

The Leveson Inquiry

Witness Statement for Part 1 Module 2

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SECOND WITNESS STATEMENT OF CHRISTOPHER JEFFERIES

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I, Christopher Jefferies, c/o Bindmans LLP, 275 Gray's Inn Road, London WC1X 8QB will say as follows:

1. I make this statement in my capacity as a Core Participant to assist the Inquiry in relation to Part 1 Module 2 which deals with the relationship between the press and the police and the conduct of each. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true. I attach as Exhibit CJ2 a bundle of relevant documents to which the page references in this statement refer.
2. In my statement to the Inquiry for Module 1 dated 4 November 2011 ('my First Statement') and in my oral evidence of 28 November 2011, I spoke of my experiences at the hands of the press following the disappearance of Joanna Yeates, the detail of which is now a matter of record. In this Second Statement for Module 2, I will set out:
  - (a) my understanding of the way in which the press and the police have interacted following the disappearance of Ms Yeates in relation to the leaking of my name and questions put to me in custody; and
  - (b) why I have reason to suspect that other inappropriate interactions took place such as the possibility that the police issued off the record guidance to the press at the time of my arrest that they were confident that I was 'their man'.

I will also set out how in my view the manner of this interaction was in large part responsible for the ordeal I suffered at the hands of the press.

3. As is publicly known, I am bringing a civil claim against Avon and Somerset Constabulary ('ASC') for false imprisonment, breach of my human rights and trespass to person and property. Whilst this is ongoing, I do not wish to speak in any detail about the police's actions towards me. What I can do, however, is tell the Inquiry what the consequences were for me of certain known or possible inter-actions between the press and the police during this murder inquiry.
4. Whilst these matters are widely known, to set my experiences in context, Ms Yeates' disappearance sparked 'Operation Braid', one of the largest police investigations ever conducted in the Bristol area which involved about 80 detective and civilian staff from ASC under the direction of Detective Chief Inspector Phil Jones. As the Inquiry will no doubt recall, the case generated intense media interest and dominated the news agenda around the Christmas 2010 period. The fact that police were conducting the investigation under the media spotlight, with Bristol besieged by journalists, no doubt increased the pressure on them to be seen to be making progress in the hunt for the killer and/or to make an arrest or arrests.
5. This is perhaps exemplified by ASC's reaction to a report on ITV's News at Ten on Tuesday 4 January 2011 which was critical of the way that the investigation had been handled to date. ASC responded by banning ITN reporters from a press conference on 5 January 2011 and (according to news reports) filed a complaint to Ofcom. It is my belief that (a) the press frenzy about this tragic case and (b) the content of some of the articles published about me prior to my arrest and during my detention influenced the police's judgment and decision to arrest and detain me for three days. In that sense I believe the conduct of the press was influencing the police who felt under huge pressure to make an arrest. I also believe that information was flowing from the police which influenced the press. My reasons for this belief are as follows.

**Police influence on the press**

My second statement to the police on Wednesday 22 December 2010

6. On Tuesday 21 December 2010 I provided a statement to the police who were at that time searching the entire house and all the flats in it and taking statements from all the residents. I was not being treated as a suspect. At the time the police said to all of us that if we subsequently remembered anything that could be material we should get back in touch. That evening I remembered something else that I had not mentioned to the police that I thought could possibly be material. This was that one evening, which might have been Friday 17 December 2010, as I was coming back from the gym at about 9pm, I had parked my car on the road and was just walking through the gates of the main driveway, when I became aware of what sounded like two or perhaps three people leaving by the side gate on the other side of the house which I could not see as there is a hedge in between and it was dark. I duly telephoned the police and relayed this.
  
7. The next day, Wednesday 22 December 2010, the same officer who had taken my first statement came back to my flat and took a second statement about this. The officer asked me if one of the voices could have been a woman's voice. I responded that it could have been but that I could not say either way. The police have since confirmed to me that the fact that I gave a supplementary statement raised their suspicions in relation to me. On the basis of what ensued, I believe it is likely that the police passed these suspicions on to the media.

Heightened media interest and door-stepping on Wednesday 29 December 2010

8. A week later, on Wednesday 29 December 2010, Sky News and a large group of journalists and photographers turned up at the house. I was coming out of the house to go and do some shopping when I came across a man standing on the doorstep about to ring the bell. He was a Sky News reporter and said he was looking for Christopher Jefferies and asked if that was me. When I said it was he got very excited and followed me down the drive asking me questions. Sky seemed to have been told that I had made a statement to the police claiming I had definitely seen some people leaving

the premises on 17 December and that one of them was Ms Yeates. As I got to the gate I saw there was a large group of journalists and a barrage of photographers clicking away. As I approached a reporter shouted out something like: "*Can you confirm that you saw Jo Yeates leaving the house in the company of some other people?*" They seemed to have got hold of a garbled version of what I had said in my second statement and I remember feeling extremely annoyed about that. I responded that I could not confirm that and that I was not prepared to say anything to the media and that I would tell the police anything I thought was relevant.

9. That day my home telephone rang between 10 and 20 times as journalists from a wide variety of publications called me and tried to persuade me to speak to them by saying that they wanted my 'side of the story', wanted to give me 'an opportunity to set the record straight' and 'prevent any twisted rumours from circulating'. Each time I said that I had absolutely nothing to say and eventually stopped answering the telephone, after which a series of answering machine messages were left.
10. That day, Wednesday 29 December 2010, some reporters filed articles (for publication the next day) which firmly pointed the finger of suspicion at me. For example, *The Daily Mail* published the article at pages 1 to 12 of CJ2 entitled: "*Could landlord hold the key to Joanna's murder?*". This contained the words:

*"Bachelor Chris Jefferies, 65, apparently told police he saw three people, including Ms Yeates, walking away together and talking in hushed tones."*

It is not clear from the article what the source of this assertion is, i.e. whether it came from the police or from neighbours. Although I cannot be sure, it may be that the press had a source within the police who had revealed some of what my second statement said.

11. What is clear however is that for some reason media interest in me that day had become very heightened indeed. The level of interest that was being shown in me by the press at that point seemed to indicate that they thought I was being or might be seen as a suspect by the police. With hindsight I believe there was some awareness by

the press that I was about to be arrested, which I duly was the next day, Thursday 30 December, something which at the time came as a huge shock to me.

Communications between the police and the press at the time of my arrest on Thursday 30 December 2010

12. As set out in my First Statement, I was arrested on Thursday 30 December 2010 when the police arrived at my flat at 7 am. The police told me that there were no reporters outside the property at that time and I do not believe that there was anyone else around to see the police arrive or my being taken away. Nevertheless, the police did advise me to bend down in the car so that I could not be seen as I was driven away. At that time there had been no major coverage about me in the press, other than my statements to Sky related above on the preceding day (Wednesday 29 December) which were also carried by the BBC that day, and the Daily Mail article I have referred to above which came out on the day of my arrest.

13. The police issued an official statement on Thursday 30 December 2010 following my arrest. The statement did not name me. It said:

*"Just after 07.00hrs this morning, police attended an address in Canynge Road and arrested a 65-year-old man on suspicion of murder. He has been taken into custody at a police station within the Avon and Somerset force area and detained for questioning. Detectives investigating Joanna's murder are continuing to carry out forensic examinations and are also continuing to appeal for anyone with any information that can help the enquiry to call the Operatton Braid incident room on 0800 555 111."*

14. Whilst it would be possible to guess the identity of the "65-year-old man" arrested at "an address in Canynge Road" I do not believe that the press would have been bold enough to launch into full scale accusations about me as they did, built around the fact that I had been arrested, had they (a) not had confirmation that it was me that had been arrested from the police and/or (b) a steer from the police that they believed I was 'their man'.

Leaking of my name on arrest by the police to the press

15. I have recently received a letter from the Chief Constable of ASC confirming that my name was leaked to the press when I was arrested. See page 13 of CJ2. I have been informed that an internal inquiry has led to the arrest of two people although no one has been charged. The letter refers to an "inadvertent" disclosure by the police but provides no details, which prevents the explanation being investigated or verified.

16. This confirmation verifies what Richard Wallace, the Editor of *The Mirror* said at paragraph 10 (a) of his Second Witness Statement dated 10 January 2012 to the Inquiry in Module 1 (at page 14 of CJ2) , that:

*"The off-the-record guidance to reporters on the ground from the police was that it was Mr Jefferies who had been arrested."*

The fact that the police leaked my name to the press at the time of my arrest led to "open season" against me in the media with the worst reporting (to which I have referred in Module 1) beginning to appear in the press on Friday 31 December 2010 (having been compiled for publication on the day of my arrest on Thursday 30 December 2010). As I say, I do not believe that the press would have published the stories that ensued without confirmation from the police of the identity of the person arrested as the risk of naming the wrong person and/or defamation would have been too great. However, armed with confirmation of my name and, it appears, other information from the police (as to which see below) the media seemed to consider that there were no holds barred and proceeded to publish the articles referred to at paragraph 25 of my First Witness Statement. For convenience I exhibit these articles again here at pages 15 to 40 of CJ2. (I of course later successfully brought defamation proceedings in relation to the worst publications and successful Contempt proceedings were brought against *The Mirror* and *The Sun*.)

Other information that the police may have leaked to the press

17. In his Second Witness Statement, Mr Wallace said at paragraph 11 (at page 41 of CJ2) that:

*"When Mr Jefferies was arrested on 30 December the Content Desk informed me that (off-the-record) the police were saying that they were confident Mr Jefferies was their man."*

At paragraph 13 of his statement (at pages 41 and 42 of CJ2) Mr Wallace says:

*"We had several reporters on the ground in Bristol to cover this story. In addition to Jon Clements (our then crime correspondent) Ryan Parry went to Bristol along with a district reporter, Richard Smith, who is based in the South West of England. Ryan Parry or Richard Smith or a news agency working on our behalf would have been outside the property in Clifton (and I believe that they would therefore have been the source of some of the visual facts contained in the articles, such as the removal of Mr Jefferies' car from the property after his arrest referred to in the 31 December article."*

In his oral evidence of 24 January 2012 Mr Parry says at Page 49 line 6 (at page 43 of CJ2):

*"Personally I did not receive any briefings in relation to Mr Jefferies."*

The Inquiry has not so far heard from the other *Mirror* journalist who was on the ground in Bristol at the time, a Mr Smith. I would be very interested to hear what Mr Parry and Mr Smith have to say in relation to Mr Wallace's assertions about the "off the record guidance" from police to reporters on the ground. (From my understanding Mr Clements was based in London.) Whatever the case I have requested an investigation by the Independent Police Complaints Commission into inappropriate leaks to the press.

### **Press influence on the police**

My detention for questioning on Thursday 30 December, Friday 31 December and Saturday 1 January

18. The possibility of an unacceptably close relationship between the press and the police during this investigation began to emerge while I was being questioned in custody. Whilst I did not realise this at the time, because of course I did not have access to

newspapers, it is clear that the police were relying on information that was appearing in the press for material upon which to base their questions. I believe that the press coverage that was appearing while I was in detention may have had a bearing on the police decision to detain me for three days of questioning when there were no grounds for reasonable suspicion of my involvement and absolutely no evidence of my involvement in the offence being investigated.

The length of my bail

19. I was released on police bail on Saturday 1 January 2011 but, despite Vincent Tabak being arrested on suspicion of murder on 20 January 2011 and charged on 22 January 2011, my bail was not lifted and the police did not confirm that I was no longer a suspect until 4 March 2011, which is to say for a period of some six weeks after Tabak was charged. I am told that this is highly unusual, if not unprecedented. Once again, I believe that the press coverage that appeared following my arrest and during detention may have had a bearing on the police decision to (a) apply bail at all and (b) not to release me from bail for so long.

20. After my release on bail on 1 January 2011 the investigation continued to be of enormous national interest and the press were still highly interested in me and in my whereabouts. To give some idea of the level of interest in the story and the extent to which it pervaded our national and social media at the time, a Facebook appeal launched by police on 4 January 2011 had been viewed 250,000 times by the following day and CCTV footage of Ms Yeates posted on You Tube had been viewed 120,000 times by 5 January 2011. This level of interest was sustained. For example, on 18 January 2011 within 24 hours of a television news report on *Crimewatch* filming a reconstruction of the last night that Ms Yeates was seen alive, 300 people had contacted the police. For as long as I remained on bail and for as long as the police did not declare that I was no longer a suspect, the media interest in me continued to the extent that I had to go into hiding, staying with friends and only going out after dark.

21. For example, in the week of my release on bail I went to stay with a friend in Bath. One day I went to a neighbouring house and noticed someone stare sharply at me.



Soon afterwards hoards of press turned up and spent two days camped in the road trying to establish where I was. (In fact I had by then moved on to stay somewhere else.) On another occasion around this time I went to a party at a friend's house just outside Bristol and shortly afterwards the press again turned up outside the house where the party had been and hung around for a day or two.

22. In my view there needs to be much greater police awareness of the implications of not lifting bail in extremely high profile cases such as this, not least because of the way that this prolongs the stress caused by intense media interest and intrusion. If anything, the two month period between my release on bail on 1 January 2011 and release from bail on 4 March 2011, during which I was essentially a fugitive from the press, was an even more disturbing and stressful experience than the distressing experience of spending three days in a police cell being questioned because it lasted so much longer and was of indeterminate length. It effectively meant that, whilst the police were taking steps to protect their own reputation, for example by banning ITN from a press conference as referred to above, my reputation continued to be called into question for a further two months.

### Recommendations

23. The Module 2 Guidelines issued by the Inquiry invite at paragraph 6:

*"..views as to whether the Police Service governance arrangements, policies and guidance currently in place are sufficient to sustain a transparent and ethical relationship between the police and the press which at the same time upholds the confidentiality and rights of the victims of crime and the public more generally"*

and, at paragraph 11:

*"..the experiences of the victims of crime and the public more generally, who feel that they have been adversely affected (perhaps through a data leak or breach, or through the reporting of a case) by the current relationship between the press and the police.."*

It is my very firm view that it must be considered a far more serious offence than it currently is for police to disclose inappropriate information to members of the press and that to do so should be an imprisonable offence, subject to a public interest defence.

24. Guidance from the Association of Chief Police Officers ('ACPO') on what information may be given to the press at the time of arrest and charge is vague and does not provide sufficient protection for people in a situation like mine. For example, the guidance does not say that officers should not provide information about the names of people who have been arrested, it simply recites the practice of various forces saying, for example:

*"Although there is no specific law to prevent forces identifying those they have arrested, in practice they give general details which are designed to be informative but not to identify."* (See paragraph 4.3 of the Guidance at page 44 of CJ2)

*"The media frequently discover the names of people under investigation and seek confirmation. Again there is no law to prevent forces giving confirmation. Some forces do choose to confirm the names, others choose not to although they may indicate if a name is incorrect".* (See paragraph 4.4 of the Guidance at page 44 of CJ2.)

In my view this is not guidance at all but a statement of the (inadequate) status quo. It does not pay appropriate attention to the rights of individuals in the context and the harm which may be caused to them.

25. The police are not controlled by boundaries which must in no circumstances be crossed in terms of the information which it may be appropriate for them to pass to the press. In my view there needs to be very clear guidance for officers and the rights of individuals should be properly balanced against the need for transparency and openness in relation to the conduct of public servants. In June 2010 Anna Soubry, MP for Broxtowe, a former journalist and criminal law barrister, proposed legislation to impose a six month prison sentence on any journalist who names an uncharged suspect. When speaking in support of the proposal in the House of Commons in

February 2011, she referred to my case. Whilst the proposal was ultimately withdrawn after government opposition, I would wholeheartedly support it.

Statement of Truth

I believe that the facts stated in this witness statement are true.

[Redacted]  
Date: [Redacted] 2012  
[Redacted]  
Christopher Jefferies  
[Redacted]