

<p>1 Tuesday, 27 March 2012</p> <p>2 (10.00 am)</p> <p>3 LORD JUSTICE LEVESON: Good morning, Mr Barr.</p> <p>4 MR BARR: Sir, good morning. Our first witness today is</p> <p>5 Assistant Chief Constable Jerry Kirkby.</p> <p>6 MR JEREMY KIRKBY (sworn)</p> <p>7 Questions by MR BARR</p> <p>8 MR BARR: Good morning. Please could you confirm your full</p> <p>9 name?</p> <p>10 A. I'm Jeremy Kirkby.</p> <p>11 Q. Are the contents of the two witness statements which you</p> <p>12 have provided to the Inquiry true and correct to the</p> <p>13 best of your knowledge and belief?</p> <p>14 A. Yes, they are.</p> <p>15 Q. You are currently the Assistant Chief Constable of</p> <p>16 Surrey Police, and you've held that position since 2008;</p> <p>17 is that right?</p> <p>18 A. That's correct.</p> <p>19 Q. You've served with the Surrey Police force since 1983,</p> <p>20 with breaks to spend three years with the Metropolitan</p> <p>21 Police between 1998 and 2001, and a secondment to the</p> <p>22 ACPO and the National Police Improvement Agency between</p> <p>23 2005 and 2008; is that right?</p> <p>24 A. Yes, it is.</p> <p>25 Q. You tell us at paragraph 5 of your witness statement</p> <p style="text-align: center;">Page 1</p>	<p>1 staff with the Metropolitan Police Service, who at that</p> <p>2 time were offering a very favourable terms and</p> <p>3 conditions, and that gave rise to something of a hiatus,</p> <p>4 didn't it?</p> <p>5 A. Yes, it did. There was quite a bit of churn of staff</p> <p>6 between ourselves and the Metropolitan Police.</p> <p>7 Q. From a point of view of media relations, you describe</p> <p>8 their state at the turn of the century. You tell us</p> <p>9 that there were some staff in the media relations team</p> <p>10 who had been local journalists, and others who came from</p> <p>11 all sorts of backgrounds, and that generally speaking</p> <p>12 you had a good working relationship with the local media</p> <p>13 but limited exposure to the national media; is that</p> <p>14 right?</p> <p>15 A. Yes, that's right.</p> <p>16 Q. We'll see, through the various examples in your</p> <p>17 statement, how that changed in recent years. You also</p> <p>18 tell us that Sir Denis O'Connor became the</p> <p>19 Chief Constable in 2000 and he brought with him</p> <p>20 a cultural change in the attitude of the Surrey Police</p> <p>21 force to the media. Could you describe in your own</p> <p>22 words what that change was?</p> <p>23 A. I think Mr O'Connor had experience in the Metropolitan</p> <p>24 Police of the sort of scale and sort of nature of some</p> <p>25 of the very big inquiries and also dealing with</p> <p style="text-align: center;">Page 3</p>
<p>1 that you are conducting an internal investigation into</p> <p>2 Surrey Police's handling of information obtained from</p> <p>3 the News of the World in April 2002 concerning access to</p> <p>4 Milly Dowler's mobile phone voicemail. That</p> <p>5 investigation, which is known by the code word Operation</p> <p>6 Baronet, is not yet complete, is it?</p> <p>7 A. No, it isn't.</p> <p>8 Q. But you tell us that when it is, you are going to</p> <p>9 provide us with a further witness statement dealing with</p> <p>10 your conclusions?</p> <p>11 A. I will do.</p> <p>12 Q. In those circumstances, we're not going to deal today</p> <p>13 with those issues.</p> <p>14 You go on to tell us in paragraph 6 of your witness</p> <p>15 statement that from a point of principle,</p> <p>16 Surrey Police's approach is to be open and transparent</p> <p>17 with the media, but the gist of your statement, if I've</p> <p>18 understood it -- and then supported by examples which we</p> <p>19 will come to -- is that that has proved to be easier</p> <p>20 said than done.</p> <p>21 A. That's correct.</p> <p>22 Q. You give us some background to the Surrey Police. At</p> <p>23 around the turn of the century, you tell us, it was</p> <p>24 a time of great change. Surrey's area of responsibility</p> <p>25 increased considerably and there was competition for</p> <p style="text-align: center;">Page 2</p>	<p>1 specifically the Crime Reporters Association. We'd had</p> <p>2 very little exposure to significant incidents, so</p> <p>3 Mr O'Connor brought a number of changes to us over the</p> <p>4 period that he was present.</p> <p>5 Firstly, he introduced what was referred to -- and</p> <p>6 I believe he referred to as well in his evidence -- as</p> <p>7 critical incident training. That was around significant</p> <p>8 investigations where senior investigating officers and</p> <p>9 other senior officers and media relation officers went</p> <p>10 through a two-day process of training and exposure to</p> <p>11 incidents which would be quite significant for a force</p> <p>12 of our size and to develop staff, and also</p> <p>13 a relationship which he introduced later on as a result</p> <p>14 of the investigation into Milly Dowler with the Crime</p> <p>15 Reporters Association.</p> <p>16 Q. Thank you. We'll come to that in more detail later on.</p> <p>17 At paragraph 12 of your witness statement, you tell us</p> <p>18 that there are a number of celebrities who live in</p> <p>19 Surrey, and that a constant theme has been the interest</p> <p>20 of the media in celebrities. I don't want you to go</p> <p>21 into any details at all, but is it right that you have</p> <p>22 an officer at the moment who has been investigated in</p> <p>23 relation to a leak about celebrity information?</p> <p>24 A. That's correct.</p> <p>25 Q. If we move now to paragraph 13 of your witness</p> <p style="text-align: center;">Page 4</p>

<p>1 statement, under the subheading "A year of challenges, 2 2002", you tell us first of all about the disappearance 3 of Milly Dowler and the subsequent police investigation. 4 You give us an idea of the scale of that investigation. 5 At paragraph 14, you say 3,500 house-to-house enquiries, 6 searches of 350 sites or more, including 40 underwater 7 sites and 35 miles of waterways. The force also had to 8 follow up a number of sightings which were reported, 9 including some which had an international dimension, and 10 256 people of potential interest had to be traced and 11 interviewed either to eliminate or implicate them.</p> <p>12 A. That's correct.</p> <p>13 Q. Against that background of the operational task that the 14 force faced, you tell us in paragraph 15 about the media 15 relations operation. It's well-known now that there was 16 an enormous media interest, and at paragraph 15, you 17 tell us, based on some of the work you have done in 18 Operation Baronet, what the reaction of some of the 19 media relations officers were. They have described to 20 your investigation media demands as being "alien", 21 "steep learning curve", "just immense", "relentless", 22 "overwhelming". Is that right?</p> <p>23 A. That's correct.</p> <p>24 Q. And that senior officers involved in the case have 25 described elements of the press as "extremely</p> <p style="text-align: center;">Page 5</p>	<p>1 and media."</p> <p>2 Against the background of those two comments, I'd 3 like to ask you: in your opinion, did Surrey Police 4 become too involved with the media at that stage of the 5 inquiry?</p> <p>6 A. Firstly, the comment that you attributed to the 7 Detective Superintendent, I think it was Maria Woodall. 8 She was a detective sergeant at the time and she 9 subsequently became a detective superintendent. Just a 10 point of correction.</p> <p>11 Q. Thank you.</p> <p>12 A. In my judgment, my assessment, I don't think we did 13 become too consumed by the media. I think it was 14 a demand which was placed on us, and we had to respond 15 to it. There was clearly -- and I have had sight of the 16 investigation which was going along alongside of it and 17 the lines of inquiries which were being pursued, but 18 I think what this was seeking to demonstrate was at 19 times a demand was placed on us when in fact we wanted 20 to be responding to lines of inquiry and putting 21 resources to that, but because the media deadlines -- 22 and I think the pertinent point here that was being made 23 was often on Friday afternoons, deadlines for 24 publications on Saturday or Sunday. You had a very 25 restricted amount of time to actually be able to</p> <p style="text-align: center;">Page 7</p>
<p>1 demanding", and in some respects "mischievous" and the 2 level of interest as "unprecedented and immense". Are 3 you able to expand at all on what is meant by 4 "mischievous"?</p> <p>5 A. Yes, the "mischievous" term was used by the senior 6 officer, Chief Superintendent at the time in his 7 statement which he provided to the team. It goes on to 8 explain that the media were, at times, exploring 9 hypotheses and seeking to develop them and almost sort 10 of test them in a public environment, when in fact there 11 was very little fact to support some of those things.</p> <p>12 Q. A quasi-investigation being conducted in public?</p> <p>13 A. Yes, and played out in public as well, and seeking to 14 draw police officers into comment on those hypotheses, 15 where we were not looking to do so.</p> <p>16 Q. The Detective Superintendent at the time, who later, at 17 the Levi Bellfield stage of the case, became the SIO, 18 says:</p> <p>19 "There were almost last-minute requests, often on 20 a Friday afternoon, with demands for information around 21 a story that the media wanted or intended to run at the 22 weekend. This was huge pressure that diverted 23 considerable amounts of our time."</p> <p>24 The SIO says:</p> <p>25 "I think the inquiry was too consumed by the press</p> <p style="text-align: center;">Page 6</p>	<p>1 comment, so it meant diverting resources to actually 2 look to be able to respond in an accurate way to the 3 press, which was on an issue which was going to be 4 published.</p> <p>5 Q. That does suggest, doesn't it, a degree of distraction 6 from the job in hand?</p> <p>7 A. Yes, absolutely, a degree of distraction.</p> <p>8 Q. You explain there's another side to the coin, and that 9 is that Surrey Police did want to cultivate interest so 10 you could get the message out there about needing 11 evidence and witnesses?</p> <p>12 A. Yes. I suppose there's a general comment for myself: 13 the press and the media can be massively helpful in 14 a number of inquiries. A missing person inquiry, 15 keeping it in the public's sight and reminding them to 16 keep thinking about if they had any information which 17 would assist us with the investigation was very 18 important, and they certainly helped us in that regard.</p> <p>19 Q. At paragraph 17, we have some more quotations from the 20 investigation, this time dealing with the amount of 21 resources available in the press office to deal with the 22 demands. Reading from the top of page 8:</p> <p>23 "Most of the time we did not have the resources in 24 the press office to get back to the original caller due 25 to the volume of calls we were receiving."</p> <p style="text-align: center;">Page 8</p>

<p>1 And then, further down the page, the position is 2 described as "complete chaos", and at the bottom of the 3 paragraph, "having run out of control". It's plain, 4 isn't it, that there weren't sufficient resources in the 5 press office at that time to deal with the unprecedented 6 media interest; is that fair?</p> <p>7 A. I think it is. I think it's a combination of the number 8 of resources, the experience of resources and the way 9 the resources were structured in order to respond to an 10 incident of this magnitude and this interest from the 11 press.</p> <p>12 Q. I've been asked by a core participant to ask you this: 13 do you think there was an overprioritisation on 14 satisfying the media in the early stages of the 15 investigation?</p> <p>16 A. No, I don't. I think there was a -- I think that it was 17 one of a number of considerations and a number of 18 demands which was placed on the investigation. 19 I think -- I've also had sight of the other 20 investigations, the other lines of enquiries which were 21 being conducted at the same time, but without doubt, it 22 was -- I do not want to give an impression this was not 23 generating a vast amount of demand on us and we were 24 having to put resources into it, but we're also putting 25 attention and resource into the actual primary</p> <p style="text-align: center;">Page 9</p>	<p>1 LORD JUSTICE LEVESON: Because I'm trying to look at the 2 position on a rather wider basis. This is probably an 3 unfair question and you're perfectly at liberty to 4 decline to answer it: do you have any broad timeframe in 5 your mind as to when you're likely to produce something 6 as a result of this inquiry? Not merely an answer to 7 the questions you've been asked, but generally.</p> <p>8 A. No, the timeframe I'm working to is the end of May, I'll 9 be able to produce my -- what I've referred to as my 10 final report. There may still be some further 11 investigations, inquiries ongoing.</p> <p>12 LORD JUSTICE LEVESON: So does that mean that when you 13 produce it, it will be in the public domain?</p> <p>14 A. I'll be presenting it to this Inquiry --</p> <p>15 LORD JUSTICE LEVESON: That's what I wanted to hear. Thank 16 you very much.</p> <p>17 MR BARR: Anticipating what you said a moment ago, we can 18 move on to paragraph 18, where you start to tell us 19 about how Surrey Police reacted to this overwhelming 20 media demand. You say that one mechanism was pooling 21 interviews and information, treating all media outlets 22 equally and minimising the number of interviews that 23 victim's family and friends would need to give. You 24 explain in your statement that this proved to be 25 unpopular with the press, but my question for you is:</p> <p style="text-align: center;">Page 11</p>
<p>1 investigation as well.</p> <p>2 LORD JUSTICE LEVESON: It's quite clear from your statement 3 that statements had been made by all the officers and 4 they've generated this material which you've been 5 describing to me and I'm grateful.</p> <p>6 A. Yes.</p> <p>7 LORD JUSTICE LEVESON: But does that mean that when 8 Operation Baronet winds up, you'll be in a position to 9 provide an analysis and a potential set of guidelines or 10 structures to advise other forces in connection with 11 such inquiries, should they be unfortunate enough to be 12 in the same sort of position as Surrey? In other words, 13 what's the value of this beyond finding out precisely 14 what happened and when?</p> <p>15 A. Well, I hope there will be some value in the 16 investigation I'm conducting and it will identify areas 17 of good practice and any learning that we need to take 18 from this. Further in this statement -- and I'm sure 19 we'll come to that -- there are some changes which we've 20 already instigated as a result, around the structure, 21 around the experience, around the training that we give 22 to our staff.</p> <p>23 LORD JUSTICE LEVESON: Yes, I wasn't just thinking of 24 Surrey.</p> <p>25 A. No.</p> <p style="text-align: center;">Page 10</p>	<p>1 from a policing point of view, did it work?</p> <p>2 A. From an operational perspective, the pooling of 3 interviews, I think, is a positive mechanism, especially 4 if you're dealing with victims or witnesses who may be 5 vulnerable or sensitive. It just means you can do one 6 interview, questions, similar to today, can be given to 7 the interviewer from different and interested parties, 8 and that is the impact of it. It's easier for us to 9 manage and it's less of an impact on our resources.</p> <p>10 Q. Would you do it again?</p> <p>11 A. Yes, I would do it again.</p> <p>12 Q. Over the page, you describe how the Sunday Mirror 13 published an article describing the investigation under 14 the then -- was Mr Gibson the SIO?</p> <p>15 A. Yes, he was.</p> <p>16 Q. -- the then SIO was "rudderless" and this media coverage 17 has since been described by then DCC Peter Fahy as 18 "a factor in replacing the SIO for the investigation". 19 Can I ask you, first of all: would you agree with me 20 that if a newspaper describes an investigation as 21 "rudderless", that's simply an expression of opinion and 22 a manifestation of the freedom of expression?</p> <p>23 A. Yes.</p> <p>24 Q. The second question arising from this evidence is 25 whether, in your view, it's a legitimate factor for</p> <p style="text-align: center;">Page 12</p>

<p>1 a senior manager to take into account, when replacing 2 the SIO, what the opinion of the Sunday Mirror is? 3 A. From my perspective, it was a factor, as identified by 4 Mr Fahy. Knowing what I do know about the review 5 processes which were going on at that moment in time, 6 I think the SIO was replaced with a more experienced 7 SIO, based on -- based primarily on operational factors 8 and operational reasons, an assessment made by the chief 9 officers at the time. 10 Q. Replacing someone on the basis of operational factors 11 and operational considerations or considerations of that 12 person's performance are all plain and legitimate, but 13 is it legitimate to take into account at all what the 14 opinion of the press is? 15 A. I think if there's a perception that the investigation 16 isn't being run in a professional and thorough manner, 17 then I think -- I'm just talking about reality now, as 18 a senior police officer and making judgments. You 19 consider everything that is available to you. You still 20 make the judgment based on a number of factors, and 21 I think primarily in this case it was based on 22 operational factors, but to ignore what is being said, 23 either by the press or by the family or by the public, 24 you can't do that. That's not how reality works. 25 Q. So it comes down to the fact that the opinion of the</p> <p style="text-align: center;">Page 13</p>	<p>1 LORD JUSTICE LEVESON: I think that's the date on which it 2 was printed, ie today, rather than the date upon which 3 the offer was made. Was it made on 1 August 2007, where 4 it says "last updated"? If you look immediately under 5 the headline, it identifies: 6 "Last updated 1 August 2007." 7 MR BARR: I think, sir, that I certainly am seriously wrong 8 in reading out the date at the top, but I'm not 9 convinced that it's 1 August either, as that's simply 10 the date on which it was last updated. Was this reward 11 offered back in 2002, before it was known that 12 Milly Dowler tragically was dead? 13 A. Yes. 14 Q. It says "Sun reward to find missing Milly"? 15 A. Yes, that's correct. 16 Q. So it must have been some time in that timeframe. It's 17 fair to say that that article includes an enthusiastic 18 welcome from the police and full co-operation. 19 Obviously at that stage, it had been decided that if 20 a reward was going to be offered, to make the most of 21 it. Can I ask you: given how supportive the police were 22 publicly to the reward, are you really sure that there 23 were serious reservations about the reward being 24 offered? 25 A. The DCI, the senior investigating officer at the time,</p> <p style="text-align: center;">Page 15</p>
<p>1 press can influence the course of an investigation? 2 LORD JUSTICE LEVESON: Well, I suppose the point is that the 3 police have to maintain public confidence in the way in 4 which they're tackling what is a very significant 5 incident. 6 A. (Nods head) 7 LORD JUSTICE LEVESON: If there's a concern that public 8 confidence is being lost, to ignore that would be not 9 entirely sensible. Would that be fair? 10 A. That's absolutely correct. 11 MR BARR: At the end of paragraph 18, you tell us about the 12 circumstances in which the News of the World and the Sun 13 came to offer a reward for information which would lead 14 to finding Milly Dowler. You tell us that the SIO was 15 initially very reluctant and declined the offer of 16 a reward, fearing that it would generate large numbers 17 of spurious calls which would distract from the police 18 investigation. You say that he felt he had little 19 choice ultimately to accept, because the newspapers made 20 it plain that if he didn't agree to co-operate, they 21 would offer the reward anyway. 22 I've been provided by a core participant with a copy 23 of the Sun at the time when the reward was made public. 24 That's 27 March 2012. It's fair to say -- I think you 25 have a copy --</p> <p style="text-align: center;">Page 14</p>	<p>1 expressed his concern about the need for a reward. I've 2 seen his policy book, I've seen the statement that he 3 has provided. Rewards can be really useful in 4 investigations in generating interest and bringing more 5 focus back onto an investigation. In this case, I'm not 6 so sure that a reward was necessary. The SIO at the 7 time indicated there was significant press interest 8 already. We weren't trying to generate more public 9 interest; it had quite a lot of it already. But the 10 point being made is: if they were going to run the 11 reward anyway, then I think just pragmatically we would 12 wish to be aligned to that than actually arguing against 13 it. 14 LORD JUSTICE LEVESON: You could hardly go out in public and 15 say, "Well, actually, we don't think this is a good idea 16 at all." 17 A. No. 18 MR BARR: Are you able to help us with what the consequence 19 of the reward offer was? Were the SIO's initial fears 20 realised? 21 A. I don't know, but what I will do is I will ascertain 22 what was actually generated from the reward and I will 23 submit a note to the Inquiry to update you on that 24 point. 25 Q. Thank you very much. The next paragraph of your witness</p> <p style="text-align: center;">Page 16</p>

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<p>1 statement deals with the CRA, and tells us how Surrey 2 changed its approach and began to deal much more closely 3 with the CRA, providing briefings, which started in July 4 2002.</p> <p>5 At paragraph 20, informed by a quote from Detective 6 Chief Superintendent, now Deputy Chief Constable 7 Denholm, you explain how this policy of engagement with 8 the CRA forged improved relations and refocused efforts 9 on gaining fresh evidence and witnesses. Is that fair?</p> <p>10 A. That's correct.</p> <p>11 Q. But then, perhaps less favourably, at the bottom of 12 page 20, you go on to at the moment us that Maria 13 Woodall felt pressured at one stage to give out some 14 details of an arrest plan, which she wasn't entirely 15 comfortable with, because she felt she needed to do so 16 in order to prevent a newspaper publishing damaging 17 material about another aspect of the case. On its face, 18 that's a matter of some concern, isn't it, if the press 19 have pressured an SIO into publishing -- or giving out, 20 at least -- details which she's uncomfortable about 21 releasing?</p> <p>22 A. Yeah, I think the judgment needs to be made by the SIO 23 whether the information they provide will actually 24 compromise the operation. Having spoken to Maria 25 Woodall about this incident, the information that she</p> <p style="text-align: center;">Page 17</p>	<p>1 accompanied by the head of our coms department at the 2 time, who was an experienced operator.</p> <p>3 Q. Your statement moves next to tell us about the 4 consequent changes following the Milly Dowler 5 investigation in 2002 and some the things that 6 Surrey Police did to raise its game in media relations. 7 These included recruiting experienced staff and more 8 ex-journalists to work in the media relations office. 9 In particular, a press and publicity manager with 10 extensive experience of major investigations was 11 recruited.</p> <p>12 This Inquiry has heard some evidence, opinion 13 evidence, at least, that the presence of constables, 14 operational officers, in a press office might be 15 advantageous. Surrey Police seem to be going the other 16 way in recruiting a higher proportion of ex-journalists. 17 What's your opinion as to whether or not it's useful to 18 have operational officers in a press office?</p> <p>19 A. I think having operational officers involved in 20 decision-making around press and publicity matters is 21 quite important. Whether they need to be the head of 22 the department or actually located in there, I think 23 there are other ways of getting that experience and 24 getting that operational assessment and involvement in 25 matters. Personally, I think having professionally</p> <p style="text-align: center;">Page 19</p>
<p>1 would have given was in general terms and certainly 2 would not have compromised the operation and the 3 arrest -- the subsequent arrest which would have been 4 made.</p> <p>5 Q. But doesn't this example suggest a lack of trust between 6 the SIO and the newspaper concerned, because she 7 obviously had a fear that the newspaper, unless she gave 8 them something, was going to publish damaging 9 information?</p> <p>10 A. Yes, in relation to the damaging information, but 11 I suppose on the contrary it shows the degree of trust 12 that she would have had -- she met with this individual 13 with a member of the press team, and she must have had 14 a certain amount of trust to give them the information, 15 general information around an arrest plan.</p> <p>16 Q. Is there not a need to ensure that SIOs are given the 17 confidence simply to say no where necessary, and to rely 18 upon the press, if they're told that something is going 19 to be damaging, not to report it?</p> <p>20 A. I think each case has to be assessed on its own merits. 21 I think SIOs should be confident -- yes, they should be 22 confident. And should they compromise the operation 23 investigation? No, they shouldn't, and I don't feel 24 this has been done here. They should also take the 25 advice of other professionals and in this case she was</p> <p style="text-align: center;">Page 18</p>	<p>1 trained confident individuals who come from that 2 background is a good way of actually doing it and works 3 for us. I've heard and I've seen evidence supplied by 4 other colleagues of mine, sitting here, who see the 5 value of having a police officer. I think they can both 6 be of value but if you are going to do the one that 7 Surrey Police have chosen to take, there are other ways 8 of bringing operational experience into decision-making, 9 especially around significant incidents, and I think 10 that's one of the key learnings that I've seen coming 11 out of the work that I'm doing at present.</p> <p>12 Q. The other changes that you mention include the 13 introduction of external trainers to deliver training 14 sessions -- these are training sessions about media 15 relations, are they?</p> <p>16 A. Yes, they are.</p> <p>17 Q. -- the introduction of a single database to record 18 contact between the media relations team and 19 journalists, and more planning to manage large-scale 20 media interest, with options such as work rotas for the 21 media relations officers, task allocation and so on. 22 Have all these changes, in your opinion, been 23 beneficial?</p> <p>24 A. Yes, they have.</p> <p>25 Q. You move next to tell us something of the</p> <p style="text-align: center;">Page 20</p>

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<p>1 Surrey Police's involvement in the Deepcut 2 investigations. That is the investigations into the 3 deaths of four soldiers who died at Deepcut army 4 barracks between 1995 and 2002. 5 At paragraph 23, your statement tells us that one of 6 the significant results of work ongoing on this 7 investigation at the same time as the Milly Dowler 8 investigation is the additional demand that it made on 9 the media relations team, and the solution was to borrow 10 officers from the Hampshire force and the Sussex force 11 to help you out. Did that work as a plan? 12 A. Yes, it did. It wasn't -- it was press officers as 13 opposed to police officers, just to avoid any confusion. 14 Yes, it did, and, in fact, the sort of -- the concept of 15 mutual aid, as we refer to it in policing, when you 16 bring in staff from other forces to help you -- normally 17 it's police officers, but in this case mutual aid, and 18 I've seen it subsequently. Forces have called in mutual 19 aid for specific specialist purposes, and press officers 20 is one good example of that. 21 Q. Are there any particular features of the relationship 22 between the Surrey Police and the media in relation to 23 the Deepcut investigation that you would like to draw to 24 the Inquiry's attention? 25 A. The only difference between the Deepcut investigation Page 21</p>	<p>1 Q. Obviously in the first instance, direct contact between 2 the force and the newspaper involved is one option, but 3 if that doesn't work, do you think that there ought to 4 be a formal mechanism for the resolution of police 5 complaints about the press incorporated into any future 6 model of press regulation? 7 A. Yes, I do. I think there must be a sensible escalation 8 process. In this case, one of our press officers had 9 communications with the journalist and expressed concern 10 about what they intended to do, was to link an unlinked 11 offence publicly. It then got escalated to the senior 12 investigating officer and then subsequently, having been 13 published, the Chief Constable wrote and expressed. 14 I think in appropriate case there is should be a further 15 escalation process. 16 LORD JUSTICE LEVESON: But that wouldn't necessarily just be 17 the police; that could be any public body that felt that 18 the press were not approaching a particular issue with 19 which they were concerned in an appropriate manner. 20 A. That's absolutely right, because in this case, the 21 person who was potentially the most affected was the 22 victim and their family. I have knowledge of this case. 23 So the person who was potentially most aggrieved and 24 affected by it was that person and their family. 25 LORD JUSTICE LEVESON: What's critical is that you shouldn't Page 23</p>
<p>1 and the interest from the press and media was -- it was 2 mainly political commentators or defence commentators, 3 as opposed to the usual journalists that we deal with 4 from the sort of crime reporting angle. So they're just 5 people that we hadn't dealt with previously. 6 Q. Can I take it from that answer that -- 7 A. There's no issues. 8 Q. -- there were no particular issues of note? 9 You move next to tell us about the investigation 10 into the man who was known as the M25 rapist. At the 11 top of page 13, you tell us that there was a problem. 12 There were a number of speculative reports, including 13 one that incorrectly linked another Surrey crime to the 14 series, despite the reporter having been given firm 15 direction by the media relations team, and that the 16 force's response to that was for the Chief Constable to 17 write to the journalist's editor. Was that effective as 18 a mechanism for preventing future transgressions? 19 A. I don't know the result of the letter, what it actually 20 generated. I haven't checked to see and I can do so. 21 I don't know whether it has been effective. I'm trying 22 to think now if that newspaper has done anything similar 23 since then which we have recorded our concern over. 24 (Pause) I don't know, I think is the safest answer to 25 say. Page 22</p>	<p>1 necessarily force them to do it because they have other 2 issues to cope with. 3 A. (Nods head) 4 LORD JUSTICE LEVESON: And that complaints and concerns 5 ought to be accepted if made by responsible third 6 parties on their behalf. 7 A. Yes. 8 LORD JUSTICE LEVESON: Or with an equally significant 9 interest in the subject matter of the story. 10 A. That's correct. I think we, as a public body, have an 11 obligation and duty to act on behalf of the victim and 12 witnesses. 13 MR BARR: Having earlier described how, during the course of 14 the Milly Dowler investigation, the force fostered 15 closer relations with the CRA, you tell us a little bit 16 more about how they proceeded over time at paragraph 26. 17 There were formal briefings, but also informal 18 socialising; is that right? 19 A. Yes, that's correct. There was in total -- from 2002 20 until 2010 and the conviction of levy Bellfield, there 21 were five formal CRA briefings in relation to operation 22 Ruby, which is the operation of Milly Dowler, and that 23 is -- there was only -- we've only done eight in total 24 in that period. So the majority of our briefings with 25 the CRA have been on the Milly Dowler investigation. Page 24</p>

<p>1 Q. And the informal briefings were held at a restaurant or 2 a bar?</p> <p>3 A. A restaurant bar in Guildford.</p> <p>4 Q. You also tell us that that practice came to an end. Why 5 was it decided to bring to an end the informal contact 6 between the Surrey Police and the CRA?</p> <p>7 A. The purpose of those gatherings, which -- I think six or 8 seven since 2002, was so that senior officers and press 9 officers could meet with journalists from the Crime 10 Reporters Association, understand their expectations and 11 their needs and develop an understanding of working 12 practices on that basis.</p> <p>13 LORD JUSTICE LEVESON: The Crime Reporters Association is 14 really national newspapers?</p> <p>15 A. It is.</p> <p>16 LORD JUSTICE LEVESON: What about your local newspapers? 17 Were they cut out of this?</p> <p>18 A. Out of that process, yes, but I don't think you'll -- 19 it's not -- well, I can answer on behalf of the press of 20 Surrey: they do get a lot of exposure to us. We have 21 arranged editors events. We have events with 22 journalists -- local journalists where we meet with them 23 and brief them. In a way, that's our daily bread and 24 butter, that sort of relationship. This was to identify 25 a particular need where we hadn't had exposure to</p> <p style="text-align: center;">Page 25</p>	<p>1 That reasoning didn't feature largely in your answer 2 a moment ago, so could I ask you: to what extent was 3 this concern about perception in times of austerity 4 a feature in the decision?</p> <p>5 A. I think it was a key reason for the decision as well, 6 the public perception of spending money on socialising 7 with crime reporters. I think the test for me is: do 8 I feel able to justify it publicly? I think the purpose 9 of relationship-building had been already achieved. 10 I think times were becoming hard and the chief officer 11 decision was based on both of those factors.</p> <p>12 Q. Looking to the future, where do you think the balance 13 lies between the need to maintain effective channels of 14 communication with the media and the dangers, from 15 a perception point of view, of hospitality?</p> <p>16 A. I think if we didn't have a relationship with the 17 national media that we do, have forged over the last 18 eight years, and there was some clear benefit to be 19 obtained by having an event where you would sort of 20 listen to expectations and develop relationships, 21 professional relationships, I would have no problem with 22 doing that. But I think there's one thing about doing 23 an event with a large number and an established 24 association, and I think there's something quite 25 different between having social encounters with</p> <p style="text-align: center;">Page 27</p>
<p>1 national journalists, and that process -- we would pay 2 for the food and then everybody else would pay for the 3 drinks. I've attended two of those in 2009 and 2010, 4 didn't drink any alcohol, drank soft drinks, stayed for 5 about an hour on each of those, let the crime reporters 6 listen to what they had to say about the relationship 7 with the Surrey Police, found it useful.</p> <p>8 In 2010, as part of the chief officer group, we 9 reviewed the future of those. The purpose to develop 10 relationship and understanding, we had done so. We knew 11 all of them. We had done various briefings. The 12 situation -- I think the context, public perception 13 around austerity and socialising had changed, and 14 therefore we made a conscious decision that we wouldn't 15 carry on doing those social briefings. If an operation 16 arrived tomorrow where I thought there was the benefit 17 of a formal CRA briefing, I would certainly do it.</p> <p>18 MR BARR: Your witness statement says that there was 19 a desire to respond to an increased awareness -- I'm 20 looking at the end of paragraph 26 on page 14: 21 "... a desire to respond to an increased awareness 22 of public perception towards corporate entertaining 23 during times of austerity and mounting scrutiny towards 24 public spending. The last event was held in August 25 2010."</p> <p style="text-align: center;">Page 26</p>	<p>1 individual journalists.</p> <p>2 Q. You move next to tell us about Surrey Police's dealings 3 with the media when the celebrity Matthew Kelly was 4 arrested. Before we go into any further details about 5 this case, it's important, isn't it, to make clear that 6 Mr Kelly was never charged?</p> <p>7 A. Absolutely.</p> <p>8 Q. You tell us in your statement that there was early and 9 growing media interest because they had wind that 10 something was afoot even before Mr Kelly had been 11 arrested, and that caused the Surrey Police to change 12 its plans and to arrest Mr Kelly earlier than it would 13 have wished. Is that right?</p> <p>14 A. That is correct.</p> <p>15 Q. Is that an example of media interest interfering, albeit 16 in this case to a modest extent, with policing 17 operations?</p> <p>18 A. Yes. It necessitated us bringing forward a planned 19 arrest because we knew there was going to be coverage 20 and publication material the next day, and which then -- 21 that arrest and the way we actually conducted that 22 arrest received adverse criticism from other aspects of 23 the press.</p> <p>24 Q. Yes, because you tell us that the force did take steps 25 to protect Mr Kelly's privacy. You didn't release his</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 name, you arrested him at a theatre after a production, 2 he was taken out through a back entrance and similar 3 arrangements were made at the police station. Those 4 efforts were criticised by the national media and you 5 tell us at the end of paragraph 27 of the reply that you 6 got from Piers Morgan, who said: 7 "Thanks for the note. These stories are hideously 8 difficult for both you guys and us. Fame and crime 9 sends most of the usual rules out of the window. I hear 10 what you say, and I will bear it in mind when we revisit 11 this story." 12 Is it your experience that where the media are 13 concerned, fame and crime sends their adherence to the 14 usual rules out of the window? 15 A. It can do. I don't think it does in all cases. 16 I certainly wouldn't wish to tar all journalists and 17 media with one brush, but I think it can do. 18 Q. You move next to tell us about the Abigail Witchalls 19 case. The Inquiry has already heard substantial 20 evidence about this. Looking at your witness statement 21 and what you tell us about it, would it be fair to say 22 that there was some good and some bad? 23 A. Yes, there was. 24 Q. Let's look first of all at the good. Is it right that 25 the press were a successful vehicle through which Page 29</p>	<p>1 when the SIO became greatly concerned that a newspaper 2 was going to publish a photograph of the suspect before 3 that suspect had been through formal identification 4 procedures. Had that happened, that would have been 5 prejudicial, potentially, to the investigation, wouldn't 6 it? 7 A. Yes, it would have been potentially prejudicial to the 8 investigation. 9 Q. Can you tell us in your own words what happened? 10 A. We were contacted by the paper, who informed us that 11 they had a picture and they were going to publish it and 12 were looking for wider comments around the issue. The 13 press officer spoke to the SIO and an attempt was made 14 to stop them publishing. It escalated, with the senior 15 investigating officer having to contact the editor of 16 that newspaper and explaining the potential consequences 17 of that action in relation to the identification 18 procedure, and then the editor agreed to delay 19 publication until after the identification procedure 20 took place. 21 Q. So in that case, despite some anxious moments, 22 everything worked out all right in the end. Returning 23 to the theme I asked you about earlier, about what 24 formal mechanisms might be valuable in the future, had 25 the newspaper not decided to follow the SIO's wishes, Page 31</p>
<p>1 Surrey Police was able to maximise its calls for 2 witnesses and information? 3 A. Yes. There was a case where a sighting of a blue car 4 had come into the inquiry. We made an appeal in 5 relation to that, and very quickly, and as a direct 6 result of that coverage, the people who were in the car 7 came forward and we were able to eliminate that as 8 a line of inquiry, which at that stage of the 9 investigation was really useful, and it meant that other 10 resources could be -- or the resources could be diverted 11 on to better lines of inquiry. 12 Q. Pausing there, since we've touched upon an example of 13 good practice, can you give us some idea of how far 14 frequently you see the good rather than the bad in the 15 relationship between police and media? 16 A. Yeah, I'm conscious that this statement has focused on 17 quite a bit of our bad experiences. If I had to give 18 a percentage, I'd probably say about 90, 95 per cent of 19 the experience, possibly even higher, with media, both 20 local and national but definitely local, has been 21 positive, supportive, especially in relation to the 22 purpose of policing -- you know, prevention, detection 23 of crime and appealing for witnesses. Yes, positive. 24 Q. Turning now to the bad -- I'm looking at paragraph 29 -- 25 you tell us that there was a point in the investigation Page 30</p>	<p>1 would it have been useful to have a formal mechanism for 2 taking pre-emptive action to prevent a damaging 3 publication? 4 A. Yes, it would have. Newspapers have a responsibility to 5 know and to assess the consequences of their actions 6 anyway, so they should -- if they breach that, there 7 should be some escalation mechanism to hold them to 8 account. 9 Q. Moving now to paragraph 31 of your witness statement, 10 you tell us of an incident where Surrey Police shot and 11 killed a man close, I think, to Guildford cathedral. 12 The difference between this example and the others 13 you've given us is that that led, of course, 14 automatically to the immediate involvement of the IPCC, 15 didn't it? 16 A. It did. 17 Q. You tell us in your statement that the consequence of 18 that from a media point of view is that they then 19 managed all the media enquiries in the case and 20 Surrey Police was limited in its ability to provide 21 information that might have affected public confidence 22 in the actions of the police. What I want to ask you is 23 whether, having described the position, you are saying 24 that it's unsatisfactory and there needs to be change, 25 or are you accepting that although there is a downside Page 32</p>

<p>1 from the police force's point of view, you understand 2 that it is necessary in such circumstances for the IPCC 3 to have control of relations between them and the media? 4 A. I know in a number of inquiries, probably more 5 significantly outside of Surrey Police, but it has 6 caused tension around the desire of the service and 7 police force to communicate more information and give 8 more updates to the public -- publicly than the IPCC. 9 From my personal experience, and especially more 10 recently in dealings with the IPCC, there are clear 11 guidance on who has primacy and the clearance of lines. 12 I think I have seen a much more pragmatic and sensible 13 approach taken by the IPCC in relation to some of the 14 incidents that I've been dealing with recently, where we 15 can come to an agreement, and I certainly wouldn't be 16 advocating, from a Surrey Police perspective, a change 17 in the way we do business -- the way we actually deal 18 with this at present. 19 Q. You come next to tell us about a really quite recent 20 incident in June 2010 when the Surrey Police had to cope 21 with an armed siege at a Barclays Bank in Ashford. The 22 interesting feature of this example seems to be the 23 sheer number of different channels of communication that 24 were in play. First of all, you tell us that it was 25 a major incident and that meant that media officers were</p> <p style="text-align: center;">Page 33</p>	<p>1 to keep abreast of events. So you're describing here, 2 through the use of Twitter and the web, direct 3 communication with the public, not involving the media. 4 Do you see that as complementing or beginning to 5 supplant the traditional route of communication between 6 the police and the public via the media? 7 A. I think social media is opening up massive opportunities 8 for us for the way we engage and communicate with the 9 public. I think in this instance it was complementary, 10 predicting what will happen in the future. I think we 11 are seeing greater use of social media by the public. 12 It's a good means of communication. Twitter is an 13 excellent means of actually getting fast time 14 information out there, accurate information quickly. 15 One of the interesting factors in this is not only 16 did we communicate with the public; we were also 17 actually communicating with the press on Twitter as 18 well, in so much as they were picking up the comments 19 and the feeds that we were putting out. 20 Q. Of course, in addition, there were the more traditional 21 routes of communication through the media by the way of 22 statements made to the public and interviews being 23 offered? 24 A. Yes. 25 Q. Although this is obviously a very different type of</p> <p style="text-align: center;">Page 35</p>
<p>1 deployed both through the headquarters, as a team, and 2 also there was someone on the ground from the media 3 relations team. Did that work well? 4 A. Yes, it did. 5 Q. In addition, you tell us there was a high degree of 6 citizen journalism, with videos taken by local people 7 being passed on to the national media organisations and 8 put onto websites. Did you benefit from any of that 9 citizen journalism? 10 A. In relation to this incident, I don't think we did. 11 I did benefit from -- I think it was one news agency had 12 a helicopter overhead, and so I had the benefit of 13 listening to the police reporting and seeing live 14 coverage from the actual location as well. I was the 15 strategic firearms commander in charge of this incident 16 and I was at headquarters watching. 17 But I think the point -- I think the point that 18 you're trying to make is there can be benefits from 19 citizen journalism by capturing of evidence which can be 20 used subsequently. 21 Q. Next you tell us that the force made continuous use of 22 Twitter in covering the unfolding incident. Was that 23 successful? 24 A. Yes, it was. 25 Q. There was also regular updating of the force's website</p> <p style="text-align: center;">Page 34</p>	<p>1 incident to some of those that you've described further 2 in the past, what's your view about the current state of 3 Surrey Police's media relations operation? Is it fit 4 for purpose? If it is fit for purpose, is there room 5 for improvement? 6 A. I think there's always room for improvement, but I think 7 it is a lot better now than certainly what it was in 8 2002. I think the quality of the individuals and the 9 training, their experience, is a lot better. You have 10 to align that with the officers, the training that 11 they've received as well, in order to assess and also to 12 give interviews and to engage with the press. So 13 I think that is a lot better. The systems we have and 14 processes, the Solcara and also the on-call system and 15 our ability to mobilise in the event of a major event is 16 significantly more improved. 17 Q. At paragraph 34, you return to the Milly Dowler case, 18 but this time to deal with events in 2010 and 2011, 19 which we know ultimately led to the conviction of Levi 20 Bellfield. For the interests of the Inquiry, we're 21 interested in what you say in the second half of 22 paragraph 34. I think we need to be careful about what 23 we say here because I understand that criminal 24 proceedings are currently ongoing. 25 A. That's correct.</p> <p style="text-align: center;">Page 36</p>

<p>1 Q. But the position seems to be that there was sufficient 2 concern about the reporting of Mr Bellfield's past, and 3 particularly an alleged abduction of Rachel Cowles, as 4 to lead to a newspaper facing contempt of court 5 proceedings? 6 A. Two newspapers are facing contempt of court proceedings. 7 Q. So does that give some support to what you were saying 8 earlier, that not always, but on occasions the rules 9 seem to fly out of the window -- 10 LORD JUSTICE LEVESON: We can't reach that conclusion about 11 that particular example, if that's ongoing, can we? But 12 the assertion "fame and crime sends most of the usual 13 rules out of the window" may be evidence not merely from 14 Surrey's experience but from also the experience of 15 other very major serious crime. 16 A. That's correct. 17 MR BARR: You give us another example in the next 18 paragraph relating to the murder of Heather Cooper, 19 where you say there was much national media coverage 20 wrongly naming, at one point, an unconnected individual. 21 A. That's correct. 22 Q. Overall, having been through those examples, would it be 23 fair to say that on occasion the media have hindered and 24 damaged the work of the Surrey Police? 25 A. Yes, I think that is -- in summary, I think it has.</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Not all bureaucracy is bad. (But most of it is.) 2 Q. Without delving into that controversial proposition, can 3 we move now, I think rather more briefly, to your second 4 witness statement. 5 This statement deals with the databases which 6 Surrey Police hold and the steps it takes to protect the 7 confidential information which it has on those 8 databases. So we get an insight, through your 9 statement, into the sort of operation that a force has 10 to mount to protect this information. 11 First of all, you tell us at paragraph 7 that 12 Surrey Police uses no fewer than 71 applications which 13 hold personal data, of which a small number appear to be 14 national but the vast majority are local. Is that 15 right? 16 A. That's correct. Not all of them hold personal data of 17 members of the public. They are sort of finance, HR 18 systems, all of those, but in order to answer the 19 question, I asked that all our systems be counted. 20 Q. Your statement very helpfully tells us quite a lot about 21 them, but I don't think we need to go into the details. 22 What I would like to explore briefly are the steps that 23 are taken to protect this data. First of all, dealing 24 with the human side of things, it's right, isn't it, 25 that extensive training is provided, that there are</p> <p style="text-align: center;">Page 39</p>
<p>1 MR BARR: Sir, we're going to be taking the evidence 2 provided by Mr Marrat as read. There are a couple of 3 things which are in his statement which this witness can 4 amplify or confirm. 5 First of all, is it still the Surrey Police's policy 6 not to name people unless and until they are charged? 7 A. That is correct. 8 Q. And hospitality registers have been maintained for some 9 years now by Surrey Police, haven't they? 10 A. Yes. 11 Q. But a recent development is that they're provided to the 12 Surrey Police Authority for scrutiny? 13 A. That's correct. 14 Q. Is that system working well? 15 A. I believe, so. I was at a meeting recently with the 16 Surrey Police Authority and the audit committee were -- 17 the lead member for this had said he had scrutinised the 18 accounts or the register and the pro formas and he was 19 satisfied with the processes which had taken place. He 20 did make an observation that he felt it was quite 21 bureaucratic, in fact justifying when you turn down 22 hospitality as well as when you actually accept it. 23 I was in a position to comment on the pros and cons of 24 having to do both. 25 Q. If it's bureaucratic, it's also transparent, isn't it?</p> <p style="text-align: center;">Page 38</p>	<p>1 policies in place warning against misuse and describing 2 what misuse is, down to the level of curiosity and 3 curiously exploring being a misuse of the system? 4 A. That's correct. 5 Q. And there are dire warnings of the consequences of 6 misusing the computer systems; is that right? 7 A. There are warnings that potentially discipline and 8 misconduct action will be taken and we do publicise 9 cases where misconduct action has been taken to send 10 a strong message to staff. 11 Q. That's publicised internally? 12 A. Yes, it is. 13 Q. But not externally? 14 A. No. 15 Q. Moving to many some of the technical protections, you 16 tell us that all users have to use a force 17 identification number, that there are strong passwords 18 in place and that a failure after so many attempts to 19 get the password right leads to a lockout. Some of the 20 systems have warning screens and you tell us that some 21 systems have other restrictions restricting, for 22 example, which terminals can be used to access them, 23 which functions they will perform and which records they 24 can and cannot access. 25 A. That's correct.</p> <p style="text-align: center;">Page 40</p>

<p>1 Q. So there is a battery of technical protections. Moving 2 now to auditing -- 3 A. Can I just make two other comments, please? 4 Q. Please do. 5 A. There's also -- officers and staff have security 6 clearance, so they have vetting processes and only 7 certain people with certain levels of vetting can access 8 certain systems. And also, not every officer or police 9 staff member has access to all of the systems either. 10 We control it so it's aligned to your role. 11 Q. Yes. I think, dealing with the police force, we're 12 starting from a position where you've sought, at least, 13 to recruit people of integrity? 14 A. We try our hardest, yes. 15 LORD JUSTICE LEVESON: I'm pleased to hear that, yes. 16 MR BARR: Moving on now to auditing, you tell us that there 17 is typically within your electronic systems a capability 18 to track down what a person has done under a particular 19 user identity. Is there a capability, if a piece of 20 information has been leaked, to ascertain without a name 21 or password who has accessed that information? 22 A. Yes, there is. So if there's a piece of information 23 which has been publicised, which you thought wouldn't 24 have been -- should have been in the public domain, you 25 can then go back to the systems, look at where that Page 41</p>	<p>1 difficult? 2 A. That's it exactly. 3 Q. On the subject of the PNC, is it right to say that the 4 protections for the PNC the tightest of all? 5 A. They are very tight. I think there are other systems 6 that we have -- some of our intelligence systems are 7 national intelligence systems which forces can access 8 have tighter controls but -- 9 Q. If it's not the tightest control, is it right to say 10 that there are a lot of your systems which are not as 11 tightly controlled? 12 A. Yes, that's correct. 13 Q. Is that because of the relative risk of misuse, 14 including consequence? 15 A. Both consequence and the content, yes. 16 Q. You describe to us that there is a risk appetite 17 assessment and that the Surrey Police has gone through 18 a process of deciding how much risk it is prepared to 19 accept? 20 A. That's correct. 21 Q. In terms of examples of misuse -- I'm looking now at 22 page 22 of your witness statement, and in relation to 23 a question about media-related suspected abuse, you give 24 the answer at paragraph 87 involving five matters. The 25 first is ongoing. The second, you tell us that Page 43</p>
<p>1 would have -- which system that information could have 2 been on, especially if it's something very specific, you 3 can narrow it down to a system, and we have means of 4 actually auditing who accessed that system when, or 5 should I actually say under whose password and whose 6 log-on did they access, because we have seen evidence of 7 staff who abused other people's log-on processes to 8 access systems previously. But we do have comprehensive 9 means of backtracking. 10 Q. You tell us that where you receive intelligence which 11 suggests there's been misuse of the system, that is 12 investigated, but equally you tell us that there are no 13 random checks. Why is that? 14 A. I suppose -- where would you start? We do checks in 15 relation to PNC. There's a programme called PNC Guard, 16 which is national, so when somebody does a check on an 17 individual or a vehicle, one in ten cases, they have to 18 give a greater justification as opposed to just a reason 19 code, and then that is reviewed to see if there was 20 a legitimate reason and we can do further information on 21 those. But I suppose realistically you would have to 22 have a very big team checking for discrepancies for what 23 I actually assess, within Surrey anyway, is a very low 24 incidence of breaches. 25 Q. It boils down to it being disproportionate and very Page 42</p>	<p>1 investigations showed that the information provided had 2 in fact been authorised. In the third case, the 3 complainant stopped co-operating and the investigation 4 was terminated, and the fourth and fifth cases are 5 ongoing. 6 So that leaves us, doesn't it, in the position that 7 over the last five years you've not actually had a case 8 come to a conclusion which has found an unauthorised 9 leak to the press, but you have three ongoing matters? 10 A. Yes. If I could just clarify, the first four of those 11 cases all relate to what I would refer to as press 12 releases which have been authorised by an investigating 13 officer, and so it's the content of a press release 14 which people have complained about, a formal release, as 15 opposed to a leak of information. 16 Q. And the final case is a matter which is being dealt with 17 by Operation Elveden and therefore we won't say anything 18 more about it. 19 A. That's correct. 20 Q. At paragraph 88, you deal with other incidents. You say 21 there have been a total of 34 incidents of either 22 inappropriate access or disclosure over the last five 23 years. 16 have been dealt with as misconduct, with the 24 remaining 18 as gross misconduct. Just to be clear, are 25 you saying that those have nothing to do with the media? Page 44</p>

<p>1 A. That's -- yes.</p> <p>2 Q. You described in this statement a very considerable</p> <p>3 number of safeguards of various types, which we've</p> <p>4 touched upon. But if you are only reacting to</p> <p>5 complaints, how sure can you be that people are not</p> <p>6 performing unauthorised access to your databases and</p> <p>7 getting away with it?</p> <p>8 A. I can never be 100 per cent sure.</p> <p>9 Q. Is the reality that in the real world it's simply not</p> <p>10 possible to provide 100 per cent assurance against</p> <p>11 misuse?</p> <p>12 A. That's true. We have an anti-corruption unit, as most</p> <p>13 forces do. We do covert and targeted action if we have</p> <p>14 any intelligence to support that, but the reality is you</p> <p>15 can never be 100 per cent sure.</p> <p>16 MR BARR: Thank you. Those were all my questions.</p> <p>17 LORD JUSTICE LEVESON: I have no questions, Mr Kirkby.</p> <p>18 Thank you very much indeed. I'll be interested to see</p> <p>19 what you come up with on the other matter. Thank you</p> <p>20 very much.</p> <p>21 A. Thank you.</p> <p>22 MR BARR: Sir, would it be possible to have a break now</p> <p>23 before the next witness?</p> <p>24 LORD JUSTICE LEVESON: Yes.</p> <p>25 (11.16 am)</p> <p style="text-align: center;">Page 45</p>	<p>1 Manchester police in the mid-1970s. In the mid-1990s,</p> <p>2 you undertook work in former Yugoslavia and then Rwanda</p> <p>3 in relation to war crimes and atrocities committed</p> <p>4 there. You came back to the United Kingdom, were</p> <p>5 appointed Deputy Chief Constable of Norfolk in June</p> <p>6 1998, acting Chief Constable there later, and, as I've</p> <p>7 said, moved to Avon and Somerset in 2005. Is that all,</p> <p>8 broadly speaking, correct?</p> <p>9 A. That's correct, sir.</p> <p>10 LORD JUSTICE LEVESON: Although actually you have enormous</p> <p>11 experience in investigation, because while you were in</p> <p>12 Norfolk, you actually went across to Northern Ireland to</p> <p>13 look at another murder investigation and were involved</p> <p>14 in that for some little time.</p> <p>15 A. Three years, sir.</p> <p>16 LORD JUSTICE LEVESON: (Nods head)</p> <p>17 MR JAY: Generally, first of all, the impression of the</p> <p>18 culture of relations with the media when you arrived in</p> <p>19 Avon and Somerset, you deal with this under question 2</p> <p>20 and you suggest that the relationship was not entirely</p> <p>21 satisfactory. What were the manifestations of that and</p> <p>22 the reasons for that?</p> <p>23 A. My predecessor, who was an excellent Chief Constable,</p> <p>24 had been under some pressure following a police</p> <p>25 standards review of the force, and elements of the media</p> <p style="text-align: center;">Page 47</p>
<p>1 (A short break)</p> <p>2 (11.27 am)</p> <p>3 MR JAY: The next witness is Mr Port, please.</p> <p>4 MR COLIN DUNLOP PORT (affirmed)</p> <p>5 Questions by MR JAY</p> <p>6 MR JAY: You've provided us with your full name in giving</p> <p>7 the affirmation.</p> <p>8 I'm going to invite you to look at your witness</p> <p>9 statement dated 21 March and confirm that this is the</p> <p>10 evidence that you are content to give to this Inquiry on</p> <p>11 the basis of its truth?</p> <p>12 A. It is, sir.</p> <p>13 Q. I'm going to follow the following sequence, if I may,</p> <p>14 with you, Mr Port. We're going to deal with general</p> <p>15 matters first, then we'll go back to the Mr Jefferies</p> <p>16 case, and then deal with HMIC and the future.</p> <p>17 In terms of your career, on the internal numbering</p> <p>18 it's page 11 of your statement. I'm afraid I don't, on</p> <p>19 this occasion, have the unique reference number, since</p> <p>20 the statement was amended at the last moment, but I'm</p> <p>21 sure it can be brought up. The position is that you are</p> <p>22 the Chief Constable of Avon and Somerset police. You</p> <p>23 have been since 2005, I believe?</p> <p>24 A. That's right, sir.</p> <p>25 Q. Before that, you began your career in the Greater</p> <p style="text-align: center;">Page 46</p>	<p>1 had personally attacked him and things had become very</p> <p>2 defensive. When I was at -- during the appointment</p> <p>3 process, I was asked specifically by the Police</p> <p>4 Authority about my attitude to the press and questioned</p> <p>5 about that, and upon appointment, I made strong efforts</p> <p>6 to have a good, open, transparent relationship with the</p> <p>7 media.</p> <p>8 Q. As at the present day, how would you characterise the</p> <p>9 nature and quality of your relationship with the media?</p> <p>10 A. I mentioned in my statement at page 12 that I was asked</p> <p>11 on a blog what I thought and generally I said it was</p> <p>12 pretty good:</p> <p>13 "We will have our moments, but the media agenda will</p> <p>14 sometimes be different from ours. I think we should be</p> <p>15 as open as possible and yes, they may expose</p> <p>16 embarrassing situations, but I do believe a free press</p> <p>17 is important for any democracy, but so is accountability</p> <p>18 and accurate reporting."</p> <p>19 Q. Thank you. In terms of your contact with the media, you</p> <p>20 describe that at page 13 under question 3. It would be</p> <p>21 right to say that it is fairly infrequent, usually on</p> <p>22 the basis of local radio shows and occasional breakfast</p> <p>23 meetings. Is that, broadly speaking, the position?</p> <p>24 A. It's very infrequent. I will do breakfast shows where</p> <p>25 necessary and give interviews where necessary, yes.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Q. Your rationale in engaging with the media, question 4 -- 2 you say: 3 "Given the propensity of some elements of the press 4 to publish negative items about policing which possibly 5 lead the public to mistrust the police, you go on to say 6 it's important that journalists hear the other side of 7 the story, both on a formal and informal basis." 8 Are you referring there to the regional press or to 9 the national press or both?</p> <p>10 A. The situation is in Bristol that whilst we do have 11 regional press there, we also have reporters from most 12 national newspapers based in and around, so therefore 13 it's both.</p> <p>14 Q. Thank you. In terms of the relationship you have with 15 the local press, you make it clear on page 16 that they 16 want an open relationship. This is the paragraph level 17 with the lower hole punch.</p> <p>18 A. Yes.</p> <p>19 Q. Do you feel that their aspiration is borne out in 20 practice?</p> <p>21 A. Generally, yes.</p> <p>22 Q. You give one example, though, a point which arose during 23 the Joanna Yeates investigation and contact which came 24 from you from the editor of the Bristol Evening Post. 25 Could you develop that for us, please?</p> <p style="text-align: center;">Page 49</p>	<p>1 the World who also had become involved in this. I went 2 to see the then editor of the News of the World, spoke 3 to him off the record and made it clear it was off the 4 record, and told him that he was -- people were 5 potentially in risk of their life and asked him not to 6 run the story. I have to be honest; he behaved in an 7 entirely ethical way. It probably didn't help his 8 newspaper circulation but he understood the dangers and 9 I'm very grateful for that.</p> <p>10 Q. In relation to the Joanna Yeates investigation, you make 11 it clear that you didn't have off-the-record 12 conversations as such, although there was an occasion 13 where you told the journalist not to go there, to use 14 your term, and that was effective on that occasion?</p> <p>15 A. It was effective, yes, sir.</p> <p>16 Q. So we may be arguing about terminology here, but at all 17 events, that which should have happened did happen. 18 Can I move to the question of hospitality, 19 question 7, page 18 of your statement. You say you have 20 accepted hospitality in the form of meals and drinks 21 from the media as recorded in the hospitality record. 22 I've examined the record and I can't find anything which 23 relates to hospitality from the media at all in the 24 years which the record covers. Is there a reason for 25 that?</p> <p style="text-align: center;">Page 51</p>
<p>1 A. Yes, the editor felt that national newspapers were 2 getting exclusives because of the nature of the stories 3 that they were running. I sought to reassure him, and 4 hopefully I did, that we were not supplying exclusive 5 information to particular newspapers. It was a general 6 press release. They were getting information from other 7 sources.</p> <p>8 Q. Thank you. Off-the-record conversations. First of all, 9 generally. The basis on which you define the term -- 10 it's communicated on the basis that it cannot be used or 11 become attributable, so you mean by "off the record" 12 non-reportable?</p> <p>13 A. Yes, I do.</p> <p>14 Q. But you are of the view that there is a time and a place 15 for off-the-record conversations?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Briefly, Mr Port, what are the circumstances by 18 reference to particular cases, if you wish, where such 19 conversations are appropriate?</p> <p>20 A. I give three specific examples in my statement. The 21 most obvious, I think, was when I ran the south east 22 regional crime squad, where we were running an 23 undercover operation abroad where we had undercover 24 officers deployed against some very dangerous people. 25 We discovered there was a journalist from the News of</p> <p style="text-align: center;">Page 50</p>	<p>1 A. Well, there are a couple in there, I think, but 2 generally I will pay out of my own pocket. It's what 3 I do.</p> <p>4 Q. Thank you. Do you have a view generally about the 5 ethics of receiving hospitality from the media?</p> <p>6 A. I trust and rely upon the discretion of my staff. They 7 make life-and-death decisions day in and day out, and if 8 I can't trust them to decide that a cup of coffee or 9 a glass or wine or a pint of beer at the appropriate 10 time is not appropriate, then I've lost the plot.</p> <p>11 Q. We're going to hear evidence directly from the 12 communications department in due course, but can I just 13 pick up a couple of matters with you? We're now on 14 pages 20 oh 21 of your statement.</p> <p>15 A. Yes, sir.</p> <p>16 LORD JUSTICE LEVESON: Just before we go there, that's 17 a fair comment, that senior officers have to be able to 18 make sensible decisions which satisfy -- whether you 19 call it a blush test or however you want to describe 20 it --</p> <p>21 A. The front of the Bristol Evening Post, sir.</p> <p>22 LORD JUSTICE LEVESON: Yes, well, I understand that as well, 23 but let me ask you a question which may put you in 24 a slightly difficult position. I hope not. As a very 25 senior and probably the most long-serving</p> <p style="text-align: center;">Page 52</p>

13 (Pages 49 to 52)

<p>1 chief constable who I have come across in the course of 2 the Inquiry, what is or would be your attitude to the 3 sort of hospitality of which I have heard during the 4 course of this Inquiry? 5 A. It does place me in a difficult position, yes, sir, but 6 I have no doubt at all that -- would that hospitality 7 withstand the Bristol Evening Post test? No. Would 8 I accept it? No. 9 LORD JUSTICE LEVESON: There may be all sorts of reasons for 10 it, and I'm not asking you to criticise, but I hope you 11 will understand why I felt it was right to ask you, as 12 a very senior Chief Constable, to provide a window for 13 me, who is not a serving police officer and never has 14 been, on the whole issue. 15 A. Yes, sir. 16 LORD JUSTICE LEVESON: Thank you. 17 MR JAY: Page 20, the communications department. First of 18 all, question 13. The expectation is that contact with 19 the media is recorded in the sense of the fact that its 20 occurrence is noted. Is that, broadly speaking, the 21 position? 22 A. Yes. 23 Q. Can I ask you about social media, Twitter and Facebook, 24 which you pick up at question 17, and the extent to 25 which your force is using that and whether there are any</p> <p style="text-align: center;">Page 53</p>	<p>1 dealing with our organisation as a matter of course. 2 The economic crime unit will then generally pass them 3 back to the corporate communications people and they 4 will deal together with the issue. 5 Q. Thank you. Question 31, page 25. You were asked 6 a general question about whether you were satisfied as 7 to the policies and procedures which you describe in 8 your statement working effectively and sufficiently. 9 Your answer is: 10 "I do not regard the question of media relationships 11 and hospitality to be a problem for Avon and Somerset 12 but I am not complacent. Our communications team have 13 published an updated media protocol." 14 That's underneath tab 2 in the file which has been 15 prepared for you. 16 A. Yes, sir. 17 Q. It's page 11095. Is this a protocol which was generated 18 in part, at least, by the events of last summer? 19 A. Yes, sir. 20 Q. And possibly by Mr Jefferies' case as well; is that 21 correct? 22 A. Yes, sir. 23 Q. The general principles, section 4, page 11097, did you 24 have a hand in the drafting of this? 25 A. I was consulted. Miss Hirst, the head of corporate</p> <p style="text-align: center;">Page 55</p>
<p>1 difficulties associated with its use. Could you help us 2 there, please, Mr Port? 3 A. I think difficulties can arise where people are spending 4 more time tweeting than actually policing and we don't 5 encourage officers per se to tweet. What we have is 6 a number of groups of officers who will do it, farm 7 watch or particular watch areas. But we don't encourage 8 officers to tweet. Facebook -- we use Facebook 9 corporately, but Facebook, as we know from our own 10 experience, has exposed officers, because of their 11 nativity and trust, to potential compromise, so 12 therefore we monitor and give guidance where appropriate 13 in respect of that. 14 Q. You say here as well that you use the corporate 15 communications department as a funnel. There will be 16 instances where the media can contact individual 17 officers, but if the officers are not confident in what 18 they are saying, they will seek advice from the press 19 office. So by "funnel", do you mean a means of making 20 contact with individual officers? 21 A. Yes. Sometimes officers -- they'll be approached 22 directly. It happens particularly in specialist 23 sections of the press. Say, for instance, the financial 24 press. Where there's a story, they may go straight to 25 the economic crime unit because they're not used to</p> <p style="text-align: center;">Page 54</p>	<p>1 communications drafted it. I was consulted through it. 2 Q. It's similar to policies we've seen from other forces, 3 but of course each force brings its own personality to 4 bear. Can I ask you a general question: whether you 5 feel, as a matter of practice and principle, that there 6 should be a nationally agreed policy? 7 A. I totally agree with that. One of the issues -- one of 8 the benefits of British policing is that we have 52 9 different geographical police services, but it also can 10 be a disbenefit in instances like this. 11 Q. There's nothing in particular in the policy which leaps 12 out from the page; in other words, it's similar to other 13 policies. It's certainly expressed in a crisp and clear 14 manner, so ... 15 I come back to your statement, question 33, and the 16 issue of leaks. You make it clear it's a serious issue 17 because of the potential to undermine public confidence. 18 We understand that. You say you believe that deliberate 19 leaking for money or other motives is extremely rare, 20 but simply put, is treachery? 21 A. Absolutely. 22 Q. That's, again, a succinct statement of the position. 23 Then you say: 24 "Often what appears or is said to be a leak from the 25 police is not in fact a leak at all."</p> <p style="text-align: center;">Page 56</p>

<p>1 You seek to illustrate that at the beginning of your 2 statement. Of course, we're going to come back to it in 3 relation to what Mr Wallace says, but as a generality, 4 how frequently can you say that with confidence, that it 5 isn't in fact a leak at all?</p> <p>6 A. As a generality, based upon the evidence which I give in 7 here, out of the 18 or so leak inquiries, 14 have been 8 found not to be leaks in the first instance. There's 9 lots and lots of information out there. The 10 blogosphere, tweets, everything, and people talk. You 11 know, what we think is a leak turns out not to be a leak 12 but actually just to be some information which has come 13 from some other source.</p> <p>14 Q. It may be a body or an agency or an institution which is 15 close to the police but it not the police properly 16 so-called; is that correct?</p> <p>17 A. It could be, and it could be people just making stories 18 up which happen to be true.</p> <p>19 Q. In question 35 you give the statistics: 20 20 investigations undertaken by your professional standards 21 department, internal investigation unit in the last five 22 years. In 14 incidences, no police leak was found. So 23 are you saying there that it was established to 24 someone's satisfaction that it wasn't a police leak, 25 that the so-called leak was from some other source or</p> <p style="text-align: center;">Page 57</p>	<p>1 secrets.</p> <p>2 LORD JUSTICE LEVESON: Where, of course, that impacts on 3 operations, it is extremely serious and I readily 4 understand that. I equally understand where it might 5 even impact adversely upon the way you want to conduct 6 an operation. So it has to be fed into the 7 decision-making tree when actually you'd prefer not to 8 have it there. I see all that.</p> <p>9 A. (Nods head)</p> <p>10 LORD JUSTICE LEVESON: What about information like your 11 plans to deal with reducing numbers or that sort of 12 thing?</p> <p>13 A. Well, we're pretty open in respect of that. Those sort 14 of discussions would take place within the chief officer 15 group, then with the Police Authority in an open 16 meeting, where it would be debated openly, be 17 reported -- the media could be there, the media may not 18 be there. It's reported on our website, all of those 19 things.</p> <p>20 But those preliminary discussions would take place, 21 yes, by the chief officer group. We operate a cabinet 22 office -- cabinet responsibility. We then may talk to 23 the unions, to the federation, about our plans and then 24 make sure that when we were getting out to the 25 organisation it went out in one hit as opposed to drip</p> <p style="text-align: center;">Page 59</p>
<p>1 was information which was elsewhere generated?</p> <p>2 A. That's correct, sir.</p> <p>3 Q. Of the remaining six, four have resulted in disciplinary 4 action. So that's quite a good hit rate in one level, 5 because these leak investigations are very difficult to 6 undertake, aren't they?</p> <p>7 A. Just on that point, what concerned me when I looked at 8 the figures was there were four leak inquiries which 9 didn't result in someone leaving the organisation rather 10 sharpish. These were domestic-type leaks where people 11 had fallen out within the organisation, where they'd 12 told stories about colleagues or told stories about 13 partners, and so that's the reason, just to reassure the 14 public, that we don't take leaks lightly at all.</p> <p>15 LORD JUSTICE LEVESON: I suppose it's how you calibrate the 16 whole system. If you want to encourage an open and 17 transparent promulgation of information -- good, 18 sometimes wonderful, sometimes not so good, sometimes 19 perhaps slightly embarrassing -- but if you're prepared 20 to envelop within the way in which you do business with 21 the community all that information, then there is simply 22 no reason for anybody to pass information that isn't 23 appropriately placed in the public domain.</p> <p>24 A. Absolutely, other than malice, spite or money. That's 25 the only -- and their secrets. They give away our</p> <p style="text-align: center;">Page 58</p>	<p>1 feed, and that's the way that we do it.</p> <p>2 LORD JUSTICE LEVESON: And the snag, to answer my own 3 question, about people talking prematurely is that until 4 a policy has been decided upon, it is simply premature?</p> <p>5 A. And we don't comment upon leaks in those circumstances.</p> <p>6 MR BARR: Question 42 now, paragraph 29. This is in 7 relation to the press office, corporate communications 8 department. So we understand the context here, you tell 9 us elsewhere you're an organisation of 6,000 10 individuals. You say: 11 "At its peak there were 17.4 posts in the corporate 12 communications department, but that's been reduced to 15 13 due to budget cuts."</p> <p>14 A. Yes, sir.</p> <p>15 Q. You make it clear in your answer to question 42: 16 "The media would no doubt prefer contact with 17 individual officers." 18 Well, all chief constables have said that. 19 "But modern policing without a communications office 20 would be impracticable." 21 Again, everybody's said that. You say: 22 "I am aware that the media has a certain amount of 23 frustration with the communications office and one 24 journalist called it the suppress office, but we do try 25 to be as open as we possibly can."</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 How is this frustration evinced or expressed to you?</p> <p>2 A. When they can't get direct access to the officer in the</p> <p>3 case immediately or we say we have to go away and talk</p> <p>4 to consider this issue. So it's about the timeliness</p> <p>5 generally, both during the day when the office is</p> <p>6 staffed but also out of hours and the fact that they're</p> <p>7 not around. But we do, as I explain elsewhere in the</p> <p>8 statement, have out-of-hours calls, so there's always</p> <p>9 someone available.</p> <p>10 Q. Thank you. Can I move on now to the Jefferies case,</p> <p>11 back to the start of your statement. You were</p> <p>12 concerned, I understand, by some of the evidence Richard</p> <p>13 Wallace gave to the Inquiry? He's the editor, of</p> <p>14 course, of the Daily Mirror.</p> <p>15 A. I was, sir.</p> <p>16 Q. So we understand the position in relation to possible</p> <p>17 litigation and therefore conceivable constraints on your</p> <p>18 evidence -- and we've heard this from Mr Jefferies</p> <p>19 himself -- your force has received a pre-action protocol</p> <p>20 letter claiming damages for false imprisonment, trespass</p> <p>21 to the person and property in breach of human rights?</p> <p>22 A. Yes.</p> <p>23 Q. It should also be understood that formal court</p> <p>24 proceedings have not been started, have they?</p> <p>25 A. That's correct, sir.</p> <p style="text-align: center;">Page 61</p>	<p>1 already been taken by your force to acquire the footage;</p> <p>2 is that, broadly speaking, the position?</p> <p>3 A. That's quite correct, sir, and on that day we made it</p> <p>4 clear that we'd seized it previously and we gave</p> <p>5 a comment on 4 January.</p> <p>6 Q. That comment is set out on the third page of your</p> <p>7 statement?</p> <p>8 A. It is, sir.</p> <p>9 Q. In paragraph 9 of Mr Wallace's statement, which is your</p> <p>10 paragraph 5, he refers to normal practice, which is for</p> <p>11 the media to be given regular off-the-record background</p> <p>12 briefings by the police. The off-the-record information</p> <p>13 that the police may give this small group of reporters</p> <p>14 might include details additional to those that have been</p> <p>15 given to the press more widely, and then he says:</p> <p>16 "I understand from the content desk that our crime</p> <p>17 correspondent at the time, Jon Clements, attended such</p> <p>18 briefings during the Joanna Yeates inquiry."</p> <p>19 First of all, Mr Port, before we look at the</p> <p>20 specifics, is it right to say it's normal practice for</p> <p>21 the media to be given off-the-record background</p> <p>22 briefings in this type of situation?</p> <p>23 A. No, sir.</p> <p>24 Q. Does that answer relate specifically to your force or</p> <p>25 does it relate more widely?</p> <p style="text-align: center;">Page 63</p>
<p>1 Q. Paragraph 7 of Mr Wallace's statement, which you set out</p> <p>2 in paragraph 2 of your statement -- this is referring to</p> <p>3 CCTV footage of one of the last sightings of Ms Yeates:</p> <p>4 "Although police had spoken with the landlord before</p> <p>5 us, they didn't take away the CCTV. As a result of the</p> <p>6 Mirror's story, the police [I'm paraphrasing here]</p> <p>7 reinterviewed the landlord and took away the film."</p> <p>8 Your statement makes it clear that that's not right.</p> <p>9 Could you tell us, please, in your own words, why that's</p> <p>10 so?</p> <p>11 A. If I look at the chronology, on 22 December, we visited</p> <p>12 the place. We took away a short period of CCTV. We</p> <p>13 then widened the parameters regarding that and we went</p> <p>14 back. We looked at the piece of equipment. Because we</p> <p>15 needed to have a bigger download, we needed to take it</p> <p>16 away. We were satisfied that the particular piece of</p> <p>17 equipment that was there was robust and would stay the</p> <p>18 course so we then went back on the 4th. On the 27th,</p> <p>19 the place was closed, I think, or during the week of the</p> <p>20 27th the place was closed. On the 4th, a technician</p> <p>21 went back, seized the whole unit and there was</p> <p>22 a reporter there. So what we would say and what we are</p> <p>23 saying is we seized the CCTV and it wasn't because the</p> <p>24 Daily Mirror had raised it with us.</p> <p>25 Q. So the reporter was there but the necessary steps had</p> <p style="text-align: center;">Page 62</p>	<p>1 A. It relates to my experience as an investigating officer.</p> <p>2 Q. What is the thinking behind the not giving of such</p> <p>3 briefings?</p> <p>4 A. Really, the way I approach things is you try and get as</p> <p>5 much on the record as possible because it's in the</p> <p>6 public interest and that's what's paramount in all</p> <p>7 investigators' minds: the search for the truth. Once</p> <p>8 you start having cosy little chats with people behind</p> <p>9 the scenes, then people quite rightly will think there's</p> <p>10 something going on.</p> <p>11 Q. Is that so, Mr Port, if the participants are</p> <p>12 trustworthy? In other words, although it's a secret</p> <p>13 conversation at one level, it's one that's not going to</p> <p>14 be misrepresented, it's not going to be put out in the</p> <p>15 public domain, and moreover, it might provide context to</p> <p>16 the stories they are writing?</p> <p>17 A. I'm not saying that it is absolutely forbidden but what</p> <p>18 I'm saying is it is not common practice. It is not the</p> <p>19 normal practice at all.</p> <p>20 Q. In paragraph 8, you set that out quite specifically and</p> <p>21 you make it clear that you came under pressure from the</p> <p>22 media, including officials -- I'm not quite sure why</p> <p>23 they've been put in inverted comas. Do you mean</p> <p>24 reporters?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 64</p>

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<p>1 Q. -- from the CRA to give off-the-record briefings. ACPO 2 also suggested a meeting, but at no time did you give 3 off-the-record background briefings to crime reporters 4 or any other journalist: 5 "In fact, we were criticised by the media for not 6 doing so." 7 Where were the criticisms or how were they expressed 8 to you? 9 A. Because people wanted to have a wider understanding of 10 the investigation, which is legitimate, but when it is 11 dealing with covert tactics and very sensitive 12 techniques, then we're not going to give those. 13 Additionally, on this particular instance, we had -- as 14 well as crime reporters and our local reporters, we had 15 whole plethora of general journalists who, frankly, had 16 very little experience of crime at all, and that's borne 17 out in some of the reporting which took place. And 18 really, we had different people on different days 19 because it was over the holiday period, and there was no 20 group that we could actually sit down with and talk 21 with. 22 Q. Your point about generalist reporters is they weren't 23 part of the CRA, they weren't regular crime 24 correspondents. To put it bluntly, they were less 25 trustworthy; is that what you're saying? Page 65</p>	<p>1 could be compromised." 2 So the issue here was really one of almost jigsaw 3 identification. There came a point that if you answered 4 in a certain way, well, then where your inquiry was 5 going would be divulged. 6 A. Absolutely. Whilst national newspapers -- and the 7 journalists represent their national newspapers -- they 8 do talk and they spot stories. 9 Q. I invite you now, please, to look at the last 10 paragraph on page 5, under question 12 or paragraph 12 11 of your statement. You say there: 12 "In paragraph 10 of his statement, Mr Wallace gives 13 a number of specific examples of [and then you quote] 14 'information contained in the daily Mirror articles of 15 30 September 2010, 1 January 2007 that I believe, from 16 my discussions with the content desk, would have been 17 sourced from the police during the Joanna Yeates 18 Inquiry'. " 19 Then you say: 20 "Clearly, Mr Wallace is using the term 'sourced' in 21 the sense that the information was obtained other than 22 through a completely open press release or at a press 23 conference. I will deal with each of his examples in 24 turn, demonstrating that they are either untrue or 25 provided openly to the media at large." Page 67</p>
<p>1 A. I -- 2 Q. Or more likely to break the code of off-the-record? 3 A. Well, it's clear from some the reporting that they had 4 no idea what they were talking about and listened to 5 so-called experts instead of -- if they'd have gone 6 in-house, they might have learnt a bit more. In-house, 7 I'm talking about within their own organisations. 8 Q. And the experts you're referring to -- 9 LORD JUSTICE LEVESON: It may not be quite fair to just say 10 "trustworthy". It may simply be that reporters who do 11 not know what the law is or the consequences of 12 reporting material which shouldn't be reported, simply 13 don't know. And if they don't know, then no risks can 14 be taken. 15 A. Absolutely, sir, particularly when they're driven by 16 their news desks to get the scoop, to get the insight on 17 the story that their competitors haven't got. 18 MR JAY: You pick this up in paragraph 11 of your statement. 19 You say you were subjected to constant speculative 20 questioning by the media: 21 "Such were our concerns about the revelation of key 22 lines of enquiry through a continuing process of 23 elimination by the media that we ceased to give a 24 response to many speculative enquiries where we felt the 25 integrity of the investigation and subsequent trial Page 66</p>	<p>1 Then you do go through these seriatim, as it were. 2 Paragraph (a) on the next page, Mr Wallace says that the 3 arrest of Mr Jefferies on 30 December was itself 4 announced in the statement from your force: 5 "The off-the-record guidance to reporters on the 6 ground from the police was that it was Mr Jefferies who 7 had been arrested." 8 In your own words, why is that incorrect? 9 A. Well, we didn't do it. We don't announce people who 10 have been arrested. They're innocent and we don't do 11 that. There was an inadvertent leak, which I've talked 12 about in my statement, which was a mistake by some 13 people. It was a genuine error. We sought to address 14 that situation right away with the journalist concerned, 15 but we certainly didn't give any off or on-the-record 16 comment that it was Mr Jefferies who had been arrested. 17 The only time we did was the inadvertent leak. 18 Q. The person arrested rather was described as 19 a 65-year-old man. I mean, some might say that that 20 rather narrowed down the field. Is that fair or not? 21 A. There are a number of 65-year-olds live that that area. 22 I have to say, with the benefit of hindsight, it 23 probably would have been better that we didn't use 24 an age. 25 Q. We'll read to ourselves, as it were, the rest of what Page 68</p>

17 (Pages 65 to 68)

<p>1 you say under (a). (b) is on page 7 --</p> <p>2 LORD JUSTICE LEVESON: It's worthwhile identifying in public</p> <p>3 that what is contained within your statement is the</p> <p>4 entry which the senior investigating officer made in his</p> <p>5 policy book prior to the arrest, which actually,</p> <p>6 assuming that the policy was carried out as he intended,</p> <p>7 is flat contrary to that which was asserted.</p> <p>8 A. Absolutely, sir. Absolutely.</p> <p>9 MR JAY: Thank you. Point (b):</p> <p>10 "The day before Mr Jefferies' arrest (29 December)</p> <p>11 police sources briefed the media that Mr Jefferies had</p> <p>12 told neighbours that he had seen three people leave</p> <p>13 Ms Yeates' flat, including Ms Yeates herself, on the</p> <p>14 night she disappeared. Mr Jefferies said that he was</p> <p>15 parking his car outside the house when he saw three</p> <p>16 people. But Mr Jefferies later told the media and</p> <p>17 neighbours in impromptu comments before his arrest that</p> <p>18 in fact he had not seen Ms Yeates."</p> <p>19 Then Mr Wallace says:</p> <p>20 "I believe the police felt there was an</p> <p>21 inconsistency in his story, although Mr Jefferies had</p> <p>22 a different view."</p> <p>23 Then we have what Mr Jefferies told Sky News on</p> <p>24 29 December, and of course we also heard Mr Jefferies'</p> <p>25 own evidence to this Inquiry on these issues. Again,</p> <p style="text-align: center;">Page 69</p>	<p>1 A. Absolutely, sir.</p> <p>2 Q. It might be said that Mr Wallace's statement is not</p> <p>3 altogether precise in this particular regard.</p> <p>4 Point (d), that's one that you accept. This is the</p> <p>5 extension of the police bail.</p> <p>6 A. Yes.</p> <p>7 Q. Point (e) --</p> <p>8 LORD JUSTICE LEVESON: The extension not of police bail but</p> <p>9 of --</p> <p>10 A. Detention.</p> <p>11 MR JAY: Pardon me. I mean exactly the opposite.</p> <p>12 Point (e):</p> <p>13 "Where we report in the 31 December article that the</p> <p>14 police had not ruled out a link between the murder of</p> <p>15 Glenis Carruthers in 1974 and that of Joanna Yeates,</p> <p>16 I believe, from my discussions with the content desk,</p> <p>17 that one of our reporters asked the police about</p> <p>18 a possible link and our report was based on the response</p> <p>19 given."</p> <p>20 We remember that particular reference in one of the</p> <p>21 Mirror articles to this old murder back in 1974. Again,</p> <p>22 in your own words, why was that untrue?</p> <p>23 A. We know that the Daily Mirror disturbed a relative of</p> <p>24 Glenn Carruthers. We then spoke to them and we made it</p> <p>25 clear that there was no link between Glenn Carruthers'</p> <p style="text-align: center;">Page 71</p>
<p>1 you say this statement is not true. In your own words,</p> <p>2 please, Mr Port, why not?</p> <p>3 A. Well, we did not give Mr Jefferies' identity to anyone.</p> <p>4 He did say that he saw three people on two occasions</p> <p>5 that I recall. In his evidence to this Inquiry, he said</p> <p>6 that -- and I think I quote accurately -- he told no</p> <p>7 more than three people about his sightings. That's</p> <p>8 incorrect, and I completely understand why Mr Jefferies</p> <p>9 can't recollect that, but I've counted eight people,</p> <p>10 including some people who were paid by the media for</p> <p>11 information, and I've also seen evidence that he told</p> <p>12 people that they should also tell members of the</p> <p>13 Neighbourhood Watch. So his recollection is flawed,</p> <p>14 unfortunately.</p> <p>15 Q. Thank you. Point (c):</p> <p>16 "In the article of 31 December --"</p> <p>17 We're back now to what Mr Wallace is saying in his</p> <p>18 statement.</p> <p>19 "-- we reported that 'a source close to the police</p> <p>20 investigation' said that it was believed Jo's murderer</p> <p>21 had tried to conceal her body. This information, to the</p> <p>22 best of my knowledge, came from one of the</p> <p>23 off-the-record briefings referred to above."</p> <p>24 Again, your point is the same as before: there were</p> <p>25 no such off-the-record briefings?</p> <p style="text-align: center;">Page 70</p>	<p>1 awful murder in 1974 and that of Joanna Yeates. It was</p> <p>2 clear to the reporter.</p> <p>3 Q. You say that was made clear to the reporter the day</p> <p>4 before the article was published on 31 December?</p> <p>5 A. Absolutely, sir.</p> <p>6 LORD JUSTICE LEVESON: That comes out of a written document?</p> <p>7 This isn't merely somebody recollecting something?</p> <p>8 A. No, sir.</p> <p>9 MR JAY: This is the media log for 30 December?</p> <p>10 A. That's right.</p> <p>11 Q. Then the last point, (f), again, I'm quoting from</p> <p>12 Mr Wallace's statement:</p> <p>13 "Information regarding various theories being</p> <p>14 considered by detectives contained in the article dated</p> <p>15 1 January 2011 would have, I believe, also come from the</p> <p>16 police."</p> <p>17 You say categorically that the analysis of theories</p> <p>18 allegedly being considered by the police did not come</p> <p>19 from your force. Again, in your own words, would you</p> <p>20 like to explain why?</p> <p>21 A. No, it did not, and it actually came from a retired</p> <p>22 detective called Peter Kirkham, who was being used by</p> <p>23 the Mirror and other media of recent times.</p> <p>24 Q. You make it clear, as you say, that Mr Kirkham has</p> <p>25 written analyses in other cases. Are you prepared to</p> <p style="text-align: center;">Page 72</p>

18 (Pages 69 to 72)

<p>1 comment on the quality of his analyses or not?</p> <p>2 A. It's better than some, sir.</p> <p>3 Q. Okay. Paragraph 13 now. This is Mr Wallace again, in</p> <p>4 paragraph 11 of his statement:</p> <p>5 "The police also give more general guidance to the</p> <p>6 press. When Mr Jefferies was arrested on 30 December,</p> <p>7 the content desk informed me that (off the record) the</p> <p>8 police were saying that they were confident Mr Jefferies</p> <p>9 was their man. It is not uncommon for the police to</p> <p>10 give such an indication. I believe that our coverage of</p> <p>11 this news story should be viewed against that</p> <p>12 background."</p> <p>13 What do you have to say about that, Mr Port?</p> <p>14 A. It's absolutely outrageous. The assertion -- I have</p> <p>15 been, as pointed out by the chair, a police officer for</p> <p>16 a long time. I've never done that. It's not my job to</p> <p>17 pass opinion on these issues. We don't give</p> <p>18 off-the-record briefings and to behave in a collusive</p> <p>19 manner is just abhorrent.</p> <p>20 LORD JUSTICE LEVESON: It's rather worse than that, because</p> <p>21 if you did and therefore the press felt they were,</p> <p>22 therefore, excused in their coverage that has a go at</p> <p>23 the person who's identified, that potentially causes</p> <p>24 enormous damage to the trial process.</p> <p>25 A. Absolutely, sir.</p> <p style="text-align: center;">Page 73</p>	<p>1 obtained, tends to indicate that this did not come from</p> <p>2 a police source; it came from elsewhere.</p> <p>3 Q. You don't wish to go further than that today; is that</p> <p>4 right?</p> <p>5 A. No, sir.</p> <p>6 Q. There's also issues surrounding the leaks of information</p> <p>7 around two delivery drivers from Ikea.</p> <p>8 A. Yes.</p> <p>9 Q. And an article which appeared in the Sun on 17 January</p> <p>10 2011. One of the hypotheses may be: well, that</p> <p>11 information came from the police; in other words, was</p> <p>12 a leak. First of all, is that matter being</p> <p>13 investigated?</p> <p>14 A. It is, sir, yes.</p> <p>15 Q. Has that investigation concluded?</p> <p>16 A. It has not concluded totally, but the indications are</p> <p>17 that it did not come from the police, it came from</p> <p>18 elsewhere.</p> <p>19 Q. That's as far as you wish to go today, is it?</p> <p>20 A. I think I can add that the allegation was that this</p> <p>21 information was only known to the police. There was</p> <p>22 information that was known to the police but it was also</p> <p>23 known to others, and if you look at the article, it says</p> <p>24 that police must have found a receipt or something in</p> <p>25 the house. Well, we didn't find a receipt. We got that</p> <p style="text-align: center;">Page 75</p>
<p>1 MR JAY: Can I move you forward in your statement, Mr Port,</p> <p>2 to question 57 on the internal numbering page 33. You</p> <p>3 deal, first of all, with the inadvertent confirmation</p> <p>4 point which you've already covered in your evidence.</p> <p>5 Four lines down:</p> <p>6 "In early January 2011, there was concern on the</p> <p>7 part of the investigation team resulting from</p> <p>8 information that journalists appear to have obtained</p> <p>9 that there were leaks to the media and these concerns</p> <p>10 were referred to the PSD ... an investigation was</p> <p>11 initiated on 4 January."</p> <p>12 Has that internal investigation now concluded,</p> <p>13 Mr Port?</p> <p>14 A. No, sir, it's still ongoing.</p> <p>15 Q. Can we deal with it quite generally then, in the light</p> <p>16 of the ongoing investigation. Does this relate to</p> <p>17 certain items of clothing which were missing when</p> <p>18 Joanna Yeates' body was found?</p> <p>19 A. It does, sir, yes, in part.</p> <p>20 Q. Are you able to assist the Inquiry at all as to how far</p> <p>21 the investigation has got and what hypotheses it has</p> <p>22 eliminated, without, as it were, prejudicing the</p> <p>23 investigation?</p> <p>24 A. It's very difficult to prove a negative, but the</p> <p>25 evidence that we have seen so far, the evidence we've</p> <p style="text-align: center;">Page 74</p>	<p>1 information from Joanna's boyfriend and there were</p> <p>2 a number of other firms that we went to over the</p> <p>3 weekend, but it was only Ikea that became the source of</p> <p>4 a newspaper article. Despite what some have said, that</p> <p>5 did not come from the police.</p> <p>6 Q. I've been asked to put to you a line of questions</p> <p>7 relating to the fact that Mr Jefferies was on police</p> <p>8 bail until 4 March 2011, whereas Vincent Tabak was</p> <p>9 charged on 22 January, so there's a six-week period</p> <p>10 when, as it were, Mr Jefferies was out of the frame yet</p> <p>11 he remained on police bail. Are you in a position to</p> <p>12 address that at all, Mr Port?</p> <p>13 A. In general terms. Mr Jones will address it specifically</p> <p>14 and tactically, sir. But Vincent Tabak went "no</p> <p>15 comment" except for a very small part of the interview,</p> <p>16 so there's always a question hanging, and to set the</p> <p>17 context, unfortunately we arrest 45,000 people each</p> <p>18 year. About 21,000 of those, an enormous number -- too</p> <p>19 many in my opinion -- are bailed. 1,600 of those are</p> <p>20 bailed longer than three months. We are doing something</p> <p>21 about that internally, but just to set the context, it</p> <p>22 wasn't extraordinary. Unfortunately, it was too usual.</p> <p>23 Q. I'll ask Mr Jones to address the specifics in a moment,</p> <p>24 Mr Port. Can I ask you, though, to go back to general</p> <p>25 issues. HMIC's report, "Without fear or favour",</p> <p style="text-align: center;">Page 76</p>

<p>1 December 2011, and the Elizabeth Filkin report. These 2 you touch on at page 37 of your statement.</p> <p>3 A. Yes, sir.</p> <p>4 Q. You make it clear that the HMIC report is currently 5 subject to consideration in your force, but are there 6 any preliminary opinions, recommendations that you have 7 in mind which you might be able to share with us or not?</p> <p>8 A. The recommendations which come out of the report we'd 9 already implemented in the organisation before the 10 inspectors came around, and it was a great sadness to me 11 that individual forces weren't named, because I think we 12 had a good story to tell in terms of propriety, in terms 13 of this. We're always looking for opportunities to 14 develop and once again we're going through it to see if 15 there's anything we've missed, but generally I would say 16 we're in quite a good place in relation to that.</p> <p>17 But I have to say that one of my concerns is that we 18 concentrate -- and I make this point in the statement -- 19 too much on policies, procedures. It's the culture 20 that's important. It's the leadership that's important 21 in setting the right example, and that's what 22 Elizabeth Filkin talks about.</p> <p>23 Q. So are you of the view that the culture is, as it were, 24 set at the top?</p> <p>25 A. Absolutely.</p> <p style="text-align: center;">Page 77</p>	<p>1 particularly on the part of those in public office.</p> <p>2 May I deal with one point there in the context of 3 what some have claimed to be overregulation, which is 4 the noting of contacts between police officers and the 5 media. Are you of the view that that has a chilling 6 effect or not?</p> <p>7 A. I think it has to be proportionate. I've thought about 8 this, and two very different examples. I'm walking down 9 the street in Bristol. I'm stopped by a journalist who 10 works for a French TV station, recognises me because of 11 my past life, said, "Would you talk on my TV station 12 about Rwanda?" I said, "Of course." Did I make 13 a record? No. Overregulation may indicate that 14 I should make a record.</p> <p>15 The other extreme is a journalist ringing up and 16 asking about earrings. Did I make a record? Yes. So 17 I think we have to be proportionate about making 18 a record, sir.</p> <p>19 LORD JUSTICE LEVESON: Well, I understand that, and walking 20 down the street and meeting a journalist who asks you 21 a question about community policing or whatever, or 22 out-of-court disposals just in passing, may very well 23 generate a comment and you're comfortable with it. But 24 the difficulty is that people may draw the line in 25 different places and what concerns me is the risk of --</p> <p style="text-align: center;">Page 79</p>
<p>1 Q. When one is referring to culture in that sentence, it's 2 not just to do with relations with the media, because 3 that's only a small part of it; it's to do with 4 a general approach, a general philosophy of your 5 dealings with the public and the discharge of your 6 statutory and common law functions. Is that right?</p> <p>7 A. Absolutely, sir. Our job is to serve the public, and as 8 far as I'm concerned it's public first, which is one of 9 our core values, then there's the organisation and then 10 there's the individual. Unfortunately sometimes that 11 triangle gets reversed.</p> <p>12 Q. When you say unfortunately it gets reversed, are you 13 referring to your force at all or are you referring to 14 others?</p> <p>15 A. Individuals. Clearly there are individuals in any large 16 organisation who put themselves first and not the 17 public. It's a question of leadership to address those 18 issues.</p> <p>19 Q. Finally, under question 69, you say you remain convinced 20 that generating a culture of transparency, openness and 21 accountability is the key to maintaining appropriate 22 relationships with the media. You believe an inquiring 23 media is essential in a democratic society and the 24 overregulation of the relationship risks undermining the 25 media as a real source of ensuring accountability,</p> <p style="text-align: center;">Page 78</p>	<p>1 well, one could say a free-for-all. I don't mean that 2 in any denigratory sense, but a lack of understanding 3 from the top as to what is happening and therefore 4 a lack of overall control. I'm not suggesting that you 5 would want to be controlling, but you would want to be 6 in control. I hope that's a distinction with which you 7 would agree.</p> <p>8 So the problem is how to do that. By all means, 9 encourage openness, transparency, a willingness to talk, 10 but how one balances that so that those at the top of 11 the operation know what's going on and have some measure 12 of understanding seems to me is quite important. But 13 I'd be interested in your view.</p> <p>14 A. It is vitally important. As a leader, I expect all of 15 the people in positions of responsibility must know 16 what's going on on the ground. I spend as much time as 17 I can out and about on the ground, talking to members of 18 the public, talking to people in my organisation. 19 I expect the other leaders in the organisation to do 20 exactly the same. We can't -- and I think I refer to 21 this in my statement -- live in ivory towers. We have 22 to know what's going on. So therefore we talk to our 23 people, I hold focus groups, I have interactions with 24 people, I visit police stations odd times of the day and 25 night. So I have a good feeling of what's going on in</p> <p style="text-align: center;">Page 80</p>

<p>1 the organisation.</p> <p>2 Sometimes things happen that I'm horrified by, but</p> <p>3 I don't know everything. But I try, and I encourage my</p> <p>4 leaders to also do the same, sir. And I think -- you</p> <p>5 know, that there have been some examples, which you have</p> <p>6 heard, where exceptional behaviour shouldn't actually</p> <p>7 rule what -- the good work of general police officers on</p> <p>8 a day-to-day basis, who, as I said earlier, make life</p> <p>9 and death decisions. I trust my officers generally. If</p> <p>10 I don't trust them, then they have to go.</p> <p>11 LORD JUSTICE LEVESON: But I'm not actually, I think,</p> <p>12 challenging a single word of that. What I am asking</p> <p>13 about is something slightly different, but maybe you</p> <p>14 don't agree, that if officers are talking to the press,</p> <p>15 not in the casual way that I just exemplified, but on</p> <p>16 topics, doubtless within their area of competence --</p> <p>17 because I'm sure you would agree they should not be</p> <p>18 talking about matters which are not within their</p> <p>19 competence --</p> <p>20 A. Absolutely, sir.</p> <p>21 LORD JUSTICE LEVESON: -- and strategic matters should be</p> <p>22 dealt with at appropriately high rank, but that there be</p> <p>23 some -- not record of the conversation, but awareness</p> <p>24 that there has been a conversation, if only so that</p> <p>25 somebody can see: well, this particular sergeant has</p> <p style="text-align: center;">Page 81</p>	<p>1 A. No, sir.</p> <p>2 LORD JUSTICE LEVESON: Provided it doesn't, of course, cover</p> <p>3 the accidental meeting in the street, and I recognise</p> <p>4 that. I'm not sure your Rwandan example really works,</p> <p>5 because if it had been: "I'd like to ask you about</p> <p>6 something that was relevant to Avon and Somerset</p> <p>7 policing", your answer might be different. It's because</p> <p>8 it goes back to your experience in relation to Rwanda.</p> <p>9 I mean, giving an interview.</p> <p>10 A. If I was walking down the street -- and this is</p> <p>11 a hypothetical situation -- and a journalist said, "Can</p> <p>12 we talk about out-of-court disposals?" and I say, "Yes,</p> <p>13 but make an appointment through the office, through the</p> <p>14 corporate communications, and away we go."</p> <p>15 LORD JUSTICE LEVESON: Then you've done it the other way.</p> <p>16 Rwanda is different because that's you and only you.</p> <p>17 A. Yes.</p> <p>18 LORD JUSTICE LEVESON: And nobody else in your force is</p> <p>19 affected by it. Is that fair?</p> <p>20 A. Yes, sir.</p> <p>21 LORD JUSTICE LEVESON: Thank you.</p> <p>22 MR JAY: Thank you very much, Mr Port.</p> <p>23 A. Thank you, sir.</p> <p>24 LORD JUSTICE LEVESON: Mr Port, thank you very much.</p> <p>25 A. Thank you.</p> <p style="text-align: center;">Page 83</p>
<p>1 a very, very close relationship and is chatting a great</p> <p>2 deal to one particular journalist; is that fair? Is</p> <p>3 that balanced? How should we use that positively and</p> <p>4 how can we consider?</p> <p>5 I'm not suggesting some great bureaucratic system,</p> <p>6 I really am not, but I am troubled that there has to be</p> <p>7 some counterbalance to what I believe is right and what</p> <p>8 you've made abundantly clear, in three or four places in</p> <p>9 your statement, you believe is right: that openness,</p> <p>10 transparency, telling the good stories, the medium</p> <p>11 stories and accepting the bad stories is critical to</p> <p>12 an open relationship that lies behind consensual</p> <p>13 policing.</p> <p>14 So it's just to provide some element of balance.</p> <p>15 That's what I'm really asking you about.</p> <p>16 A. Just to reassure you, sir, that through the corporate</p> <p>17 communications and the log that we have, media comments</p> <p>18 and contact with the media, with our officers, are</p> <p>19 logged. So they are there. What I'm talking about is</p> <p>20 the walking down the street instance. Sir, they are</p> <p>21 logged, they are recorded, and of course we do have an</p> <p>22 internal investigations unit who will monitor contact</p> <p>23 with the media if necessary, if there's leaks.</p> <p>24 LORD JUSTICE LEVESON: So in other words, there's no problem</p> <p>25 with the sort of system I'm talking about?</p> <p style="text-align: center;">Page 82</p>	<p>1 MR JAY: Mr Jones, please.</p> <p>2 MR PHILIP ANDREW JONES (sworn)</p> <p>3 Questions by MR JAY</p> <p>4 MR JAY: Your full name, please, Mr Jones?</p> <p>5 A. Philip Andrew Jones.</p> <p>6 Q. I'm going to ask you to confirm your witness statement.</p> <p>7 You've signed and dated it 28 February of this year. Is</p> <p>8 this your true evidence to the Inquiry?</p> <p>9 A. It is, yes.</p> <p>10 Q. You are currently a detective chief inspector with the</p> <p>11 Avon and Somerset constabulary. You've worked in the</p> <p>12 service for 23 years. You were the senior investigating</p> <p>13 officer as from 27 December 2010 in relation to the</p> <p>14 Joanna Yeates investigation; is that right?</p> <p>15 A. Yes, I was, sir.</p> <p>16 Q. I'm going to ask you some specific questions, please,</p> <p>17 about that investigation. First of all, paragraph 9 of</p> <p>18 your statement at the bottom of page 10578. This is</p> <p>19 your general philosophy in relation to the media. You</p> <p>20 regard the media as an additional investigative tool</p> <p>21 providing a means of communication with the public to</p> <p>22 appeal for information, witnesses, aid elimination and</p> <p>23 provide reassurance. How successful is that mode of</p> <p>24 communication? Does it, in other words, achieve</p> <p>25 positive results in terms of identifying offenders in</p> <p style="text-align: center;">Page 84</p>

21 (Pages 81 to 84)

<p>1 your experience?</p> <p>2 A. I think it does, sir. It certainly formed one of the --</p> <p>3 certainly formed part of my media strategy in the</p> <p>4 Joanna Yeates investigation, and I think a good example</p> <p>5 of the success of it is that in that particular</p> <p>6 investigation we received around 3,000 telephone calls,</p> <p>7 messages and emails from members of the public. On</p> <p>8 a more local scale, then yes, it does provide a source</p> <p>9 of not only key information, witnesses, but also it can</p> <p>10 assist in -- aid in elimination in terms of identifying</p> <p>11 vehicles and CCTV, for example.</p> <p>12 LORD JUSTICE LEVESON: It's not just important, is it,</p> <p>13 Mr Jones? It's absolutely critical that the public</p> <p>14 understand that crime is detected by the public coming</p> <p>15 forward with information. It's a terrible mistake to</p> <p>16 think that crime can be detected entirely isolated from</p> <p>17 assistance provided by witnesses. It just can't be done</p> <p>18 other than in television programmes. Is that fair?</p> <p>19 A. Absolutely. Absolutely, sir. I think sometimes there's</p> <p>20 a perception that we investigate and solve all our</p> <p>21 crimes on forensic evidence alone, and it's actually</p> <p>22 witnesses and the general public that help us solve</p> <p>23 crime, and without them we couldn't operate in the</p> <p>24 criminal justice system and bring offenders to justice.</p> <p>25 So they are vital.</p> <p style="text-align: center;">Page 85</p>	<p>1 speculation and sometimes you can respond to that</p> <p>2 appropriately. I think in this particular case, in the</p> <p>3 Joanna Yeates investigation, there was so much</p> <p>4 speculation from the media -- and I would describe it as</p> <p>5 an almost scattergun approach, where evidently they were</p> <p>6 trying to, I believe, identify lines of inquiry, and</p> <p>7 therefore our proportionate response to that was to give</p> <p>8 a response that either we would not confirm or deny that</p> <p>9 was a line of inquiry which we were pursuing.</p> <p>10 Q. Under the heading "Delivering the strategy", you refer</p> <p>11 to briefings. Were you intending to refer only to</p> <p>12 on-the-record briefings?</p> <p>13 A. Absolutely, sir, yes.</p> <p>14 Q. Were there, to your knowledge, any off-the-record</p> <p>15 briefings to journalists?</p> <p>16 A. None at all, sir.</p> <p>17 Q. Had there been, (a) who would have conducted them and</p> <p>18 (b) would you know about it?</p> <p>19 A. Well, I don't believe there were any off-the-record</p> <p>20 briefings. It certainly wasn't myself and I don't know</p> <p>21 who would have conducted those off-the-record briefings.</p> <p>22 Had there been any intention to do that, then I would</p> <p>23 have expected somebody would have told me, yes. But</p> <p>24 that wasn't the case.</p> <p>25 Q. So looking at this logically, of course, you can't prove</p> <p style="text-align: center;">Page 87</p>
<p>1 MR JAY: You mentioned the strategy in relation to the</p> <p>2 Joanna Yeates investigation. We see this, I think,</p> <p>3 under your tab 19, our page 11438.</p> <p>4 A. Yes.</p> <p>5 Q. You refer to this in your statement. We can see the</p> <p>6 date of the strategy, 13 January 2011, so presumably it</p> <p>7 superseded an earlier strategy, did it?</p> <p>8 A. Yes. In essence, sir, this was, if you like,</p> <p>9 documenting the investigative media strategy. It had</p> <p>10 been implemented at the very early stages when this was</p> <p>11 a missing person investigation, which was back on 20,</p> <p>12 21 December 2010. So it was just a combination of --</p> <p>13 that investigative media strategy had been implemented;</p> <p>14 it was just a question of obviously documenting it</p> <p>15 within the actual policy book itself and having a record</p> <p>16 of that.</p> <p>17 Q. Can I ask you just a couple of points upon the strategy.</p> <p>18 You see under item 5:</p> <p>19 "To adopt a proportionate approach to ongoing media</p> <p>20 speculation and its potential impact on the</p> <p>21 investigation."</p> <p>22 What does that mean in more detail, Mr Jones? What</p> <p>23 do you mean by a proportionate approach?</p> <p>24 A. Well, I think it's a balanced approach. In any</p> <p>25 investigation, there will be a degree of media</p> <p style="text-align: center;">Page 86</p>	<p>1 a negative. What you can say, in the light of your last</p> <p>2 answer, is that any off-the-record briefing -- and you</p> <p>3 deny that any such occurred -- would have been</p> <p>4 unauthorised?</p> <p>5 A. Absolutely, yes.</p> <p>6 Q. You do say in the last sentence of paragraph 16 that no</p> <p>7 individual briefings were given until after the trial.</p> <p>8 A. That's correct, yes.</p> <p>9 Q. Why was that?</p> <p>10 A. We had requests before the trial for pre-trial briefings</p> <p>11 from the media. I discussed it with my corporate</p> <p>12 communications department and my decision was that we</p> <p>13 weren't going to hold any pre-trial briefings. There</p> <p>14 were a number of reasons for that decision. I think the</p> <p>15 experience of the investigation itself had left</p> <p>16 a lasting impression on me in terms of the media, but</p> <p>17 I think more importantly there were certain aspects in</p> <p>18 that particular case which were subject of bad character</p> <p>19 applications during the trial, which -- involving some</p> <p>20 material, adult pornography material on the defendant's</p> <p>21 computer which I didn't want to release to the media</p> <p>22 prior to the trial because I couldn't take the risk of</p> <p>23 any of that leaking into the public domain. It would</p> <p>24 clearly be prejudicial, which was proved in court</p> <p>25 because the bad character applications weren't</p> <p style="text-align: center;">Page 88</p>

1 **successful. There was a court order in relation to**
 2 **those during the trial, but that court order was lifted**
 3 **upon verdict and I think the reaction from the media in**
 4 **terms of, firstly, the verdict, then obviously moving**
 5 **onto that aspect of the investigation, was quite clear.**
 6 **So it was a very interesting, newsworthy item and I felt**
 7 **that it was important that we held back on that.**
 8 **So of course after the trial, then that afforded us**
 9 **the opportunity of having, you know, those meetings or**
 10 **briefings.**
 11 LORD JUSTICE LEVESON: It's always a problem, isn't it,
 12 because the press will want the full story after the
 13 verdict, and as I understand it, are perfectly prepared
 14 to prepare a story and bin it if the verdict does not go
 15 that particular way, and that's understood. But the
 16 problem is the extent to which you allow information to
 17 be known prior to verdict which might impact on a jury
 18 during the course of the case if it enters the public
 19 domain.
 20 **A. Absolutely.**
 21 LORD JUSTICE LEVESON: And that's the point you're making --
 22 **A. Yes.**
 23 LORD JUSTICE LEVESON: -- about the pornographic material.
 24 **A. Yes. I felt, during the investigation, we had -- you**
 25 **know, I had a real grip around the disclosure of**
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1 **information. We were really, really tight around that,**
 2 **as best we possibly could, and of course my concern was**
 3 **I didn't want that to impact -- any, you know, release**
 4 **of information impact upon the trial itself and**
 5 **ultimately be prejudicial.**
 6 MR JAY: The point you might make is the fact that some
 7 particularly explosive and prejudicial information did
 8 not leak from your force -- and you can prove that
 9 conclusively -- may be an indication that other bits of
 10 information didn't leak either.
 11 **A. Exactly, sir, yes.**
 12 Q. It wouldn't necessarily follow, but it's an indication.
 13 Can I ask you, please, about the second sentence of
 14 paragraph 18. You explain it was of paramount
 15 importance for you and the investigation team to
 16 maintain the integrity of the investigation so you could
 17 achieve justice. How did you go about achieving that as
 18 best you could, Mr Jones?
 19 **A. Sorry, with regard to the integrity?**
 20 Q. Yes.
 21 **A. Just reiterating, really, with staff during briefings**
 22 **around confidentiality. We did have some concerns early**
 23 **on, but we ensured that staff were aware of**
 24 **confidentiality and I think also, as the investigation**
 25 **progressed, when there was sensitive information, we**
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1 **ensured that it was kept to a very small number of**
 2 **people within the investigation, so it wasn't widely and**
 3 **publicly known within the investigation itself, which**
 4 **I felt was really important.**
 5 Q. Can I ask you about the last sentence of paragraph 18
 6 where you say:
 7 "In some cases, we were aware that members of the
 8 public we were speaking to had also been contacted by
 9 journalists either prior to or after our visit."
 10 So was the source of that awareness what you were
 11 told by members of the public?
 12 **A. Yes. It -- there were -- for example, in Canynge Road**
 13 **itself, we were aware that there were residents that we**
 14 **would visit as part of our enquiries who had already**
 15 **been visited by journalists or they were attending the**
 16 **address when we were. I think a really good example of**
 17 **this was Rebecca Scott, who was Joanna Yeates' best**
 18 **friend. She received -- she contacted us because she**
 19 **had received over 160 telephone calls and text messages**
 20 **from the media, and in fact the media were camped**
 21 **outside her home address and Hampshire Police had**
 22 **intervened because they were threatening to arrest some**
 23 **of the media for harassment.**
 24 **So that gives you an -- you know, a good indication**
 25 **of some of the targeting that was going on by the media**
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1 **in terms of -- in terms of witnesses and generally**
 2 **members of the public.**
 3 Q. Did you receive information that any members of the
 4 public were paid by journalists for information they
 5 gave?
 6 **A. There was an indication that I'm aware of that there**
 7 **were some -- certainly some residents in Canynge Road**
 8 **that may have received money from the media.**
 9 LORD JUSTICE LEVESON: When you say "indication", is there
 10 any evidence of that? I ask because there's clear
 11 material in the press code of ethics about paying
 12 witnesses, and it's a matter which I personally have
 13 been involved in for more years than I care to think
 14 about. Is there any evidence of that?
 15 **A. Perhaps I could clarify that, sir. Yes, there was**
 16 **evidence, yes. But what I will say is not evidence --**
 17 **they were not witnesses in the trial.**
 18 LORD JUSTICE LEVESON: But who was to know that?
 19 **A. That's right, sir.**
 20 MR JAY: Are you referring to members of the public who
 21 lived near by?
 22 **A. Yes, sir.**
 23 Q. Okay. In paragraph 20 of your statement, Mr Jones,
 24 bottom of page 10581, you deal with the steps you took
 25 when Mr Jefferies was arrested, which was on
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<p>1 30 December.</p> <p>2 A. Yes.</p> <p>3 Q. As far as you were aware, were those steps successful,</p> <p>4 in the sense that was there evidence that journalists</p> <p>5 knew that you were arresting him at that time?</p> <p>6 A. It was successful. If I can kind of explain the layout</p> <p>7 at Canynge Road. There were permanently at least four</p> <p>8 television crews with satellite vans parked outside</p> <p>9 44 Canynge Road, which was the address where Ms Yeates</p> <p>10 lived. So they were there 24 hours a day.</p> <p>11 When I took the decision to arrest Mr Jefferies,</p> <p>12 clearly one of my primary concerns was that we made that</p> <p>13 arrest without the media being aware of our presence and</p> <p>14 doing so. There was some planning and preparation that</p> <p>15 went into that, and I believe that we were successful in</p> <p>16 arresting him and actually conveying him away from his</p> <p>17 home address to a police station.</p> <p>18 Whilst he remained in custody, there was an</p> <p>19 application for a time extension with a warrant of</p> <p>20 further detention at the magistrate's court in Bristol.</p> <p>21 We managed to convey him from the police station to the</p> <p>22 magistrate's court, again without the reporters that</p> <p>23 were waiting outside the court to actually see him.</p> <p>24 Conversely, we returned him to the police station</p> <p>25 and then, when we subsequently released him on bail, we</p> <p style="text-align: center;">Page 93</p>	<p>1 Q. To be clear about this, on 2 January, corporate</p> <p>2 communications department contacted you because they had</p> <p>3 received an enquiry from the Daily Mail regarding low</p> <p>4 copy DNA allegedly having been found on Joanna Yeates'</p> <p>5 body; is that right?</p> <p>6 A. That's correct, sir, yes.</p> <p>7 Q. So that immediately rang warning bells in your mind that</p> <p>8 this might be a leak; is that right?</p> <p>9 A. That's right, sir, yes.</p> <p>10 Q. And then you took appropriate steps. Can we be clear</p> <p>11 about the Daily Mail's story? Was there low copy DNA</p> <p>12 found on her body?</p> <p>13 A. There was, sir, yes.</p> <p>14 Q. So the enquiry was, as it were, not a piece of wild</p> <p>15 speculation; it was based on fact, wasn't it?</p> <p>16 A. Yes, sir. I mean, my reaction when I was told -- and</p> <p>17 I said in my statement it was a feeling of deflation</p> <p>18 that that information was known outside of the</p> <p>19 investigation.</p> <p>20 Q. Who knew on or before 2 January 2011 that low copy DNA</p> <p>21 had been found on her body?</p> <p>22 A. Precisely within the investigation, I can't recollect,</p> <p>23 but there would have been other agencies involved in the</p> <p>24 actual forensic process that would have been aware also.</p> <p>25 Q. Right. So does it follow that the information which the</p> <p style="text-align: center;">Page 95</p>
<p>1 actually -- he left the police station with a solicitor</p> <p>2 and we actually delayed informing the media an hour</p> <p>3 after he'd left that we had released a person on bail to</p> <p>4 enable Mr Jefferies to leave the police station and</p> <p>5 basically be undetected in doing so. So that was</p> <p>6 successful, yes.</p> <p>7 Q. In paragraph 21, you deal with your concerns about</p> <p>8 possible leaks and the involvement of the Professional</p> <p>9 Standards Department. The leaks related to what</p> <p>10 appeared in the Sun, I think, on 4 January, relating to</p> <p>11 certain items of clothing, and then the article on</p> <p>12 17 January, again in the Sun, relating to the two Ikea</p> <p>13 deliver drivers. Is that, broadly speaking, right?</p> <p>14 A. No, that's not right.</p> <p>15 Q. Oh?</p> <p>16 A. It came about because of the Daily Mail on the -- when</p> <p>17 I was notified of -- the low copy DNA Daily Mail</p> <p>18 possible story which we were notified of.</p> <p>19 Q. That's paragraph 24 of your statement, isn't it?</p> <p>20 A. That's correct, sir, yes. That was what instigated</p> <p>21 that. That was on 2 January. On 4 January I made</p> <p>22 a report to our Professional Standards Department,</p> <p>23 because I wanted to -- you know, I wanted it to be</p> <p>24 proactively and robustly investigated. It did cause me</p> <p>25 concern.</p> <p style="text-align: center;">Page 94</p>	<p>1 Daily Mail received either came from your team or it</p> <p>2 came from one of the other agencies? Logically, that</p> <p>3 must be right?</p> <p>4 A. It could have done, yes.</p> <p>5 Q. When you refer to "other agencies", you presumably are</p> <p>6 referring to the scientific testing agencies who would</p> <p>7 be involved in analysing the DNA?</p> <p>8 A. Yes.</p> <p>9 Q. But the upshot is that the investigation has not come to</p> <p>10 fruition. It hasn't identified the source of the</p> <p>11 Daily Mail's information as at today's date; is that</p> <p>12 right?</p> <p>13 A. I've never had any role in the actual -- that PSD</p> <p>14 investigation itself, and as Mr Port said earlier, that</p> <p>15 is still an ongoing investigation.</p> <p>16 Q. Can I ask you, please, about the negotiations which you</p> <p>17 refer to in paragraph 25, where the Daily Mail had</p> <p>18 agreed to qualify their publication of the existence of</p> <p>19 DNA on Joanna's body. What do you mean by that?</p> <p>20 A. Um ...</p> <p>21 Q. Or should I ask the next witness, who may be able to</p> <p>22 assist us?</p> <p>23 A. I think the chronology -- let's go back to the</p> <p>24 chronology of 2 January. As I said, I received</p> <p>25 a telephone call that contact had been made by</p> <p style="text-align: center;">Page 96</p>

24 (Pages 93 to 96)

1 a Daily Mail journalist to our corporate communications
 2 department around the nature of a story that they
 3 intended to release. We initially considered what legal
 4 options we could take to prevent that being publicised.
 5 The corporate communications department and not myself
 6 then undertook negotiations with the journalists and the
 7 paper themselves, so I had no involvement in that. And
 8 then obviously they published this story accordingly.

9 Q. Did you have any involvement of negotiations, although
 10 they were unsuccessful ones, with the Sun newspaper
 11 regarding other information?

12 A. No, I didn't, sir, no.

13 Q. The ramifications of this are clear in terms of damage
 14 to morale and potential to destroy trust. You refer to
 15 that in paragraph 26 and really the points are entirely
 16 obvious and understood, Mr Jones?

17 A. Yes, sir.

18 Q. Can I deal with another series of questions which I've
 19 been asked to put to you. I gave the chronology to
 20 Mr Port. Vincent Tabak was arrested on 20 January,
 21 I believe. He was charged to 22 January, yet
 22 Mr Jefferies wasn't released from police bail until
 23 4 March. Mr Jefferies gave evidence about that when he
 24 returned to the Inquiry at the end of February. Why was
 25 there such a delay?

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1 A. Okay. When Vincent Tabak was interviewed, he gave "no
 2 comment" in interview. It was only a very small area
 3 around a mobile phone which he was willing to talk
 4 about. One of the topics in that interview concerned
 5 Mr Jefferies, to which he declined -- he again made no
 6 comment. Mr Jefferies was still a suspect in the
 7 investigation. There was still ongoing forensic
 8 examination work which was being undertaken. In
 9 particular, there were a pair of trainers which we found
 10 in Mr Jefferies' house which were hidden underneath
 11 a kitchen unit behind a kickboard. Those trainers had
 12 some -- had a blood spot on them. That was initially
 13 analysed and because of a sensitive forensic technique
 14 which they had to use, eventually a DNA profile was
 15 found and Mr Jefferies could be eliminated. So when the
 16 forensic lines of inquiry were completed, he was fully
 17 eliminated from the investigation, which is then when he
 18 was released from his bail without charge.

19 Q. When he was released from his bail, why didn't you make
 20 it crystal clear that there was no evidence against him?

21 A. My recollection of when we released him from his bail,
 22 he was notified immediately and then I believe there was
 23 a media or press release that was circulated from our
 24 corporate communications department saying that -- and
 25 bear in mind that we'd never confirmed his name or

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1 didn't confirm his name until after the Vincent Tabak
 2 trial -- that said, "The 65-year-old man has been
 3 released without charge", but I can't remember the exact
 4 words that we used.

5 Q. The question which I've been asked to put to you is that
 6 given what you knew about the vilification that
 7 Mr Jefferies had received in the press -- which, of
 8 course, you weren't responsible for, but you knew that
 9 it had taken place -- 31 December and 1 January in
 10 particular, but there were plenty of really egregious
 11 examples in that period -- why didn't you make it
 12 clearer that there was no evidence against him on
 13 4 March? In other words, it wouldn't be a question
 14 simply of saying no charges were being brought against
 15 him, but that there was no evidence against him. Do you
 16 see the distinction?

17 A. I do, and I understand that, sir. In hindsight, yes, we
 18 probably could have released more information, but the
 19 most important information to release was that he was no
 20 longer a suspect in the investigation and that he'd been
 21 released without charge.

22 Q. Okay. As I said at the outset, there may be proceedings
 23 which Mr Jefferies will bring resulting out of that, so
 24 you've probably gone as far as you wish to go, Mr Jones.

25 A. Yes, sir.

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1 Q. And arguably it's not central to matters this Inquiry is
 2 required to investigate into.

3 Can I ask you, finally this, broad and general
 4 question -- it may be a slightly unfair one, but if it
 5 is, you'll tell me. Are there any general lessons
 6 arising out of this case, particularly -- I'll confine
 7 the question to engagement with the media. I'm not
 8 concerned with policing issues and technical issues of
 9 investigation, but are there any general lessons which
 10 you feel able to share with the Inquiry?

11 A. I think when it becomes at a national high-profile
 12 investigation, then clearly the volume and the demands
 13 upon us from the media is significant. Also, the time
 14 of year when this took place, there was a lack of
 15 continuity in terms of journalists, and what we found is
 16 that outside of the usual crime reporters we had general
 17 reporters there and journalists.

18 I think for me the lesson that comes out of this is
 19 in relation to responsible and accurate reporting, which
 20 clearly at times there wasn't. This has a massive
 21 impact upon the family, because every time there was
 22 something speculative reported, in particular in
 23 relation to the Sun with the sock and also with the low
 24 copy DNA, then it would require us to make contact with
 25 the family, to make them aware of the fact this article

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<p>1 was going to be published.</p> <p>2 It's really important that we maintain that trust</p> <p>3 and confidence with the family, and thankfully we</p> <p>4 achieved that with this investigation, but it does put</p> <p>5 a strain upon that relationship. Certainly that's the</p> <p>6 lessons -- some of the lessons that were learnt, anyway,</p> <p>7 in terms of the media, sir.</p> <p>8 Q. This was against the backdrop of an already highly</p> <p>9 pressurised investigation. It attracted national, it</p> <p>10 not international, interest and as every day passed</p> <p>11 without killer, as it were, apprehended, the pressure</p> <p>12 increased on you?</p> <p>13 A. It did. It was an unrelenting media interest from the</p> <p>14 point that Joanna was reported missing, but I think the</p> <p>15 important point to make is that the support that I got</p> <p>16 from my corporate communications department and indeed</p> <p>17 from the Gold Group -- because they basically took the</p> <p>18 brunt of the media demands, allowing me to focus and</p> <p>19 concentrate on the investigation and ultimately finding</p> <p>20 the killer and ultimately convicting them. So that was</p> <p>21 my objective and that was made clear to me and they did</p> <p>22 an awful lot to protect me and allowed me to focus on</p> <p>23 that and not get distracted. And I think that's really</p> <p>24 important.</p> <p>25 LORD JUSTICE LEVESON: The Gold Group is a senior officer</p> <p style="text-align: center;">Page 101</p>	
<p>1 not involved in the inquiry but who, as it were, could</p> <p>2 take off these side issues?</p> <p>3 A. The Gold Group, sir, was comprised of the</p> <p>4 Chief Constable, the gold commander was the Assistant</p> <p>5 Chief Constable for Protective Services, and the head of</p> <p>6 corporate communications, and they would meet daily. So</p> <p>7 they had an overview of the media interest and they were</p> <p>8 able to manage and deal with that, allowing me to</p> <p>9 concentrate on the investigation.</p> <p>10 MR JAY: Thank you, Mr Jones. Those were all my questions.</p> <p>11 LORD JUSTICE LEVESON: Mr Jones, thank you very much indeed.</p> <p>12 A. Thank you.</p> <p>13 LORD JUSTICE LEVESON: That's probably a convenient moment.</p> <p>14 2 o'clock. Thank you.</p> <p>15 (12.58 pm)</p> <p>16 (The luncheon adjournment)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 102</p>	

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