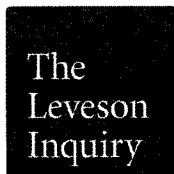


JMY/1



culture, practices and  
ethics of the press

Royal Courts of Justice  
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[www.levesoninquiry.org.uk](http://www.levesoninquiry.org.uk)

Mr John Yates  
Ex - Assistant Commissioner of the Metropolis  
c/o New Scotland Yard

By e-mail only

3 January 2012

Dear Mr Yates

It will have come to your attention that an Inquiry has been set up under the Inquiries Act 2005, chaired by the Rt Hon Lord Justice Leveson, following the recent "phone hacking" public scandal. Under Part 1 the Inquiry will inquire into the culture, practices and ethics of the press. Its Terms of Reference are available on-line at <http://www.levesoninquiry.org.uk>. Lord Justice Leveson's expectation is that witnesses will be willing to assist his Inquiry by providing both a statement and documents voluntarily and in the public interest.

However, given the timescales within which he has been asked to operate and the desirability of ensuring, with very limited exceptions, consistency of approach to potential witnesses, he has decided to proceed in a formal manner using the powers conferred upon him by statute. No discourtesy is of course intended by this.

**Notice under section 21(2) of the Inquiries Act 2005**

Under section 21(2) of the Inquiries Act 2005<sup>1</sup>, read in conjunction with the Inquiry Rules 2006 (S.I. 2006 No 1838)<sup>2</sup>, Lord Justice Leveson, as Chairman of the Inquiry, has power to require a person, within such period as appears to him to be reasonable, to provide evidence to the Inquiry panel in the form of a written statement, and/or to provide any documents in his custody or under his control that relate to a matter in question at the Inquiry.

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2005/12/contents>

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2006/1838/contents/made>

Lord Justice Leveson has determined that it is appropriate, in view of his Terms of Reference and his investigatory obligations, that you should at this stage be required to provide evidence to the Inquiry Panel in the form of a witness statement and to provide any documents in your custody or under your control as more specified below.

Your witness statement should cover at least the following matters or issues:-

- (1) Who you are and a brief summary of your career history.
- (2) What were your impressions, over the years, about the culture of relations between the MPS and the media?
- (3) Describe the personal contact which you had with the media at the various stages of your career. The Inquiry would like an overall picture of the type, frequency, duration and content of your contact with the media.
- (4) Without prejudice to the generality of question (3) above, please set out the contact which you had with the following persons employed by (or formerly employed by) News International, giving the dates and summarising the gist of the communications which you had with:
  - a. Neil Wallis.
  - b. Rebekah Brooks.
  - c. Andy Coulson.
  - d. Colin Myler.
- (5) Describe what you were seeking to gain for the Metropolitan Police through your personal contacts with the media.
- (6) Describe in general terms and using illustrative examples what you consider the media has been seeking from you in your personal dealing with them during your career.
- (7) To what extent did you accept hospitality from the media?

- (8) Insofar as you accepted hospitality from the media, what was the nature of the hospitality that you accepted?
- (9) To what extent did you provided hospitality for the media on behalf of the Metropolitan Police Service?
- (10) Insofar as you provided hospitality to the media, what was the nature of the hospitality that you provided?
- (11) What mechanisms were in place to monitor and record hospitality as between an Assistant Commissioner and the media?
- (12) In relation to hospitality either afforded to or received from the News of the World, or its employees, please specify in detail the level of contact which you had with them so that the Inquiry has a full picture of the same.
- (13) What mechanisms were in place to monitor and record meetings with the media, whether formal or informal, with members of the MPS?
- (14) Did you ever discuss the media, or media coverage, with politicians? If so, how important is such communication and why?
- (15) Whilst you were serving with the Metropolitan Police Service, did you ever meet either James or Rupert Murdoch? If so, please give full particulars.
- (16) Are you aware of any meeting between James or Rupert Murdoch and any member of the MPS? If so, please give full particulars.
- (17) Did you ever know, or sense, that a politician has put pressure on you to take a particular course of action as a result of lobbying or influence exerted on that politician by the media? If so, please explain (although you need not identify the politician at this stage if you do not wish to do so).
- (18) Did the prominence which politicians have given to subjects ever give rise to pressure to alter policing priorities so as to allocate more priority to the subject being given prominence by the politicians? If so, please explain.

- (19) Set out your understanding of the type of contact which Metropolitan Police personnel have had with the media covering nature, extent, and (in general terms) topics / content.
- (20) Were contacts with the media restricted to certain staff or were all staff able to deal with the media?
- (21) What did you expect the Metropolitan Police to gain from such contacts with the media?
- (22) What did the media seek from such contacts with Metropolitan Police personnel?
- (23) What hospitality were MPS personnel permitted to accept from the media? Inter alia, were they entitled to accept a meal or a drink from a journalist?
- (24) What hospitality were personnel permitted to afford to the media?
- (25) What mechanisms were in place to record hospitality as between the media and MPS personnel?
- (26) How (if at all) was hospitality between the MPS (including yourself) and the media overseen, controlled and/or regulated?
- (27) Were the hospitality rules governing contact between MPS personnel (including yourself) and the media different from those covering contact with other third parties? If so, what were the differences?
- (28) Were records of hospitality and other contact with the media audited and/or policed and, if so, how and by whom?
- (29) In your opinion did the policies and procedures described above: (a) work effectively; (b) were they sufficient; (c) were they transparent enough; and (d) were they capable of improvement.

- (30) What systems, policies and procedures were in place in the Metropolitan police to ensure that all members of the force (including civilian employees) know what was and what was not appropriate contact with the media?
- (31) Were you satisfied that the policies and procedures described above were sufficient and worked effectively? Did you consider that they were capable of improvement?
- (32) What training was in place in the Metropolitan Police Service to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media?
- (33) To what extent were leaks from the Metropolitan Police Service to the media a problem during your career with the MPS?
- (34) What systems and procedures were in place to identify, respond to and detect the source of leaks?
- (35) What payments (if any) were considered to be legitimate financial transactions between MPS personnel and the media?
- (36) What policies and/or guidance were in place in relation to financial transactions between MPS personnel and the media.
- (37) To what extent do you believe bribery of personnel by the media was a problem for the Metropolitan Police Service (if at all)?
- (38) What steps were taken: (a) to educate personnel about bribery; (b) otherwise to prevent the bribery of your personnel; (c) pro-actively to detect bribery; (d) retrospectively to investigate bribery; and (e) to discipline personnel (if any) who are found to have accepted bribes from the media?
- (39) What role did the Metropolitan Police Service Directorate of Public Affairs (especially the Press Bureau) fulfil? What, in practice, did it do?
- (40) How, in practice, did the media get access to you? Did the Head of Public Affairs act as a gatekeeper?

- (41) To what extent did the Press Bureau exist to manage the Metropolitan Police Service's corporate image in the media?
- (42) Why was it necessary for the MPS to have a Press Office, and what was your view as to its utility and role?
- (43) What was the media's attitude towards the MPS Press Office? In particular, were they satisfied by the provision of information and the routing of communications through your press office or did they prefer direct contact with individual personnel within the MPS?
- (44) How many personnel worked in the Press Bureau when you were Assistant Commissioner?
- (45) How many of the personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were Assistant Commissioner had previously worked for the News of the World? Insofar as you are able to please name them.
- (46) How many of the personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were Assistant Commissioner had previously worked for a title owned by Rupert Murdoch? Insofar as you are able to please name them?
- (47) What proportion of personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were Assistant Commissioner came from a media background?
- (48) Do you know whether or not it is true that Neil Wallis sold crime stories to the media whilst working for the Metropolitan Police Service? Please explain what you know about this allegation. For the allegation see, for example, the article published by the Daily Telegraph online on 23 September 2011.
- (49) What part, if any, did you have, whether formally, or informally, directly or indirectly, in Neil Wallis securing work at the Metropolitan Police Service?

- (50) Did you in any way encourage the offer of work to Neil Wallis?
- (51) Did you have any part in the checking of Neil Wallis' credentials either prior to or after he commenced work for the Metropolitan Police Service? If so, please give full particulars?
- (52) Did Mr Wallis give you any personal assurances about his time at the News of the World and, in particular, about phone hacking? If so, please give full particulars?
- (53) When did you first know that Mr Wallis was of interest to the Metropolitan Police Service in relation to the phone hacking investigation? From whom / what source did you learn this?
- (54) When did you first know that Mr Wallis was a suspect in the phone hacking investigation?
- (55) When did you first tell: (a) the Commissioner; (b) the Mayor of London; (c) the Prime Minister that Mr Wallis was a suspect? In each case, please explain the timing of the communication of the information.
- (56) When did you first know that Mr Wallis was connected to Champney's health spa?
- (57) From whom / what source did you first learn that Mr Wallis was connected to Champney's health spa?
- (58) Did you ever discuss Mr Wallis' link with Champney's with Sir Paul Stephenson (either before or after the latter's treatment at Champney's became a matter of interest to the media)? If so, please give full particulars.
- (59) What part, if any, did you have, whether formally, or informally, directly or indirectly, in Neil Wallis' daughter securing work at the Metropolitan Police Service?
- (60) Did you in any way encourage the offer of work to Neil Wallis' daughter?
- (61) What role did the Metropolitan Police Authority play in relation to oversight of the Metropolitan Police Service's relations and communications with the media? Did

you consider that it would be in the public interest to make any changes to this role?  
If so, what changes?

- (62) What level of contact and oversight was there from the MPA in relation to the MPS' relations and communications with the media?
- (63) What level of contact and oversight was there from the MPA in relation to the MPS' policing of offences committed, or suspected as having been committed, by the media?
- (64) What limitations, if any, were there on staff from the Metropolitan Police Service leaving to work for the media and vice versa?
- (65) Were records kept of those who joined the MPS from the media, or went on to work for the media after leaving the MPS? If so, please describe the system in place.
- (66) To the best of your knowledge were there any discernible patterns in the movement of personnel from the media into the MPS and vice versa?
- (67) What is your view now, with the benefit of hindsight, of the decisions that were taken as to the decision: (a) to prosecute Glenn Mulcaire and Clive Goodman; and (b) the lack of further investigation at the time?
- (68) Were you involved in any way in the original phone hacking investigation (as opposed to the review in 2009)? If so, to what extent (if any), and in what way, and for what reasons, were any of the following important factors in the decision to prosecute Glenn Mulcaire and Clive Goodman in 2006/7 and to go no further at that time:
- a. The CPS' view of the law.
  - b. The MPS' view of the law.
  - c. Counsel's view of the law.
  - d. The depth and extent to which phone hacking at the news of the world was investigated (please explain any failure fully to investigate at the time).
  - e. Sufficiency of evidence.
  - f. Media lobbying.
  - g. Political lobbying.



- h. Your views at the time.
- i. Resources (the Inquiry notes that you are reported as having referred in this context to the discovery 2 days after Glenn Muclaire's arrest to a major terrorist plot to blow up airliners<sup>3</sup>).
- j. Any other material factor (please identify any such factors).

(69) Was there any political lobbying in relation to the MPS' handling of the phone hacking investigation and subsequent prosecutions in 2006/7? If so, please describe the same and identify the source of the lobbying.

(70) Was there any media lobbying in relation to the MPS' handling of the phone hacking investigation and subsequent prosecutions in 2006/7. If so, please describe the same.

(71) What communications (if any) were you aware of as between the MPS and anyone employed by the Murdoch empire in relation to the investigation and prosecution of phone hacking by, or on behalf of, the News of the World in 2006/7.

(72) Were there any such communications between other parts of the media and the MPS? If so, please explain.

(73) To what extent was the phone hacking investigation and prosecutions in 2006/7 a matter which was dealt with, or considered (in any way, whether formally or informally) at Assistant Commissioner level and/or amongst the senior management team?

(74) Please set out a full and detailed account of your involvement in the review of the phone hacking investigation in 2009. Without prejudice to the generality of this request please include:

- a. Particulars of what prompted the review.
- b. Particulars of how the task came to you.
- c. The terms in which you were tasked (whether formally or informally).
- d. The timeframe which you were set (if any).
- e. How did you structure the review, please set out each and every step which you took to complete the task.

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<sup>3</sup> Daily Telegraph, 9 July 2011

- f. Who you spoke to or otherwise communicated with in relation to this task and, in each case, as best you can remember, the gist of the communication which you had with each such person.
- g. Did you carry out the review by yourself or were you assisted? If you were assisted, please identify your assistant/s and their precise role/s.
- h. How long you spent on the task personally.
- i. How long the task took to complete.
- j. Whether or not you took fresh legal advice.
- k. What thought you gave to the relevant law.
- l. What your view was at the time as to the relevant law.
- m. What the basis was for your then understanding of the law.
- n. What documents you personally read in connection with the review.
- o. Insofar as you personally did not consider the evidence, what contact you had with persons who had done so.
- p. Whether it is true, as reported in the media, that the documents from the original phone hacking investigation had not been computerised and were stored in bin bags.
- q. Why you did not decide until later that the documents should be computerised.
- r. Whether you sought any further evidence from any source and, if not, why not?
- s. What was your impression of the level of co-operation provided by the News of the World with the MPS' original investigation? Did you take this into account when considering the position in July 2011? If so, how?
- t. What written record/s you made arising from your work in July 2009.
- u. Whether and if so to what extent you relied upon any assertion from any person employed by or connected to News International, News Group News or any other Murdoch company in deciding not to do more in July 2009.
- v. Whether and, if so, how the allocation of resources was a factor in the decision you took in July 2009.
- w. Whether, as reported in the Daily Telegraph on 9 July 2011, you then described the decision which you took in July 2009 as "pretty crap" and, if so, precisely why you so described your decision.

(75) What communications, if any, did you have with the Guardian after they reported on the phone hacking story in July 2009?

- (76) When, how and from whom did you first learn that the Metropolitan Police Service had evidence in relation to phone hacking which had not been satisfactorily acted upon? What did you do about that when you did realise (please include in this answer any discussions, formal or informal, identifying the participants)?
- (77) What assurances, if any, had you been given by anyone employed by or representing the News of the World, at any material time, as to the extent of phone hacking at the News of the World (e.g. were you assured that the rogue reporter explanation was correct)? If so, please give full particulars including who gave the assurance, when, in what context and in what terms. Do have any reason to believe that any such assurances were given other than in good faith?
- (78) What levels of awareness and experience were there in the Metropolitan Police Service of "media crime" and in particular: (a) unlawful interception of communications (including the Regulation of Investigatory Powers Act); (b) bribery of officials by the media; (c) blackmail; (d) harassment by paparazzi and journalists; (e) traffic and/or public order offences committed by photographers and journalists pursuing stories; (f) inciting officials to communicate confidential information held by the MPS / conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).
- (79) What sort of priority was given to, and what level of resources were available to deal with, the above.
- (80) Were you a victim of phone hacking or do you believe that you were a victim of phone hacking? If so, please give full particulars.
- (81) Were you the victim of intrusive and/or inaccurate reporting in the summer of 2011? If so, please give full particulars.
- (82) Were you the subject of threats to publish details about your private life? If so, please give full particulars.
- (83) Why did you resign in July 2011?

- (84) Did you discuss your intention to resign with any member of your Police Authority or any politician before you resigned? If so, please identify the politician and summarise the gist of the conversation / communication.
- (85) Were you in any way (whether explicitly or implicitly) encouraged to, or advised to resign by any member of your Police Authority or any politician? If so, please give full particulars. The Inquiry would be particularly interested, if this was the case, to know whether there was any hint of the press having influenced the member of the Police Authority's or the politician's conduct.
- (86) Do you stand by your resignation statement? Is there anything that you would like to add to it in the light of developments since you resigned?
- (87) Please summarize the communications, both formal and informal, which you have had with the IPCC since your resignation.
- (88) Whilst you were an Assistant Commissioner of Police of the Metropolis did contact with the IPCC and/or the Surveillance Commissioner and/or the Information Commissioner ever give rise to questions about the leakage of information to the media and/or private detectives? If so, please explain?
- (89) What is your current impression of the culture within the MPS in relation to its dealings with the press?

#### About HMIC

- (90) What is your view of the recommendations contained in the HMIC's recent report "*Without Fear or Favour*"? (If you have not seen it, the report is available online).
- (91) Do you consider that there are further steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate?
- (92) From your own experience of HMIC, is the HMIC sufficiently equipped to provide sufficient oversight of relations between the police and the media? What improvements might realistically be made to the system in this regard?

The documents you should provide to the Inquiry Panel should relate to the following matters or issues:

- (a) Any documents relevant to the matters which you have been asked to deal with in your witness statement (this request does not require you pro-actively to obtain such documents but you should disclose them if they are in your possession, power or control).

A note regarding the format and use of documents provided in response to this notice is attached. The terms of this formal notice should not necessarily delimit the evidence, including documentary evidence, which you provide to the Inquiry. It may well be that you can give important additional evidence beyond the four corners of the statutory requirements being imposed on you by this notice: if you can, you are encouraged to do so in line with the general invitation extended by Lord Justice Leveson during the course of his opening remarks on 28<sup>th</sup> July 2011. The Inquiry understands that you may have already been giving consideration to the issues raised by Module 2 before receiving this Notice, and insofar as this Notice does not cover the issues which you were already intending to cover in any witness statement please continue to address them.

Lord Justice Leveson is required under his Terms of Reference to complete his report on the matters or issues under Part 1 of the Inquiry within 12 months. With this in mind, and having regard also to the scale and scope of his foregoing requirements of you, he has determined for the purposes of section 21(2) of the Inquiries Act 2005 that you should comply with this notice by **4pm on Tuesday 31 January 2012.**

Lord Justice Leveson is also directed by law to explain to you the consequences of failing to comply with this notice. He therefore draws to your attention the provisions of section 35(1) of the Inquiries Act 2005 which make it a criminal offence to fail without reasonable excuse to do anything which is required by a notice under section 21. He wishes to make clear that all recipients of section 21 notices are having their attention drawn to this provision, since it is a formal legal requirement.

He is also directed by law to indicate to you what you should do if you wish to make a claim under sub-section (4) of section 21, namely a claim that you are either unable to comply with this notice at all, or cannot reasonably comply with this notice within the period specified or otherwise. You are invited to consider the full text of section 21, including for these purposes sub-sections (3)-(5), if necessary with the benefit of legal advice. Lord Justice Leveson invites you to make any such claim in writing and as soon as possible, addressed to the

Solicitor to the Leveson Inquiry into the Culture, Practices and Ethics of the Press, Royal Courts of Justice, Strand, London, WC2A 2LL.

Furthermore, Lord Justice Leveson has power under section 19(2)(b) of the Act to impose restrictions in relation, amongst other things, to the disclosure or publication of any evidence or documents given, produced or provided to the Inquiry, including evidence produced under section 21. Lord Justice Leveson will be considering the exercise of his powers under section 19 in any event, but if you seek to invite him to exercise those powers in respect of your evidence, including documentary evidence, or any part of it, you should set out your position in writing as soon as possible.

Finally, Lord Justice Leveson draws to your attention the provisions of section 22 of the Act which state that you may not under section 21 be required to give, produce or provide any evidence or document if you could not be required to do so if the proceedings of the Inquiry were civil proceedings in a court in the relevant part of the United Kingdom, or the requirement would be incompatible with a Community obligation. No doubt you will take legal advice as to the effect of this provision, but, in the spirit of openness and with the wish to ensure that all possible aspects of his Terms of Reference are fully considered, he invites you nonetheless to waive privilege in relation to any such document or evidence. Please therefore state in your response to this notice whether you are prepared to do so.

For the avoidance of doubt, this notice only covers one aspect of the Terms of Reference and, as the Inquiry moves into other areas, it may well prove appropriate to serve further section 21 notices.

Yours sincerely



Sharron Hiles  
Senior Assistant Solicitor to the Inquiry