

Witness: Keith Surtees
Statement No: 2
Exhibits Referred to: 1
Date Statement Made: 21.11.2012

The Leveson Inquiry into the Culture Practices and Ethics of the Press

Witness: Keith Surtees

Occupation: Detective Chief Superintendent

Address: Metropolitan Police Service, New Scotland Yard

1. I am providing this supplemental witness statement further to my statement produced for the purposes of the Judicial Review case brought by Bryant & Others dated 30.09.2011, which was provided to the Inquiry team prior my appearance before the Inquiry on 29.02.2012.
2. I have been asked by the Inquiry to provide further detail in respect of a number of particular issues, each of which I address below.
3. First, I consider the manner in which the implementation of the victim strategy was affected by the decision in 2006 not to expand the investigation.
4. DAC Clarke decided in Sept/Oct 2006 not to sanction the expenditure

of any further resources on this operation. That affected the victim strategy as well as the investigative strategy. It meant I had no staff available to continue victim notification beyond those categorised as military, police, MP's and Royal Household, because the staff had been redeployed to other investigations. The direction I received at that time was that staff should only service the court case.

5. Second, I address the question of whether the fact that the decision not to expand the investigation in 2006 because of a lack of resources was relayed to those considering the issue in 2009.
6. On more than one occasion in meetings I attended in 2009, with AC John Yates and others advising him, I voiced my concern that the original investigation could and should be re-opened or re-examined and suggested either HMIC or another Force undertake such a task. I explained that the reasons for ending all activity in 2006, including the victim notification strategy, no longer existed in 2009. DCS Williams can confirm this as he was present, as can DCS Clive Timmons who was also present.
7. Third, I set out my view on the possibility that the criminality extended beyond Mulcaire and Goodman. It was a view held jointly by DCS Williams and myself that the phone interception and other criminal conduct of Mulcaire and Goodman was not limited to them, and that the criminality extended further. This view is clearly expressed in the decision log of the Operation.

8. I deal specifically with this in my very first entry, decision 29, of the 31st May 2006 and my last decision log entry of the 10th August. This position could not have been clearer. These logs were left with DCS White to review and supervise in 2006. My position on outstanding leads of investigation was discussed in detail with DCS White and other supervisors in August/September 2006. Furthermore, the Decision Log was a document to which AC Yates had access to in 2009; it was provided to him and other members of the Gold Group. In short, whatever information I obtained and documented in 2006 was relayed and/or available to AC Yates in 2009. I attach as Exhibit KS 1 a copy of the relevant decision logs.

9. The use of the phrase 'no evidence' in this context does not mean there were no lines of investigation that could be pursued or that there was not a suspicion of criminality. It meant that we did not have available at that time a sufficiency of evidence to charge other people. At no time during the investigation, and at no time during any meetings with senior officers, either post arrest in August 2006 or subsequently in 2009, did I ever mislead others about the position. My position has been consistent from my first entry in the decision log to my last. It was voiced at meetings with AC Yates and explained by me in my evidence to the Inquiry (Page 65 para 14-25) and witnessed by those present when evidence was given to the Inquiry.

10. Lastly, I address the issue whether the fact that the victim strategy was curtailed in 2006, and the fact that the narrow interpretation of s.1 RIPA had been adopted, were communicated to those considering the case in 2009.
11. Both were so communicated. We had not progressed the victim strategy because there had been no further work on it since the decision not to expand the investigation was taken by DAC Clarke in September/October 2006. AC Yates accepted the narrow interpretation of "victim" (and up until 2010 everyone including the DPP was working on that narrow interpretation).
12. The task given to DCS Williams and myself by AC Yates on 13 July 2009 of *"reviewing the remainder of the list to establish if there were any others that should be informed"* was predicated on the narrow interpretation of the word "victim". The records of meetings in existence cover only a small part of what took place. There were numerous conversations and it was the clear understanding of all concerned that the task of informing victims was based on the narrow interpretation of the word "victim".
13. Having seen the minutes of the Gold Group of July 10th 2009 for the first time very recently, my view is that they are not a wholly complete or accurate reflection of what was discussed. Many of the meetings were focused upon responding to specific crises as they were developing. After we had voiced the position outlined above around outstanding investigative leads and victims etc, the meetings became

focused on developing defensive responses to the driving issue of the day.

I believe the ss statement are true

Signed.....

Dated *20th November 2012*.....
