LORD JUSTICE LEVESON: All right.</p> <p>20 <b>A. I'm really not in a position to comment on that.</b></p> <p>21 MS PATRY HOSKINS: I think we will move on now to</p> <p>22 recommendations for the future, if we can.</p> <p>23 I'm going to ask you about the recent HMIC report</p> <p>24 "Without fear or favour", and also obviously the</p> <p>25 recommendations identified in the Filkin report. Shall</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 we start with paragraph 60 of your statement, please.                  2 That deals with the HMIC report.                  3 I don't want to spend a lot of time going back                  4 through the recommendations contained therein. You                  5 simply say you accept the findings of the review and                  6 that all the recommendations seem reasonable. In                  7 particular, you say:                  8 "I believe we do need to be clear about the                  9 standards we expect and give more advice and training                  10 about what is acceptable and what is not."                  11 What role will you play, Assistant Commissioner, in                  12 ensuring that the findings of the review are taken on                  13 board and taken forward, if necessary?                  14 <b>A. Well, I am a member of the ACPO ethics group, which is</b>                  15 <b>looking at a number of these issues, and I've fed my</b>                  16 <b>views into that. I'm also a member of the management</b>                  17 <b>board of the Met and it will be absolutely crucial that</b>                  18 <b>we, as a board, discuss the recommendations and are</b>                  19 <b>clear about what we are doing as a group, and it will</b>                  20 <b>then be my job to -- both within the Met and also across</b>                  21 <b>the counter-terrorism network, I think -- help people be</b>                  22 <b>clear about the standards and that involves giving a lot</b>                  23 <b>of personal time.</b>                  24 So for me, you know, it will be about having                  25 national standards, it will be about having leadership</p> <p style="text-align: center;">Page 73</p>	<p>1 share them with me?                  2 <b>A. We have had a number of conversations as a group about</b>                  3 <b>a variety of the issues. I think one of our members is</b>                  4 <b>coming to give evidence to you anyway, under the</b>                  5 <b>professional standards portfolio, and so you will hear</b>                  6 <b>from him and the group.</b>                  7 LORD JUSTICE LEVESON: So I'll be able to learn what the                  8 collective wisdom of the ACPO ethics group is?                  9 <b>A. Well, I wouldn't put it that grandly, sir, if I may, but</b>                  10 <b>certainly you will hear from more than one member of it</b>                  11 <b>over the coming weeks.</b>                  12 LORD JUSTICE LEVESON: Yes, but I need to know what you're                  13 thinking. You've said you're a member of the group and                  14 you have fed your views in.                  15 <b>A. Yes.</b>                  16 LORD JUSTICE LEVESON: That's fine. I could take them off                  17 piecemeal and say, "Right, what are your views", and                  18 then the next person: "What are your views", but I'm                  19 hoping that somebody will say, "Actually, the collective                  20 view is this", and maybe if somebody is coming, you                  21 could encourage that person to be prepared to do that,                  22 if it isn't inappropriate.                  23 <b>A. I certainly will, sir. I know some of the collective</b>                  24 <b>views have already been fed into Ms Filkin and to the</b>                  25 <b>overall ACPO response, but I will do that.</b></p> <p style="text-align: center;">Page 75</p>
<p>1 <b>and personal leadership around the issues, and then</b>                  2 <b>ensuring that we have systems and processes in place to</b>                  3 <b>support them, and that those systems and processes don't</b>                  4 <b>just sit on a shelf but are actually living and are</b>                  5 <b>regularly reviewed and audited.</b>                  6 So for me, I see that if I take the collective                  7 recommendations and, of course, whatever comes out of                  8 this public Inquiry, it will be a big part of my                  9 personal role in the future, and I would expect to, as                  10 far as I can -- and we all fail sometimes -- you know,                  11 set the standards by what I do as well as what I say to                  12 others.                  13 Q. All right. So that's a process that's just starting, if                  14 I can put it that way? The implementation of the                  15 recommendations is a process that's just in its infancy?                  16 <b>A. Yes. I mean, some of the recommendations overlap with</b>                  17 <b>things that we've already done, I think, and we in the</b>                  18 <b>Met are looking at them as a sort of -- together with</b>                  19 <b>the Filkin recommendations, which obviously we've</b>                  20 <b>already started on as well. So it is a work in</b>                  21 <b>progress, but I am particularly keen that we should be</b>                  22 <b>part of the national approach.</b>                  23 LORD JUSTICE LEVESON: Is the ACPO ethics group, which                  24 you've just mentioned, preparing its own response or                  25 view? And if so, do you know whether it is intending to</p> <p style="text-align: center;">Page 74</p>	<p>1 LORD JUSTICE LEVESON: Thank you very much.                  2 MS PATRY HOSKINS: Apart from your response, the ACPO                  3 response, the response to the Filkin report, the                  4 response to the HMIC report -- I think those are all                  5 responses that are in their infancy -- is there anything                  6 that you personally would like to add in terms of                  7 recommendations for the future or are you content that                  8 the recommendations that those two reports have put                  9 forward are sufficient to deal with any perceived                  10 problems?                  11 <b>A. I think the area that I've been thinking about perhaps</b>                  12 <b>takes us back to what we have just been discussing in</b>                  13 <b>terms of processes. So I here am talking about how and</b>                  14 <b>when we review -- I'll use that word deliberately. It's</b>                  15 <b>very clear and set out in relation to, for example,</b>                  16 <b>murders, and it's a very well-embedded process,</b>                  17 <b>including those murders where we have brought people to</b>                  18 <b>justice and those where we haven't or we've brought some</b>                  19 <b>but not others. It's a regular review process. We</b>                  20 <b>don't have the same process and challenge in some of our</b>                  21 <b>most complex and sensitive investigations like this as</b>                  22 <b>a routine, and I noticed what Peter Clarke said about</b>                  23 <b>making that sort of decision more transparent and</b>                  24 <b>accountable. I think we should have a more embedded</b>                  25 <b>review process for investigations of this type.</b></p> <p style="text-align: center;">Page 76</p>

1 Q. Is there anything else? Any other recommendations or  
 2 any other weaknesses that you perceive need a solution?  
 3 **A. There's nothing else that I wish to say here. Thank**  
 4 **you.**  
 5 MS PATRY HOSKINS: Those are my questions. Is there  
 6 anything else at all that you would like to add?  
 7 **A. I wondered, sir, whether I just might say something**  
 8 **about the difference between what we are doing now in**  
 9 **Weeting and Elveden and what was done in 2006.**  
 10 LORD JUSTICE LEVESON: By all means. By all means.  
 11 **A. Just to give some sort of context, really.**  
 12 **You've heard from DAC Akers, I know, on more than**  
 13 **one occasion, and I for one have complete confidence in**  
 14 **the investigation that she and her teams are doing. But**  
 15 **I think it is important perhaps to say that they are**  
 16 **operating in a very different environment from 2006.**  
 17 **Firstly, clearly, they are getting co-operation from**  
 18 **News International, albeit, as she has said to Select**  
 19 **Committees, more now than when Weeting started.**  
 20 **Secondly, the resources that the Met, through me,**  
 21 **has been able to make available to her of course is**  
 22 **completely different, for reasons I know you understand.**  
 23 **Thirdly, the fact that at an early stage, as**  
 24 **a result of what had gone before, the material began to**  
 25 **be loaded effectively and accurately onto a database**

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1 **I think has made a difference.**  
 2 **She's operating under a wider interpretation of**  
 3 **section 1 of RIPA, undoubtedly, as her start point, and**  
 4 **her team's mindset is a wider view of both what a victim**  
 5 **is, how they're defined, and also indeed a wider view of**  
 6 **what the material gained in 2006 contained in terms of**  
 7 **potential lines of inquiry and suspects.**  
 8 **But perhaps the most important thing, in a sense, is**  
 9 **the context more broadly. Public opinion in terms of**  
 10 **these issues is in as very different place from 2006,**  
 11 **where, of course, we were completely dominated by the**  
 12 **terrorist threat. That investigation in 2006 broke new**  
 13 **ground, and now, albeit this is not beyond the bounds of**  
 14 **possibility and has indeed happened, that DAC Akers**  
 15 **could be criticised for investigating the press too**  
 16 **thoroughly -- as you know, this has happened in the last**  
 17 **couple of weeks -- actually I think it's important to**  
 18 **recognise that the world she's working in is so very**  
 19 **different from 2006 in terms of the degree of resistance**  
 20 **and outrage that was likely to follow on such an**  
 21 **investigation back then.**  
 22 LORD JUSTICE LEVESON: I recognise that. It's been  
 23 inevitable that the police response has had to default  
 24 to the other extreme, and I understand that for all the  
 25 reasons you've given. The question is not whether

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1 Mr Clarke made a sensible decision based upon the  
 2 reality of the time but whether there was a sufficient  
 3 understanding of what there already was to reveal that  
 4 when the one rogue reporter line came out, that was  
 5 something which actually did not coincide with the view  
 6 of what had gone on.  
 7 I can see a sensible analysis of the position:  
 8 "We've identified the problem. We've conducted  
 9 a high-profile prosecution, which has led to a result.  
 10 We haven't got the resources to go through all the  
 11 material that there is. We're not sure how much  
 12 evidentially could be proved" -- I might have a slightly  
 13 different view on some of that, but that's neither here  
 14 nor there -- "therefore we make sure that those who have  
 15 been or potentially have been victimised, whether  
 16 specifically because of the interpretation of RIPA or  
 17 through the fact they were the target of a conspiracy,  
 18 which wouldn't have had the RIPA problem that has been  
 19 spoken about --"  
 20 **A. Yes, absolutely.**  
 21 LORD JUSTICE LEVESON: "-- and we make sure that the  
 22 organisation recognises the gravity of the position."  
 23 And the real question may be: assuming that is  
 24 a sensible strategy -- and it seems to me, subject to  
 25 hearing any argument, that it was -- was it followed

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1 through in its second and third limbs, and if not, what  
 2 should have happened?  
 3 **A. Yes, I understand that entirely, sir.**  
 4 LORD JUSTICE LEVESON: That we are in a different position  
 5 now to 2006, I need no convincing of at all.  
 6 **A. Thank you, sir.**  
 7 MS PATRY HOSKINS: Thank you very much indeed.  
 8 LORD JUSTICE LEVESON: I have one other question, and I'm  
 9 afraid it puts you in a slightly different position.  
 10 I don't want to press you about it overly but I do feel  
 11 it's quite important. You'll be aware that for the  
 12 first two weeks of this Inquiry I heard from a large  
 13 number of people who had been the subject of personal  
 14 invasions of their own space, their own privacy, in ways  
 15 that they found objectionable. Some recognised that  
 16 they were public figures and therefore some interest in  
 17 their personal circumstances could be appropriate.  
 18 You've observed in paragraph 25 that after one very  
 19 high-profile investigation in which you were involved,  
 20 you were the subject of some attention and you say that  
 21 after the death of Mr De Menezes, you had journalists  
 22 outside your home and that of your family, journalists  
 23 called your neighbours and were inquiring about you, and  
 24 you add this:  
 25 "I am not sure what they were doing was in the

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<p>1 public interest, as I'm not sure what they were seeking 2 to achieve."</p> <p>3 Could you please give me a little bit on what you 4 see is an appropriate line for very senior officers and 5 what goes beyond that line?</p> <p>6 <b>A. Well, I do think very senior officers are in the public 7 eye. We are public officials. We make high-profile 8 decisions which will be -- and quite properly so -- 9 scrutinised to a huge extent in a variety of different 10 ways, and I say that particularly in the context, in my 11 instance, of the death of Jean Charles. It was 12 a terrible event and I would expect to have received 13 a great deal of scrutiny, and I don't think -- you know, 14 I don't have -- for the record, I have no complaint 15 whatsoever about the scrutiny that I received. 16 I expected it and I subsequently was not surprised by 17 any of it. My position is utterly different from 18 a member of the public who might suffer for some, you 19 know, extraordinary reason, worst of all if they've 20 already been a victim of crime themselves.</b></p> <p>21 LORD JUSTICE LEVESON: Oh yes, you're not in that position.</p> <p>22 <b>A. Not at all.</b></p> <p>23 LORD JUSTICE LEVESON: But I just wonder whether you had any 24 views upon whether it was appropriate to go beyond an 25 absolutely proper scrutiny of everything you're doing in</p> <p style="text-align: center;">Page 81</p>	<p>1 you've put into this in what, as you've identified, is 2 clearly a very busy time.</p> <p>3 <b>A. Thank you.</b></p> <p>4 MS PATRY HOSKINS: Thank you, sir.</p> <p>5 (Pause).</p> <p>6 LORD JUSTICE LEVESON: Right.</p> <p>7 MR JAY: Sir, the next witness is Sir Denis O'Connor, 8 please.</p> <p>9 LORD JUSTICE LEVESON: Thank you.</p> <p>10 SIR DENIS FRANCIS O'CONNOR (sworn)</p> <p>11 Questions by MR JAY</p> <p>12 MR JAY: Your full name, please?</p> <p>13 <b>A. Denis Francis O'Connor.</b></p> <p>14 Q. Sir Denis, you have provided us with a witness 15 statement -- it's really in the form of a letter, but we 16 are content to accept it as a witness statement -- dated 17 20 January of this year. I hope you have it in front of 18 you. You've signed and dated it. Is this your formal 19 evidence to the Inquiry?</p> <p>20 <b>A. It is my formal evidence in the Inquiry. I have had 21 a subsequent conversation with the Inquiry, as you're 22 aware, Mr Jay.</b></p> <p>23 Q. Certainly, and there are addenda which we can address 24 orally in due course.</p> <p>25 LORD JUSTICE LEVESON: Sir Denis, I am very happy publicly</p> <p style="text-align: center;">Page 83</p>
<p>1 the public arena and in relation to this investigation, 2 but to go beyond that to neighbours and family.</p> <p>3 <b>A. What I would say is I think in all these instances -- 4 and I've spoken to a number of senior officers and 5 junior officers, actually, who have found themselves 6 suddenly, through their work, catapulted into a higher 7 profile -- I would say it's much harder for the family 8 of anybody than it ever is for the public official 9 themselves and it can be quite difficult for a family to 10 understand what is going on and why it is going on.</b></p> <p>11 <b>I think if that amounts clearly to harassment or to 12 unfair questions, trickery, seeking very personal 13 information which is, you know, absolutely not to do 14 with the matter at hand, then I think that may go too 15 far. But as I say, I do think public officials, and 16 particularly senior public officials, have to expect 17 a great deal of attention.</b></p> <p>18 <b>I think I'd like to leave it there, really.</b></p> <p>19 LORD JUSTICE LEVESON: Yes, well, it was that last sentence 20 of that paragraph that intrigued me to ask you about it.</p> <p>21 Thank you very much.</p> <p>22 <b>A. Thank you.</b></p> <p>23 LORD JUSTICE LEVESON: Thank you, Assistant Commissioner.</p> <p>24 <b>A. Thank you.</b></p> <p>25 LORD JUSTICE LEVESON: Thank you very much for the work</p> <p style="text-align: center;">Page 82</p>	<p>1 to acknowledge the assistance that HMIC have provided, 2 and also their kindness in keeping me informed, during 3 the course of last year, of where their investigation 4 was and where it was leading and their willingness to 5 take on board ideas and lines of inquiry which I hope 6 have assisted you and have certainly assisted me.</p> <p>7 <b>A. Yes, sir. Thank you.</b></p> <p>8 MR JAY: Sir Denis, in terms of your career, you started 9 with the MPS, then you moved to Surrey and then to Kent. 10 You returned to the MPS in 1997, in the rank of 11 Assistant Commissioner, where you stayed until the year 12 2000. You were then Chief Constable of Surrey between 13 the years 2000 and 2004. You then joined Her Majesty's 14 Inspectorate in 2004 and became Her Majesty's Chief 15 Inspector of the Constabulary in the year 2009. Is 16 that, broadly speaking, correct?</p> <p>17 <b>A. That's, broadly speaking, correct.</b></p> <p>18 Q. And you were knighted in Her Majesty's birthday honours 19 in the year 2010.</p> <p>20 May I deal first of all with your time as Assistant 21 Commissioner in the late 1990s?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. This is the bottom of paragraph 55 of your statement, 24 our page 55434, when you explore a number of issues. In 25 particular, paragraph 56, subparagraph 1:</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 "The Commissioner's direction in March 1996, which 2 encouraged a more open approach ..." 3 Can you tell us a bit about that, please, in 4 particular what the approach was before and how that 5 approach was changed? 6 <b>A. Sorry, Mr Jay, I'm just looking to see the paragraph on 7 the screen. I will -- ah, thank you. Well, I joined 8 after this, but obviously on joining I was brought in 9 with a particular remit, which was to be responsible for 10 part of London, southwest London, to be responsible for 11 community relations in general in London, and in 12 particular, to come forward with a programme for 13 development, because the Lawrence Inquiry was in the 14 offing and then began running.</b> 15 In that context, I progressively had a great deal of 16 business with the media. I took care to examine what 17 the direction of the organisation was -- that's why 18 I referred to the 2006 note by the Commissioner -- and 19 I have characterised it in this paragraph, which was 20 open and responsive to what came forward, in broad 21 terms. It was designed to illustrate what was being 22 done, to try and correct inaccuracies and, as I say 23 there, there was a hope that some of the negative 24 perceptions and some of the good work and some the 25 intentions would help mitigate some of the failures and</p> <p style="text-align: center;">Page 85</p>	<p>1 <b>Commissioner who was, it were, tasked to look at the 2 past -- I was tasked to look at the future -- the hours 3 were extended and there was really not a great deal of 4 time for that kind of activity, even had we wished to do 5 so, but there was no atmosphere in which that was an 6 expectation anyway.</b> 7 MR JAY: Your house style, as it were, hospitality 8 overwhelmingly of the tea and coffee variety, but there 9 were occasional meals, which you refer to. Were those 10 meals with editors, senior journalists or -- 11 <b>A. They were -- there was a few meals -- when I say 12 "meals", there was -- I would have to check the diary 13 for the time. There was a few meals -- there were 14 journalists who were particularly concerned with aspects 15 of Lawrence. The Daily Mail had run a campaign, so they 16 had an interest. There were a variety of news outlets 17 that dealt with minorities, from the Asian subcontinent 18 and elsewhere. There were emerging issues around 19 operation -- I helped initiate Operation Trident, 20 because part of the concern in the Met in this -- and 21 there were three major concerns: race, competence and 22 corruption, and on the race issue there was a perception 23 that the Met were ineffective at the time in protecting 24 the black community, and so I had a contact with various 25 outlets, but really these were to turn up to be</b></p> <p style="text-align: center;">Page 87</p>
<p>1 <b>flaws of the police. That was the objective of it.</b> 2 It was -- there were briefings with -- I became 3 familiar with the Crime Reporters Association and 4 Sir Paul, as he then was, told me that he occasionally 5 met editors from the various newspapers. I was 6 obviously not operating at that level. However, as 7 I began to develop a new strategy for the Met on things 8 like stop and search, ethnic recruitment, the way we 9 would investigate crimes in the future, so we would be 10 more convincing, I became exposed to the media in all 11 forms: broadcast media and the conventional press. 12 And in that role I would say that the broad 13 objective was -- we were reactive. I was accompanied, 14 as it were, invariably. It was a relatively austere 15 affair, from my point of view, in terms of how we did 16 business, and I think that broadly I've summarised it in 17 subparagraph 2. 18 There were occasional meals, but they were very 19 rare, really, in the great scheme of things. It was an 20 extremely busy time and I frankly didn't have time for 21 meals. 22 LORD JUSTICE LEVESON: You mean you didn't have time to 23 socialise in meals; it wasn't that busy. You had to 24 eat! 25 <b>A. I can honestly say that myself and another Assistant</b></p> <p style="text-align: center;">Page 86</p>	<p>1 interviewed, normally speaking, and move on. 2 Very occasionally -- and I don't have a perfect 3 recollection but it was really very occasionally -- one 4 of the journalists would want to -- they would want some 5 context. They would want to be, effectively, persuaded 6 that we were actually trying to develop, for example, 7 a racial and violent crime taskforce, which John Grieve 8 came to lead, that we were going to establish community 9 safety units in boroughs that would actually go into the 10 victimisation and change our performance in detecting 11 crime in racial incidents. 12 These things needed explaining, and they had to be 13 explained in part by somebody who was -- had some 14 responsibility. And I do not take the credit for this. 15 There was a big team of people -- wonderful people -- in 16 delivering this change. 17 So on the margins of that, there were tea, coffee, 18 and very few lunchtime type things or a meeting in the 19 cafe. That was it. 20 Q. Thank you. On the next page, paragraph 60, 55436, you 21 refer to the MPS having established relationships with 22 journalists and press officers for supporting areas of 23 work. 24 <b>A. Yes.</b> 25 Q. Were these relationships on a personal level, to your</p> <p style="text-align: center;">Page 88</p>

<p>1 knowledge, or were they relationships with particular 2 organisations, particular print titles? 3 <b>A. My memory of it was that -- and I think to a degree, 4 it's still the case now -- different journalists 5 specialised in political affairs, crime affairs, matters 6 of defence and so on, and some journalists become 7 extremely established and authoritative to a degree in 8 their territory. Actually, extremely authoritative. 9 Some of those journalists seemed to have an established 10 relationship with the Met in the centre, and were 11 involved in some of those briefings that I've referred 12 to. 13 For example, there were some from the Crime 14 Reporters Association who had been around a long time, 15 who were regarded as trusted in terms of they had been 16 briefed before and not breached the terms of that, and 17 likewise I think there was a similar view of some 18 journalists in the broadcast media who were very 19 important in all of this, who actually were devoted and 20 have been devoted to particular issues and concerns over 21 a long period of time. That's what I'm broadly 22 referring to there, and they had -- the Met had a way of 23 thematically dealing with these issues, whether it was 24 community relations, particular aspects of crime, and 25 they had some system for briefing, supporting people</b></p> <p style="text-align: center;">Page 89</p>	<p>1 <b>two or three days that had been developed as a result of 2 the Lawrence Inquiry to enable senior investigators and 3 senior officers and everybody else to know their 4 responsibilities and to understand they would be tested 5 all the way through, dare I say it, sir, to a public 6 inquiry potentially. So when they started dealing with 7 incidents involving -- particularly incidents involving 8 death or where evidence was in question or public 9 confidence was lost, they should prepare themselves so 10 that they could be convincing and they should put the 11 family interests, which is, frankly, part of the 12 learning from Lawrence, at the heart of the matter. 13 One ingredient in that, but only one ingredient, 14 involved roleplay by real journalists rather than people 15 pretending to do that, who would ask very uncomfortable 16 and difficult, searching questions, and this was 17 designed to help people develop themselves so they would 18 be more competent and able to deal, as it were, with the 19 fury and difficulties that go with difficult 20 investigations.</b> 21 Q. The last general point that has been made by the 22 Assistant Chief Constable currently in place is that 23 there was recruitment of an increasing number of 24 ex-journalists, including Mr Tim Morris as press and 25 publicity manager in July 2002. Again, is that</p> <p style="text-align: center;">Page 91</p>
<p>1 <b>when they were going to have to do interviews, both at 2 the centre and geographically in London.</b> 3 Q. Can we move forward in time, Sir Denis, to your 4 appointment as Chief Constable of Surrey Police, which 5 was in the year 2000. It's back in your statement to 6 paragraph 2, page 55427. 7 <b>A. Yes.</b> 8 Q. The witness statement which the Inquiry has seen of the 9 current Assistant Chief Constable says that you brought 10 a new approach to media management, evidenced by greater 11 proactive engagement with bodies such as the CRA. 12 <b>A. Yes.</b> 13 Q. Is that a fair observation, in your view? 14 <b>A. It is.</b> 15 Q. And that your approach, which you may have brought with 16 you from London, was soon regarded favourably by senior 17 detectives in Surrey as a valuable tool in managing the 18 demands of the media in complex major investigations. 19 Again, is that something you're aware of and would agree 20 with? 21 <b>A. I think within boundaries that was true. There were 22 discussions about this. It's probably fair to say one 23 of the biggest things I brought was not really that -- 24 that was a particular mechanism -- is I brought critical 25 incident training, which was an intensive roleplay over</b></p> <p style="text-align: center;">Page 90</p>	<p>1 something you would agree with or not? 2 <b>A. I remember the appointment of Tim Morris. When I came 3 to Surrey, there were a number of really willing and 4 keen, enthusiastic individuals, but their understanding 5 of how both the broadcast and news media worked was 6 limited, and I felt that they were, at times, rather 7 fearful, and because I felt that silence wasn't an 8 option and non-engagement was not an option, on the 9 doorstep of London, I decided they would have to get -- 10 become more aware of the issues, the skills and, 11 frankly, the way the media would work and come at them.</b> 12 Q. Thank you. You touched on this already, but in (ii) of 13 paragraph 2, you refer to the critical incident 14 management training. Two members of the press and 15 broadcast media, were involved in that. I've been asked 16 to put this to you: can you remember from which press 17 institutions these journalists came? 18 <b>A. One came who worked from time to time for Channel 4 and 19 had been used in London, and another -- in their 20 critical incident training -- and another was 21 a freelance journalist, again, who had used, as 22 I understand it, in critical incident training in 23 London. So they were people who had gone through this 24 training process before, but they came from different 25 aspects of the media.</b></p> <p style="text-align: center;">Page 92</p>

<p>1 Q. I've also been asked to raise this with you in relation 2 to paragraph (iii). This is the then editor of the Sun, 3 Mr Yelland, a member of his staff making a presentation 4 to a range of your staff. Did this lead to closer 5 relations with the Sun? 6 <b>A. I feel that it didn't really land quite in that form.</b> 7 <b>It was the meeting of two worlds. He basically</b> 8 <b>suggested -- he lived in Surrey, and I think in</b> 9 <b>a well-intended way he felt that Surrey hid its light</b> 10 <b>under a bush, or whatever expression you like, and he</b> 11 <b>offered to give some kind of seminar or some kind of</b> 12 <b>presentation about the media, as it were, in the world.</b> 13 <b>I think this was, from memory, some time in 2001. He</b> 14 <b>and an assistant brought their view of the world and</b> 15 <b>what excited and interested the media, and it was</b> 16 <b>a presentation, as I recall, about the scoop on Ronnie</b> 17 <b>Biggs.</b> 18 <b>Now, I had a number of senior detectives, uniform</b> 19 <b>officers, people who would have to engage in serious</b> 20 <b>business, and there was a degree of -- well, they</b> 21 <b>understood, I suppose, why this was interesting to the</b> 22 <b>Sun, but to them, this was really -- it really was not</b> 23 <b>attached to their mission and it was some way removed.</b> 24 <b>And in a sense -- it was perfectly civil. It was</b> 25 <b>undertaken in a proper sort of lecture type facility.</b></p> <p style="text-align: center;">Page 93</p>	<p>1 <b>sorts of considerations, and I felt it would be</b> 2 <b>problematic for the family as well, and for that</b> 3 <b>reason -- I go back to the critical incident doctrine --</b> 4 <b>I thought that there were compelling reasons -- there</b> 5 <b>was a legitimate purpose to undertaking this -- and</b> 6 <b>that's a phrase I would want to come back to,</b> 7 <b>"a legitimate policing purpose" -- for doing this, in</b> 8 <b>order to avoid harms that I could foresee.</b> 9 Q. These are matters of some sensitivity. I understand you 10 don't want to go into the detail, but it's clear in your 11 mind that off the record, although recorded, was 12 appropriate in this case for legitimate policing and 13 other reasons. Have I correctly summarised it? 14 <b>A. The non-reportable briefing was legitimate in attempting</b> 15 <b>to stop some very difficult issues being aired which</b> 16 <b>would not have helped the investigation, quite the</b> 17 <b>reverse, would have loaded the inquiry, and I felt would</b> 18 <b>have directed some attention to the family, who had</b> 19 <b>already -- let us remember this -- suffered enormously,</b> 20 <b>and this, I felt, would be completely unacceptable.</b> 21 <b>So what I'm saying -- I mean, this is a -- this is</b> 22 <b>a particular inquiry. It is a feature of these top-end</b> 23 <b>inquiries that they attract a lot of attention. There</b> 24 <b>is a great deal of competition around them between media</b> 25 <b>sources for lines, angles, particularly if they are not</b></p> <p style="text-align: center;">Page 95</p>
<p>1 <b>In a sense, they left the place thinking: "We are from</b> 2 <b>a different world", and you, know: "There's a huge</b> 3 <b>interest in personalities and things like that, but</b> 4 <b>that's not our business."</b> 5 <b>So in one sense, they got some exposure, but in</b> 6 <b>terms of how they viewed the world, it -- I don't think</b> 7 <b>it changed things greatly for them, and they left --</b> 8 <b>some of them left quite perplexed, I'm quite sure.</b> 9 Q. Thank you. In the year 2002, there was, of course, the 10 Milly Dowler investigation. You touch on that in 11 subparagraph (iv). The formal briefing within agreed 12 parameters you refer to, was that a briefing off the 13 record? 14 <b>A. It was a briefing where a record was kept. It was not</b> 15 <b>reportable. I may be seen to be quibbling over these</b> 16 <b>things. If one describes these things entirely as "off</b> 17 <b>the record", it sounds like one is uncomfortable, that</b> 18 <b>there is something inappropriate going on, something</b> 19 <b>that, you know, is slightly shady, and I don't take this</b> 20 <b>view.</b> 21 <b>I authorised it because I was concerned about --</b> 22 <b>I received some intelligence about where the media might</b> 23 <b>wish to go in relation to this Inquiry, which I thought</b> 24 <b>could derail the inquiry, to a degree, which was already</b> 25 <b>an enormous affair in terms of sightings, hoaxings, all</b></p> <p style="text-align: center;">Page 94</p>	<p>1 <b>resolved rapidly, and they can become more and more</b> 2 <b>exotic and more and more problematic for the</b> 3 <b>investigators and the family who are caught at the</b> 4 <b>centre of it.</b> 5 <b>And one has a choice, and the choice, in the end,</b> 6 <b>is: does one wait and sometimes hope for the best,</b> 7 <b>seeing a momentum building, or does one attempt an</b> 8 <b>intervention like this? There's a risk associated with</b> 9 <b>this, but I have to say I have not been let down when we</b> 10 <b>had done it on that basis, and it's quite clear what we</b> 11 <b>are attempting to do. It is a risk, but in the world of</b> 12 <b>policing, sometimes risks have to be taken.</b> 13 Q. It's clear that your policy in Surrey was to foster an 14 open and transparent relationship with the press. Do 15 you think that there were frequent off-the-record 16 briefings of the type you're describing or is this quite 17 a rare event? 18 <b>A. Well, I would like to think that they were not an</b> 19 <b>everyday event, because if there was a briefing that was</b> 20 <b>nonreportable, it would have a rationale. It would not</b> 21 <b>be a conversation, it would not be an exchange of</b> 22 <b>gossip, it would not be something about: can the police</b> 23 <b>look good on this? It would be done for a purpose: to</b> 24 <b>aid the investigation. You might take a view that you</b> 25 <b>wanted to narrow the field in witness terms. There</b></p> <p style="text-align: center;">Page 96</p>



<p>1 might be a line running in a particular portion of the  2 media where the police are under constraints about what  3 they can say in public, because, for example, a coroner  4 might be waiting for evidence, but where one will try  5 and put some balance in something that has been aired as  6 a real theory but actually was not a credible enterprise  7 in any way.</p> <p>8 So I would hope that they were measured and there  9 was a rationale around it when it occurred. To my  10 recollection, this was not a frequent event -- set of  11 events, and you could see that in relation to this very  12 big inquiry, which is one of three that were running  13 that year -- I don't have a recollection of doing this  14 in relation to the other two inquiries.</p> <p>15 Q. As regards hospitality during your time at Surrey -- you  16 deal with this in your statement -- it was of the frugal  17 side of the spectrum, if I can put it in these terms,  18 and you say in paragraph 5, for example, that to your  19 recollection you didn't accept hospitality from the  20 media apart from occasional attendance at events where  21 you and others were representing the force, such as the  22 Bravery Awards.</p> <p>23 A. That's true.</p> <p>24 Q. Can I link this, if there is a link -- paragraph 31,  25 page 55432, where you say to your personal knowledge</p> <p style="text-align: center;">Page 97</p>	<p>1 some would call it a pain -- as a Chief Constable,  2 because I was, you know, attempting to change a great  3 deal in the organisation, which actually had acquired  4 territory from London, and upgrade the whole  5 infrastructure of it, as well as handle these inquiries.  6 So I was very interested in sentiment, in that sense --  7 not everybody initially had been happy, for example,  8 coming from London -- and so I did keep an eye in what  9 was going on.</p> <p>10 But I have to say I reflected one leak issue was  11 brought to my attention and there was action on it and  12 I would have absolutely expected that. I really would  13 like to hope that if there had been any pattern, any  14 sustained effort, I would have been told.</p> <p>15 LORD JUSTICE LEVESON: This is a little bit removed from the  16 terms of reference that I am following, but do you think  17 there's a slight weakness in the fact that the most  18 senior officer in the force is kept from matters which  19 may be of concern to him, because of the disciplinary  20 function that he exercises?</p> <p>21 A. I suppose there is theoretically, but only if he or she  22 does not have faith in some the other people who work  23 with them. Particularly my Deputy Chief Constable at  24 the present time, Peter Fahy, I had absolute faith in  25 his integrity. I thought he would make the right</p> <p style="text-align: center;">Page 99</p>
<p>1 leaks to the media were not a significant problem during  2 your tenure. The difficulty here is that you're in part  3 addressing a negative and trying to establish that, but  4 what is your level of confidence that leaks were not  5 a problem? Is it because media reports were monitored  6 and can be demonstrated not to have arisen from leaks  7 from within your organisation or the faith and in the  8 integrity of your organisation? What is your evidential  9 basis for that?</p> <p>10 A. Well, my hope is that if a leak occurred that affected  11 the mission of the organisation, I would be told. I did  12 try and scan the media as much as one can, and I did set  13 in motion a research programme to look at how the media  14 were reporting on Surrey through the press department.  15 This didn't all happen simultaneously; this was all part  16 of upgrading our response.</p> <p>17 You will understand that as a discipline authority,  18 not everything reaches the Chief Constable, who must sit  19 in judgment of things. So I may have been partially  20 safe from it, but I would have expected and, you know,  21 my sort of -- my concern with the mission of policing  22 and its credibility, that people would have drawn -- my  23 senior staff, my professional standards department -- if  24 there was anything significant, they would have told me.  25 I would have expected that. I was quite an intrusive --</p> <p style="text-align: center;">Page 98</p>	<p>1 judgments and he was a reformer and sensitive to the  2 public -- you know, the public confidence in the police,  3 and I felt he would make the right judgment.</p> <p>4 LORD JUSTICE LEVESON: This is not a personal comment about  5 Surrey.</p> <p>6 A. Yes.</p> <p>7 LORD JUSTICE LEVESON: This is a systemic question, really.  8 You have a number of very important players on the chess  9 board at each police force, and you've taken your  10 biggest player out of professional standards at a level,  11 because he is the ultimate discipline authority.  12 Therefore the question arises -- and as I say, this  13 might be slightly removed from the terms of reference,  14 but it's possibly something that the HMIC may or may not  15 be interested in. The question arises whether that is  16 actually a good idea.</p> <p>17 A. I can understand the question, sir. The systemic  18 answer -- and I am interested in system, and I hope we  19 get to that later. The systemic answer is that the  20 Deputy Chief Constable normally rides shotgun  21 effectively on these issues for the organisation and in  22 fact will liaise with the police authority and other  23 people so that there is a system in place and there is  24 a specific responsibility for it. And obviously this  25 person is only a heart beat away from the</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

1 **Chief Constable, so they are very, very senior and they**  
 2 **are able to direct resources and they're able to**  
 3 **intervene with real authority. That's the system. And**  
 4 **I don't think that part of the system -- in my**  
 5 **experience, that part of the system has not been**  
 6 **generally flawed.**  
 7 LORD JUSTICE LEVESON: Okay. The alternative way of doing  
 8 it is that discipline involves an ACPO-ranking officer  
 9 from another force. I'm not encouraging it and I'm not  
 10 going there; it's just that I appreciate you have your  
 11 deputy and you have your assistants and you have obvious  
 12 faith in them as a Chief Constable. The question is: is  
 13 it the best use of resource to keep him out of what may  
 14 be very sensitive and balanced judgments? Anyway, there  
 15 it is.  
 16 **A. Just to close it, I suppose the rationale for the**  
 17 **Chief Constable is that he or she sees things in the**  
 18 **round, both from inside and looking from outside the**  
 19 **organisation, and that they do not become overly**  
 20 **preoccupied with the degree of detail that will you,**  
 21 **sir, would expect to drill down on things. But there is**  
 22 **somebody appointed to do just that. There is an**  
 23 **accountable line on it. But it is an open question.**  
 24 MR JAY: If we now move forward to your time as chief  
 25 inspector of the HMIC. We heard something of the role

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1 of the HMIC from Mr Baker last week. It was set up  
 2 under the Police Act 1996 as amended. What, if  
 3 anything, are the powers of the HMIC over individual  
 4 police forces?  
 5 **A. HMIC has the power to inspect the efficiency and**  
 6 **effectiveness of police forces and currently police**  
 7 **authorities. That will change in November. It will be**  
 8 **restricted to the police forces.**  
 9 **Since January 2, I have sought and at my behest, we**  
 10 **have had power to seize documents and to enter premises,**  
 11 **in order to pursue our duties. Not, dare I say, that we**  
 12 **have been challenged, but it is best to be prepared, not**  
 13 **just legislate for good times.**  
 14 Q. If you make a recommendation in relation to a police  
 15 force, does that recommendation have to be accepted  
 16 and/or are there, as it were, coercive powers which you  
 17 enjoy over police forces?  
 18 **A. The recommendations are normally -- we endeavour to make**  
 19 **most of the recommendations as sensible as possible so**  
 20 **that they are compelling.**  
 21 LORD JUSTICE LEVESON: I'm sure you do that.  
 22 **A. Well, not everyone agrees that, but from my perspective,**  
 23 **we do. They are not always all accepted. We do -- with**  
 24 **particular ones where we feel it is pressing, we do**  
 25 **follow through at some length. For example, the G20**

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1 **affair and all of the things that went with that and the**  
 2 **interpretation of the law by the Metropolitan Police and**  
 3 **the training and so on, we followed through on that for**  
 4 **quite a substantial period of time. So depending on the**  
 5 **nature of the recommendations, the seriousness of the**  
 6 **issue, we will pursue it, but what we try to do is seek**  
 7 **agreement from the chief officer and the chair of the**  
 8 **authority, depending on what the recommendations are.**  
 9 Q. Yes. So is this right, Sir Denis: you don't have formal  
 10 coercive legal powers, but you have considerable  
 11 influence over police forces and currently authorities?  
 12 **A. We have some influence, and we try to know our place as**  
 13 **well. The only other thing I would say is it is**  
 14 **sometimes mistaken from -- externally that the**  
 15 **publication of a view by an independent body like**  
 16 **ourselves is a matter of some significance to chief**  
 17 **constables and police authorities and there is kind**  
 18 **of -- I suppose a degree of leverage that flows from the**  
 19 **publication of what you've found and then any follow-up,**  
 20 **where a follow-up is still found to be wanting.**  
 21 **It may sound rather like soft power. It is**  
 22 **obviously less of an obvious sanction that some other**  
 23 **regulators, but it has its place.**  
 24 Q. The particular report we're going to look at in due  
 25 course, "Without fear or favour" -- you tell us that

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1 that report has been received positively and it's your  
 2 intention -- well, we've heard from Mr Baker -- that  
 3 further representations are going to be obtained and  
 4 then a further assessment will be carried out by your  
 5 body; is that right?  
 6 **A. That's correct, and I'm aware, too, of the Inquiry's**  
 7 **reporting timeframes and I have discussed that with**  
 8 **Mr Baker so that the work can, where at all possible,**  
 9 **align with that so that our thoughts are informed, and**  
 10 **likewise, if we have any useful evidence or material to**  
 11 **provide, we do so.**  
 12 Q. Thank you. One further point before we break for lunch,  
 13 and it's a discrete point: the Guardian article, which  
 14 I think we worked out now was put online at about 5 pm  
 15 on 8 July 2009, and then reached the print edition the  
 16 following day, 9 July. Were you asked at the time to do  
 17 anything by Home Office officials?  
 18 **A. I -- in the margins of other business, I had**  
 19 **a discussion, as far as I can recall, with a Home Office**  
 20 **official on the 9th, who asked for my view about the**  
 21 **story. This was just an oral exchange. There were**  
 22 **a lot of other things going on but this was an oral**  
 23 **exchange.**  
 24 **I said, looking at this, that I thought the**  
 25 **revelations merited some form of independent review.**

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1 I thought that if this allegation -- the allegations  
 2 that were there, if true in any degree, would raise  
 3 substantial public confidence issues, and I would not be  
 4 surprised if the HMIC were asked to assist in some way  
 5 to facilitate such an approach.  
 6 Q. What happened, though?  
 7 A. There was -- I think there was a second -- again, in the  
 8 margins of other business conversation with another more  
 9 senior official, but my understanding was that, as with  
 10 a number of other options, discussion ensued with the  
 11 ministers and the Home Secretary at the time, and there  
 12 was no appetite for the HMIC being involved.  
 13 So it really never got off the ground, sadly, and --  
 14 I was particularly taken with it in one sense, that  
 15 I was already looking at a leaks inquiry in any event,  
 16 which was the Damian Green leaks inquiry, where the HMIC  
 17 were coming in behind something to look to see what  
 18 lessons could be learnt. This would have been more  
 19 complex, for fairly obvious reasons, which we can  
 20 rehearse, but I did point out the parallel.  
 21 Q. Yes. We've seen your report in relation to the  
 22 Damian Green leaks inquiry. Mr Quick annexed it to his  
 23 witness statement. I suppose the only issue on that: is  
 24 there anything in that report which bears directly on  
 25 the terms of reference of this Inquiry, which of course

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1 are the relationships between police and the press as  
 2 opposed to relationships between the press and  
 3 government departments?  
 4 A. Well, I think the common ground is potential conflicts  
 5 of interest and priorities and the fact that in all of  
 6 these, the common feature they share is they're all  
 7 highly charged and stakes are high. So I do think  
 8 there's common ground, and there's common ground in  
 9 a sense that my inquiry into the Damian Green piece  
 10 suggested to me that the framework that existed around  
 11 initiating those inquiries/reviews/investigations was  
 12 weak. There was weaknesses in the framework which  
 13 allowed for the police to be drawn in, sometimes  
 14 initially on the basis that state secrets were at risk,  
 15 but actually in this particular case they were not, they  
 16 were embarrassing issues, and it allowed for drift, and  
 17 I've -- there were all sorts of other mechanisms that  
 18 could have resolved it.  
 19 So framework -- and I think we'll come to this at  
 20 some point. Parallel with the -- this Inquiry: is the  
 21 framework strong enough, when the police have conflicts  
 22 of interest and when they have to review things? Do  
 23 they have a good anchor point, a good set of references  
 24 to go by? And how do they manage -- and this is what  
 25 I did try to look at in relation to Damian Green: how do

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1 they manage their way through this so that they -- if  
 2 they decide to go forward or to stop, there is some  
 3 respectable, proper process for a considered use of  
 4 discretion?  
 5 And I set out an approach at the rear of that  
 6 report, which was agreed by the Director of Public  
 7 Prosecutions, the Cabinet Office, the Home Office and  
 8 the police, about high-impact cases for which  
 9 politicians, the police and government is one territory,  
 10 but there are some parallels, clearly, with this high --  
 11 the high-impact case, as it were, issues that this  
 12 Inquiry are looking at. There are some parallels in my  
 13 terms.  
 14 MR JAY: That's one of the themes we're going to come back  
 15 to at some stage this afternoon, Sir Denis, but that may  
 16 be convenient.  
 17 LORD JUSTICE LEVESON: Just before we leave, or maybe we'll  
 18 return to it, was it a common occurrence for you to be  
 19 shown newspaper articles by Home Office officials and  
 20 asked whether you felt the HMIC should get involved or  
 21 what you felt about it? The reason I ask the question  
 22 is because part of the evidence I've heard is that "this  
 23 was just another newspaper article", and I rather  
 24 challenge that view and I take what you've said as  
 25 supporting my challenge of the view, but I'd just like

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1 to get an understanding of whether that's fair.  
 2 A. To the first part, sir, the -- it's not common, because  
 3 we were endeavouring to forge a new relationship. Prior  
 4 to my appointment, the chief inspector had been the  
 5 principle adviser to the Home Secretary about  
 6 professional matters; this design was I was supposed to  
 7 be more independent.  
 8 The actual newspaper article wasn't drawn to my  
 9 attention, it was just the news item, as it were, I  
 10 think there had been something on the radio as well  
 11 as -- but I -- I have been around the block on these  
 12 things. I have been through the Lawrence experience,  
 13 Scarman inquiry and the rest, and just looked to me,  
 14 just even crystallised that morning, it had some of the  
 15 potential features of real difficulty. That's why it  
 16 stood out as something of significance, potentially, if  
 17 even if small part it were true.  
 18 Occasionally officials did discuss news issues, but  
 19 I dare say not always to agree about the way those  
 20 issues were addressed.  
 21 LORD JUSTICE LEVESON: Maybe we'll return to that at  
 22 2.05 pm.  
 23 (1.05 pm)  
 24 (The luncheon adjournment)  
 25

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