

IN THE MATTER OF THE LEVESON INQUIRY,  
AN INQUIRY UNDER THE INQUIRIES ACT 2005

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WITNESS STATEMENT OF JOHN YATES, QPM



22.1.12.

I, John Yates, c/o Finers Stephens Innocent LLP, 179 Great Portland Street, London W1W

5LS will say as follows:-

**Introduction**

1. I have been required to provide this statement pursuant to a notice under section 21(2) of the Inquiries Act 2005 contained in a letter issued to me by the Leveson Inquiry (the Inquiry) on 3 January 2012 (the Inquiry's letter) a copy of which I produce as my exhibit JMY/1. However, I make this statement willingly and will provide the Inquiry with any assistance it may require to enable it to discharge its Terms of Reference.
2. I also wish to make clear that a number of questions in the Inquiry's letter related to policies and procedures in place at the Metropolitan Police Service (MPS) and where the answers to those questions are not within my personal knowledge I have sought to address those matters by reference to documents and comments made available to me from specialist departments within the MPS.

**My Professional Background (Question 1 of the Inquiry's letter)**

3. I am a former Assistant Commissioner in the MPS and I was awarded the Queen's Police Medal in the New Years' Honours 2005/6. I joined in September 1981 and spent my entire 30 year career with this force. From around 2001, I was vetted (and remain so vetted) to the highest possible level as a police officer. Such a level of vetting permits me access to the highest grade of 'secret' and 'top secret' material.
4. My early career was spent predominantly in a variety of uniform-based roles. However, from 1990 onwards I moved into what were mostly detective roles. Initially I was a murder squad detective in North West London, serving as a Detective Inspector, a Detective Chief Inspector and a Detective Superintendent.
5. I was then seconded to the newly formed anti-corruption unit, CIB(3). Subsequently, I was Staff Officer to (now) Lord Condon during 1999-2000, the period of the Macpherson Report. For a brief period -- about 6 months and prior to attending the Strategic Command Course - I was an Acting Commander with responsibility for murder and serious crime in North London. I also had overall responsibility for what was then the Specialist Crime Operational Command Unit (OCU). This OCU contained a variety of niche specialisms such as economic crime, the Arts & Antique Squad, the Wildlife Unit as well as small team known as the Special Enquiry Team (SET) which undertook some of the most sensitive investigations on behalf of the Commissioner. At full ACPO level I was Commander (Crime) for Territorial Policing in London before moving to become a Deputy Assistant Commissioner (DAC) with day-to-day responsibility for all serious

crime in the capital. During this period (2004-5) I led the UK policing response to the Asian Tsunami tragedy.

6. In 2006 I was promoted to Assistant Commissioner (AC). Initially I was in charge of Professional Standards as well as a variety of service wide major projects, including the response to the Stockwell shooting.
7. I then moved to become the AC in overall charge of all serious crime before moving to my last post in April 2009 as the national lead for Counter-Terrorism (CT). This role included responsibility for aviation security, royalty, VIP and Diplomatic Protection as well as security for the Parliamentary Estate.

**My Approach to Media Relations (Questions 2, 3, 5, 6, 21 and 22 of the Inquiry's letter)**

8. My impression of the culture of relations between the MPS and the media over the years was that for the vast majority of time there was a healthy and transparent relationship at all levels.
9. The nature of the roles and investigations that I was tasked to undertake over the past 15 years meant that I had a significant exposure, probably more than any other senior officer during my period of service and at my level, into how all sections of the mainstream media interacted with the police. My exposure to significant events and important policy issues during this period inevitably meant that I became relatively well known and developed professional relationships which necessitated significant personal contact with

the media of every type, broadcast, print and specialist; for example from 2003 to 2009 I was the Assistant Chief Police Officer (ACPO) lead for rape investigations, one of the highest profile portfolios and one that brought me into regular contact with the media.

10. I was also the only member of the Management Board between 2005 and 2009 who had been in the MPS for the whole of their working life and I therefore had a much longer history of interaction with both the national and London based media, particularly those dealing with serious crime. For example Sir Paul Stephenson joined the MPS in 2005 from Lancashire never having worked in London before and Sir Ian Blair spent time at Thames Valley as an Assistant Chief Constable and at Surrey as Chief Constable before returning to the MPS as Deputy Commissioner (and there are a number of other similar examples).

11. As Staff Officer to the then Commissioner, Lord Condon, I saw at first-hand how the media operated at times of crisis and I worked closely with him and others at a senior level within the Directorate of Public Affairs (DPA) to prepare him to face up to a series of damaging media stories and high profile events; for example, the publication of the Macpherson Inquiry, the murder of Jill Dando, the Brixton Nail Bomber, and the Paddington Rail Crash.

12. I also personally led some of the most high profile investigations in the MPS's recent history which inevitably involved interaction with numerous journalists, for example:-

- The investigation into allegations of theft by the royal butlers (2001 – 2002);
- The Jeffrey Archer perjury case (2001);



- Numerous complex rape investigations including the alleged rape of a 16 year old girl by premier league footballers at the Grosvenor House Hotel, London (2003);
- The murders of Amelie de la Grange and Marsha McDonnell (2003-2004), which were linked with other murders and serious offences (Levi Bellfield was subsequently convicted of these murders);
- The murders of Derek and Jean Robinson and Kevin Molloy in North London, linked to the murder of Marie Harding in Sussex by Daniel Gonzales, the so-called 'Freddy Krueger Murders' (2004);
- The re-investigation into the murder of Damilola Taylor (2006);
- The UK response the Tsunami in South East Asia (2004-2005);
- The Cash for Honours investigation and the associated inquiries into political donations involving senior individuals within the Cabinet (2007);
- As Assistant Commissioner with overall responsibility for serious crime and homicide in London, I oversaw the MPS response to the unprecedented rise in youth murders in the capital (2007-2009);
- The MPS response to the Stockwell shooting (2005 onwards); and
- The reinvestigation into the murder of Daniel Morgan (2006-2011).

13. I should add that I have been asked by the IPCC to provide a witness statement confirming whether I authorised former Detective Chief Superintendent David Cook to provide specific information to a named journalist for specific operational reasons relating to the reinvestigation into the murder of Daniel Morgan. I am happy to confirm that I did and I will provide the IPCC with a witness statement to this effect.

14. I was the public face of the MPS for numerous public apologies; for example the Daniel Morgan case; the wrongful targeting of Colin Stagg and the subsequent public apology to the family of Rachel Nickell and Stagg himself following the conviction of Robert Napper for her murder. I also travelled to Brazil to apologise to the family of Jean Charles de Menezes after his tragic death.
15. As the UK lead for CT, I was the public face for all policing and policy matters relating to the fight against terrorism in the UK and internationally. In this role I had access to the most sensitive top secret intelligence from security services around the world. Many of the issues, whether involving investigations or public policy, were of a highly contentious nature with an associated media profile; for example the Coalition's Review of CT legislation and the policing response to the supposed threat of a Mumbai-style attack by Al-Qaeda in the UK.
16. I was also the public face of the MPS's dealings with the Royal Family and had to deal with any problems or issues arising from this. For example I was the principal person responsible for commissioning and overseeing the report requested by the Home Secretary for Parliament in the aftermath of the attack on the car of the Prince of Wales and Duchess of Cornwall in Regent Street in 2010.
17. There are numerous other cases that I was responsible for or led which will be less well-known but nevertheless were the subject of significant media attention at the time; for example the so-called "Coughing Major" and the attempt to defraud the "Who wants to be a millionaire?" television programme.

18. I consider there to be merit in having detailed discussions with the media and special interest groups on such matters. These discussions help both sides gain an understanding of a particular issue with the result that everyone, including most importantly the public, is better informed.

19. Examples include :-

- i. The Coalition's review of terrorist legislation during which I had numerous discussions with the media, politicians on all sides and special interest groups such as Liberty.
- ii. The constantly evolving police response to rape investigations; I was required to respond on behalf of ACPO nationally when a particular controversy arose, such as the issue of 'consent' and 'drunken consent' or victim anonymity. There are many other examples in this area. I would have detailed discussions with a similar range of people, including women's interest groups such as Rape Crisis.
- iii. The policing issues and impact arising from the Government's desire to legislate on data retention issues.
- iv. The future structure of UK Policing in relation to serious & organised crime and the future of CT policing and in particular which agency was best able to deal with the policing of the 2012 Olympic Games.

20. The purpose of dealing with these issues in some detail is to ensure that the Inquiry understands why someone who was in my position had a far greater degree of contact with the media than perhaps many others. These were matters of national importance and through my contact with the media, either formally or guiding them, I believe that I was able to ensure that those who chose to commentate on such matters could do so from a more informed position. I considered this level of contact to be a part of senior officer's role. As the 24/7 nature of today's media has evolved over the past several years it should not come as a surprise that the level of contact has had to similarly grow. As can be seen from the events that gave rise to these proceedings, the influence of the media is immense and can have a decisive effect on either institutions or senior figures in public life. This influence, for good or bad, inevitably means that those responsible for running such institutions make it a priority that their perspectives are well understood.
21. I was a senior officer in the MPS at ACPO level for over 8 years. Each of the senior positions I held required a different approach to media relations. For example when I moved from Serious Crime to become the head of CT the sensitive nature of the CT role meant that I had less contact with the media than previously. I discussed this issue with Sir Paul Stephenson, the then Commissioner, when I took up the CT role and agreed with him that a different approach was required: in essence, as I told the Culture, Media and Sport Committee (CMSC) (24 March 2011 Q.74 to Q.75), I would seek to brief senior members of the media in broad terms about my strategic approach to current CT issues (rather than briefing on individual cases).
22. Because of the national security nature of the new role Sir Paul felt that it was important for me to demonstrate that I now had a different relationship with the media, particularly

as I would be liaising with the security services who necessarily have limited contact with the media. The security services were understandably concerned about the degree of media contact my previous role had involved (presumably in part because all of the briefing against me in the cash for honours investigation), but once they saw how I worked in the new role I felt that they knew any such concerns were clearly unfounded. Indeed, I received feedback from Sir Paul that the security services were delighted with my performance and trusted me completely.

23. I consider that the media was seeking, through its personal dealings with me, to fully understand the context around policing issues or particular events.
24. My experience of journalists working in this area is that they understood the limits of what they could ask particularly in an on-going investigation, and knew if they overstepped the mark they would be told or, frankly, ignored.

The past and present approach of the MPS to media relations and the Directorate of Public Affairs (DPA) (Question 13, 19, 20, 30 – 32, 39 – 47 and 89 of the Inquiry's letter)

25. I understand that the current Standard Operating Procedure (SOP) on Media Relations requires that any interviews or contact with the media by any officers or staff are reported to the 24-hour Press Bureau (part of the DPA) or local Borough Operational Command Unit (BOCU).

26. My role(s) brought me into regular contact with the media -- for instance, I would visit Whitehall Departments, Courts or places such as the Houses of Parliament on a very regular, sometimes daily basis. The media are ever present at such places. I did not interpret this policy as requiring me to report every small and informal exchange that might take place. If however, the exchange was in any way significant then my practice would be to inform my press desk.
27. I also understand it is current practice within the DPA Press Bureau for press officers to record formal meetings with the media such as the Commissioner's monthly meeting with the Crime Reporters Association, pre-trial briefings and press conferences, although a transcript will not necessarily be taken or an audible recording made.
28. During my time at ACPO level I worked with a number of different press officers. At no time have I ever had a personal press officer. The press desks for the various business groups in the MPS deal with all press inquiries relating to their particular function. I would estimate that 95% of their dealings with the media would never be of concern to me nor would I be told about them.
29. The individual in charge of the Specialist Operations press desk during my time in charge was Sara Cheesley. Her role was to deal with the day-to-day running of her small team and the various inquiries they would receive. She was never involved in speech writing, other than perhaps to proof read the final version of a speech, nor was she involved in some of the more strategic matters that I have referred to in paragraph 19.

30. My understanding of the MPS's media policy was that MPS officers and staff were encouraged to have an open and transparent relationship with the media. This was particularly important at a local level where contact with the smaller media outlets was (and still is) important for public confidence. On specific matters (a serious crime for example) the senior investigating officer was expected to build a relationship with the media in order to explain the progress of an enquiry and/or appeal for information or assistance.
31. In view of the size of the MPS a large number of officers and employees have contact with the media. I understand that the current Standard Operating Procedure ("Media SOP") for media contact (which can be found at tab A of the MPS master bundle) authorises officers of Inspector rank and above to speak with the media, without the prior approval of senior officers. I understand from the MPS that further information is provided by other witnesses in relation to the Media SOP and its application.
32. I also know that the DPA provided media awareness and broadcast training to police officers and staff who were likely to have contact with the media. The level of training depended on the rank of the police officer concerned. Insofar as my personal level of training is concerned, I have received a wide variety of such training ranging from the practical hands-on through to more formal training at the Strategic Command Course, at 'Critical-Incident Training' weekends where current members of the media would attend to put people through their paces in 'live-exercise' modes, through to specified one-to-one training from bespoke media companies.



33. A significant volume of police work is based on trust and discretion and my working assumption was always that MPS officers and staff would behave professionally and that the systems and policies in place made clear the consequences should they fall below the standards required. The Filkin Report has provided some proposals to improve the policies and procedures and I contributed to this piece of work.
34. I understand that the Commissioner has explained in his statement that the DPA provides professional communication services to support the MPS' aims. It now has 4 branches: - News, Publicity, Internal Communication and Stakeholder Engagement. The DPA provides professional communications to support the full range of the MPS's work. This covers police operations and investigations, with the aim of promoting and protecting the MPS's reputation and keeping the public informed. This, broadly, would be my understanding of its role.
35. The DPA is the only UK police press office to be staffed 24 hours a day, seven days a week, ensuring that officers managing critical incidents can be professionally supported with communication advice whenever they occur. For example, I know, because I was directly involved, that on the occasion of the Boxing Day Tsunami in 2004, the MPS press office was able immediately to support the Foreign and Commonwealth Office (FCO) - who did not have anything like the capacity to cope promptly with the enquiries coming into them. Having a press office also enables a central record to be kept of all corporate information given to the media.
36. In my view it was necessary for the MPS to have a press office as London is the capital city and the centre for so many major crime stories, and I believe that the DPA fulfilled a

vital role in ensuring that stories were responded to quickly and responsibly. It was staffed by experienced personnel who understood the operating context they were working in. In my opinion the media would likely consider that it was one of the most effective press offices in the country; this is feedback in relation to other press bureaux around the country that I have had from journalists and others in the media over the years.

37. The media got access to me in a number of ways, either through the Press Bureau; my office; or by contacting me directly. If it was purely a tactical question, for example, the progress of an investigation or court or arrest updates then the media in my experience would call the Press Bureau. If however it was a broader issue, such as a policy matter, then some journalists would contact me directly. My practice, as set out later (at paragraph 83) would then be to assess the nature of the enquiry and either deal with it myself or refer it on, either back to Press Bureau or potentially to another agency/Department.

**Employment of Former MPS officers and staff by the media (Questions 64 – 66 of the Inquiry's letter)**

38. So far as I am aware the MPS does not impose restrictions as to the future employment which police officers or police staff can accept on leaving the MPS. Police officers are governed by Police Regulations, which do not include such a restraint in respect of any future employment. A restraint of trade clause could be introduced which would need to comply with the requirements of employment law. I understand that such a clause is not

part of the MPS's standard employment contract for police staff although it could be introduced by express agreement. I should add that I am currently under contract with NBC News (America) to provide advice to them during the 2012 Olympics.

39. Both police officers and police staff are subject to a duty of confidentiality following termination of their service / employment pursuant to the Official Secrets Act. This duty of confidentiality for police staff is also encompassed via the contractual terms and conditions, which prohibits the use of official and confidential information following the termination of their employment.
40. I am not aware of any discernible patterns in the movement of personnel from the media to the MPS or vice versa and so far as I am aware no records were kept of this movement of personnel.

#### Hospitality and Gifts (Questions 7 – 12, 23 – 29)

41. I accepted hospitality, mainly lunch or dinner, from the media in accordance with the MPS Hospitality and Gifts Guidance at the time, and hospitality (accepted or declined) was declared in the Hospitality and Gifts Register (Hospitality register) (which can be found in the MPS Master Bundle – Gifts and Hospitality – Tab 12), and subject to regular inspection by either my superiors and/or the Chief Executive of the Police Authority. This would not include any occasion when I met casually with a journalist and drinks or coffee were bought on a reciprocal basis.

42. I do not consider a casual meeting in those circumstances to constitute 'hospitality' per se. At most of these meetings press officers would be present and often other police officers. There were though, clearly times when I was on my own.
43. An arrangement to have supper or lunch or attend a dinner or social function with a journalist was considered perfectly acceptable and had many benefits. Whenever a journalist paid for the hospitality, which was usual, this was declared in the Hospitality register as detailed in paragraph 41 above. It is far easier to deal with people during challenging times when you have had the opportunity to make their acquaintance in a more convivial setting.
44. The choice of venue was normally left to the host except where I had diary problems in which case I may have specified a particular area of London that was practical for me to get to. In respect of alcohol in sensible quantities I considered it then (and now) acceptable.
45. The Hospitality register reflects what I believe is a broad mix of meetings with the media and other special interest groups. Many of these individuals did not hold mainstream views. I deliberately focused on developing these more challenging relationships as such occasions informed my thinking on a range of controversial issues. For example, as I have stated, for a number of years (2003-2009) I led the national police policy on rape investigation. I had numerous informal discussions with representatives of the media at a number of levels which helped my understanding of what was proper public criticism as well as leading to more balanced and informed reporting in my view.

46. It is worth adding that I (and others) have also been afforded hospitality by Government Departments and other public bodies such as the Mayor's Office and the Metropolitan Police Authority (MPA). These would often be 'networking' events where officials, politicians, their advisors, law enforcement personnel and others could mix and discuss the issues of the day in informal surroundings. I found such events extremely useful.
47. Finally as the phone hacking events developed, Tim Godwin, the then Deputy Commissioner, advised me as he did with all other Management Board members to reduce contact with the media, advice I accepted.
48. I have been present at a number of events, e.g. dinners or lunches at Scotland Yard, where hospitality was provided by the Commissioner at the time or Dick Fedorcio in his capacity as the Director of Public Affairs.
49. I understand that since July 2011 all members of the Management Board have been required to keep a record of all contact they have with the media. I understand that further information on the current position is addressed in other statements provided to the Inquiry.
50. I note that the MPS Standard Operating Procedures dated January 2009, which was in effect during my time as Assistant Commissioner (Gifts and Hospitality SOP) (which can be found at Tab B of the MPS master bundle) sets out the general policy for all MPS staff when they receive offers of gifts and hospitality. The purpose of the SOP is to provide

MPS employees with guidelines for the processes and procedures governing the offering and accepting of gifts and corporate hospitality.

51. The Gifts and Hospitality SOP does not prevent a meal or drink being accepted from the media. Any offer of hospitality, however, must be carefully considered and justified in terms of its benefit to the MPS. The fact of it, and the reasons for accepting it, must be recorded. I understand the Gifts and Hospitality SOP is currently being reviewed in light of the recommendations made in the Filkin Report.

52. I am not aware of any specific policy regarding the offering of hospitality to the media prepared solely for senior officers or, more specifically, for the Commissioner.

53. In my opinion, as a result of the issues that have arisen from phone hacking the policies and procedures controlling how the police and media should interact may not now be considered transparent enough and improvements could be made, as the Filkin Report suggests.

News of the World/News International (Questions 4b. – 4d., 12, 15 and 16 of the Inquiry's letter)

54. I have never met James or Rupert Murdoch. I believe a number of Commissioners and the Director of the DPA have been invited to Rupert Murdoch's summer party.

55. To the best of my recollection I was a guest at Rebekah Brooks' table at the Police Bravery Awards (sponsored by The Sun) on two occasions. I think I may also have had lunch with her at The Sun with the crime editor on 6 January 2009 (see the MPS Master Bundle – Gifts and Hospitality – Tab 12) although neither my diary nor the Hospitality register specifically mention her.
56. I believe that I met Andy Coulson for the first time in late 2009. As I recall, it was at the Evening Standard 1000 Most Influential Londoners Event. At this point he was Director of Communications for the Conservative Party. I have met him occasionally since, once at a formal meeting in Downing Street attended by several others, and I have also bumped into him at Downing Street when attending to meet with ministers or others.
57. I have met Colin Myler a few times. The first time I met him was at a dinner attended by myself and the then Crime Editor of the News of The World (NoTW) in November 2009 (see the MPS Master Bundle – Gifts and Hospitality – Tab 12), as he had just become editor of the NoTW. I think I also met him at the Evening Standard function mentioned above.
58. Such dinners or meetings were not confined to the NoTW. I have met or had dinner with the Editors of the Telegraph, the Sunday Telegraph, the Mirror, the Times, the Independent, the Guardian, the Sunday Times, ITN, the Daily Mail and the BBC (in many of its guises). I have also met with numerous senior representatives of these and other media outlets during the course of my career.
59. To the best of my knowledge, any 'hospitality' in the sense I have described above in paragraphs 41 to 43, should be detailed in the Hospitality register. I was also present at a



couple of lunches at New Scotland Yard hosted by then Commissioners (I believe Lord Condon and Lord Blair) to which the editors of various media organisations were invited.

60. The DPA also held an annual function for the media which I attended and employees of the NoTW were present along with numerous journalists from other media outlets.
61. I have specifically been asked by the MPS to detail my professional and other contact with Lucy Panton. I have known her professionally for about 10 years and was on very good terms with her, I also considered her a friend. She is married to a Metropolitan Police officer and I was a guest at their wedding. She was one of the most active members of the Crime Reporters' Association (CRA) and was one of the reporters that followed every major crime-related story. Consequently she had regular dealings with the police at a number of levels, including with me.
62. Like most senior journalists working in this area, she had my mobile telephone number and sometimes called me directly if there was a matter or an issue she wanted to discuss. I dealt with such calls in the manner that I have described at paragraph 83.
63. I also occasionally met her for a drink, as I did other journalists. Sometimes, but not often, I met her on my own but usually several other journalists, press officers and police officers were present and Dick Fedorcio in his capacity as Director of Public Affairs was nearly always there. Indeed, more often than not, it would be at his suggestion that I turned up. I cannot say with any certainty how regular these meetings were. However, after I took up the CT role my dealings with her were negligible.

64. I have also received hospitality from Lucy which is detailed in the Hospitality register.
65. I have been shown an email from a James Mellor to Lucy dated 30 October 2010, which I produce as exhibit JMY/2. To the best of my knowledge I have never met Mr Mellor and obviously only he can explain what he means in his email. However, I suggest that his last sentence and Lucy's response ("Noted. Not got hold of him yet still trying.") support the facts, namely that I have never provided any unauthorised information to her and that my contact with her was negligible after I took over the CT role, as quite clearly I had not responded to her calls.

Neil Wallis and Amy Wallis (Questions 4a, and 48 – 60 of the Inquiry's letter)

66. I have detailed my contact with Neil Wallis in my witness statement to the Independent Police Complaints Commission (IPCC) of 24 November 2011 which I produce as my exhibit JMY/3. The IPCC asked me to provide this witness statement as part of its investigation into Dick Fodorcio's alleged misconduct.
67. The circumstances in which Neil Wallis came to work for the MPS are detailed in exhibit JMY/3. I had one specific conversation with him when he gave me a personal assurance that he was not in any way involved in phone hacking. This conversation was on 31 August 2009 at about 9am. My note of the conversation, which I read into the record at the Home Affairs Select Committee (HASC) (19 July 2011, Q.906):-

"Wanted absolute assurance that there was nothing in the previous phone hacking matters still being reported and chased by Nick Davies that could embarrass him, me, the commissioner or the metropolitan police service. I received categorical assurances that this was the case."

68. I had professional dealings with Neil Wallis prior to his employment by the MPS. For example, he initiated contact in relation to a story in the NoTW about the alleged sale of a baby by a woman in return for drugs. This, I believe, was in 2004-5 when I was DAC in charge of serious crime which covered child protection. I referred his contact on to the Head of Child Protection to deal with and I believe an arrest was made and a prosecution followed.

69. He also asked me to provide an article for a NoTW anti-rape campaign in 2008 in my capacity as ACPO lead for serious sexual offences, which I did. This was in keeping with my occasional practice with other newspapers, for example I have written articles on policing issues for both the Daily Telegraph and the Guardian.

70. I was told of Neil Wallis's arrest by Assistant Commissioner Cressida Dick on the day he was arrested (but after the arrest had taken place). I did not know that he was a suspect in the phone hacking investigation until then. I had no responsibility for the phone hacking investigation after 26 January 2011 (see JMY/3B – Tab 31G, press release of 26 January 2011).

71. I first learnt that Neil Wallis was connected to Champney's Health Spa over the weekend of 16 and 17 July 2011 when it was published in the Sunday Times. I had never discussed this link with Sir Paul Stephenson before this article was published.
72. I have no knowledge of Neil Wallis selling crime stories to the media whilst working for the MPS nor have I seen any evidence to suggest this was the case.
73. I have not spoken to Neil Wallis or seen him, so far as I recall, since the early part of 2011.
74. My involvement in the offer of work by the MPS to Neil Wallis's daughter, Amy, was limited to acting as a post-box and forwarding her expression of interest to the then Director of Human Resources in the MPS, Martin Tiplady. I had no influence over the decision to offer Amy work with the MPS and I did not encourage anyone else to do so.
75. I would draw the inquiry's attention to the Tiplady email of 17 July 2011, which I produce as JMY/4 (page 3), which was disclosed to the IPCC as part of their investigation, and which clearly shows that I was not involved in her recruitment process beyond forwarding her CV and have since been cleared by the IPCC of any misconduct without even being asked to provide a witness statement. (See paragraph 140 to 141 re contact with the IPCC)

Politicians (Questions 14, 17 and 18 of the Inquiry's letter)

76. There were numerous occasions when my role required me to discuss favourable or adverse coverage of policing issues with politicians as well as their officials and advisors. These discussions would normally be initiated by the officials or advisors, although particularly after I became head of CT if I knew an important event was likely to hit the news, such as a high profile arrest, there were specific politicians or Government officials that I would inform, including for example the Home Secretary, the Cabinet Office or Number 10. I would use these discussions to explain the facts behind the reports and any proposed police response.
77. Politicians were often concerned about adverse media coverage and that concern would cause me to reflect on a proposed course of action. I considered this to be part of the everyday constitutional tension between operational policing and politics which informed my decision-making.
78. An example was the concern raised by London politicians in relation to the proposed widening of armed response capacity in London and elsewhere following threats of a Mumbai style attack in the UK during 2010/2011. The politicians' views were considered but ultimately the decision was made to arm more officers and increase the level of training despite reluctance from some quarters.
79. I have on rare occasions been subject to pressure from politicians, during the 'cash for honours' investigation being the most obvious example; when I felt that pressure to be

unreasonable I have said so, explaining the reasons why. Often however such pressure was in relation to the timing of operational delivery of agreed policy where the expectation around immediacy needed to be tempered around the practical reality of the actual delivery.

80. There were also occasions where a politician or their officials might refuse an offer to be briefed about a particular event. I have detailed one such example in my evidence to HASC (19 July 2011, page 44, Q893 to Q900) when an offer was made in September 2010 to brief the Prime Minister's Chief of Staff about matters relating to phone hacking, but this offer was properly turned down by the Chief of Staff for fear of compromising the Prime Minister.

#### Leaks (Questions 33 – 34 of the Inquiry's letter)

81. The subject of 'leaks' is a complex one and leaks have been problem for the MPS during my career. However, there is a great deal of difference between the unlawful disclosure of information, potentially a criminal act, and informal discussions between a senior officer (with the authority from someone more senior or, alternatively, vested in his own rank or position) and the media to guide understanding and prevent false, incorrect and thus damaging information being published. I see the latter as an essential part of a senior officers' role, particularly in high profile and sensitive matters and one that cannot always be left to press officers who, whilst able, do not have the same operational insight as a senior police officer

82. This was the case in my last role as the CT lead where it was important to correct or clarify incorrect reporting immediately due to the potential impact of such reporting on vulnerable minority communities. This was often in the form of guidance as it was impossible to talk on the record due to the status of any current investigation. Guiding journalists has always been regarded as accepted practice and various logs within the Press Bureau will reflect this.
83. My general practice, if an inquiry came in (directly or otherwise) was always to try and understand where a particular journalist was coming from; perhaps consult with a colleague; and then use my professional judgment to either open a dialogue or not, or alternatively, refer them on to the right body or agency that might be able to assist them. If the exchange was in any way significant then my practice would be to inform my press desk. If, however, there was nothing I could discuss then I would screen the call and not respond.
84. Due to the high profile nature of many of the inquiries I have undertaken (often with significant political profiles) the subject of leaks has arisen at times. Media interest in these cases has been intense and the associated personal pressure of a high order.
85. This was particularly the case with the 'Cash for Honours' investigation where both I and the team were subjected to intense scrutiny. I have always denied being the source of any inappropriate information reaching the public domain, and still do. That highly sensitive facts from this investigation remain unknown to this day in my view supports this.



86. Throughout this period, it was made very clear to me, by amongst others, the then Chair of the MPA, a senior Labour politician in his own right, that the Government political machinery was briefing against me and the team and warning me, in the vernacular, to 'watch my back'. Peter Osborne, in his book 'The Triumph of the Political Class', has provided an interesting analysis of some of the problems I encountered and the tactics apparently used to discredit me. I am aware that there are systems and processes in place to identify, respond to and detect leaks to the media and I understand that further details can be found in the MPS main bundle and other witness statements.

87. My experience of leak enquiries (and I have undertaken several) is that they are by no means a problem exclusive to policing. I have overseen numerous leak enquiries about the most sensitive issues that have affected high profile Government Departments and other bodies. My experience is / was that such investigations rarely succeeded if investigated after the event, as the Filkin Report accepts. The most effective way to investigate leaks is to do so from an intelligence-led approach which can provide the opportunities to accept admissible evidence to put before a court. However, even if such an evidential threshold is met, the hurdle of 'public interest' can often be the stumbling block that prevents such matter being brought to prosecution.

**Financial Transactions between MPS and Media (Questions 35 – 38 of the Inquiry's letter)**

88. No undeclared financial transactions between MPS personnel and the media were considered to be legitimate during my career.

89. I am aware that any payment made for interviews, broadcasts or for speaking at an external event while on duty must be declared using the relevant authorisation form and paid into the Mayor's Office for Policing and Crime Fund via Exchequer Services.

90. I note that in the Gifts and Hospitality SOP an MPS employee will only be entitled to retain the payment if one of the following applies:

- i. the subject is unconnected with the normal duties of the person concerned;
- ii. membership of the MPS is not an integral part of the interview or broadcast;
- iii. the matter has been reported to a supervisor and prior approval obtained; and
- iv. the interview, broadcast or speaking event is not carried out in MPS time or using MPS facilities.

91. The Anti-Corruption Command of the MPS conducts all pro-active investigations into these suspected bribery offences, whilst the Specialist Investigations unit deals with retrospective investigations. I believe the MPS works hard proactively to detect bribery and any form of corruption.

92. I understand training is provided to MPS staff via our Professional Standards Support Programme (PSSP) set up in 2009-2010.

93. As I said in my evidence to the HASO (12 July 2011, Q.418 and Q.421) there will always be a small number of police officers that take corrupt payments. This has been a problem

over the years and regrettably is likely to remain so. The MPS probably more than any other police force has made extraordinary efforts and expended considerable resources to combat behaviour of this type, particularly over the last 15 years. However, I believe that bribery of personnel by the media is extremely rare and personally have never come across such a case.

**The Metropolitan Police Authority (Questions 61 – 63 of the Inquiry's letter)**

94. The MPA ceased to exist on 16th January 2012 when the Mayor's Office for Policing and Crime (MOPC) came into operation. The MPA had no operational oversight over any police relationship with the media but would clearly comment on matters that came under their broad remit. My experience of working with and alongside them over many years and through some of the most challenging cases is that they adopted a similar approach to the media as the MPS. They would speak 'on-the-record' when it was appropriate but 'guide' when the circumstances were merited.

**The Phone Hacking Investigation (Question 67 – 77 of the Inquiry's letter)**

95. As I have explained publicly on numerous occasions I was not involved with the original investigation into phone hacking nor the decision as to who to prosecute. The decision to prosecute Mulcaire and Goodman was clearly one for the CPS. They were involved, along with Queen's Counsel, at an early stage in the investigation back in 2006/2007 and

throughout. As with all sensitive and/or high profile investigations, best practice dictates that the police, whilst operationally independent, should engage and work with the CPS from a very early stage, often prior to a decision being taken to launch an investigation.

96. With the benefit of hindsight, and this is a view I have expressed on a number of occasions, it is now very clear that from the outset NoTW deliberately failed to cooperate with the original investigation and have seriously misled a variety of people and institutions over the past several years. They should have co-operated fully at the time instead of hiding behind the freedoms and privileges that journalists rightly enjoy to conceal their own apparently wide-scale wrongdoing. The MPS would no doubt have been heavily criticised if it had sought to act more robustly at the time against such an established newspaper, and quite possibly been accused of trying to stifle press freedoms given that the NoTW had given the appearance of cooperation sufficiently to prevent any application for a production order against it.

97. I was not involved in the original phone hacking investigation. However, when I set about establishing the facts surrounding it in July 2009 and the various select committee appearances on this subject thereafter, I became very familiar with the history of this case and the reasons that certain decisions were made.

98. The details of my involvement from July 2009 and the history of earlier police, CPS and Counsels' involvement are summarised in a timeline prepared by Detective Superintendent Kevin Southworth, my then Staff Officer which I produce as my exhibit JMY/5. I commissioned this timeline in early 2011 to provide an accurate evidential summary of the MPS response to the allegations of phone hacking for the Commissioner

and Deputy Commissioner, as well as senior members of the MPA (if required). It complemented other briefing notes that were completed for the same audience on a regular basis. I do not have access to these other documents now that I have left the MPS.

99. The timeline was also intended to provide a definitive narrative for me to correct the increasingly misleading and inaccurate reporting by a wide variety of media outlets, politicians and commentators, when opportunities arose. It is supported by the factual record contained in two files which I produce as my exhibits JMY/3A and JMY/3B. I have highlighted particular matters from the investigation in paragraphs 100 to 127 below.
100. The investigation was undertaken by detectives from the specialist operations business group (which includes CT and all areas of specialist protection including Royalty) rather than any other, which was due to the fact that the initial allegation involved the Royal family and matters relating to their security.
101. The investigation took place at time when the counter terrorism command was particularly busy with other pressing national security matters. The details of this have been provided in evidence to Select Committees by the officer then in charge, DAC Peter Clarke. This would clearly have had an impact on the level of resources that Peter was able to devote to this case.
102. Those charged with leading investigations constantly have to weigh up conflicting priorities and make difficult decisions about where resources are to be applied. It goes without saying that there is an infinite demand upon police resources but only a finite

amount available. All officers, particularly at more senior level, would consider the judgment of Lord Denning M. R. in Regina v Commissioner of Police of the Metropolis (Ex parte Blackburn) [1968] Q. B. 118 when making these difficult decisions.

103. My understanding of this judgment was that chief officers have ultimate discretion in what they will and will not investigate and that this discretion is to be exercised subject to the constraints that the force or department is under at the given time and the seriousness of the particular matter.

104. Proportionality is always a key issue, particularly bearing in mind the likely sentence. Those making decisions as to whether to start or recommence an investigation would always consider the likely outcome. The most recent example I can give is in relation to the investigations into political donations. Such matters are generally overseen by the Electoral Commission who have the ability to refer such matters to the police should they consider this merited. In one particular case very significant resources – a team working for 12+ months - were expended in investigating an allegation that it transpired could never be proved due to poor drafting of the original legislation. At that time, as Head of Serious & Organised Crime, I made the decision not to accept any further allegations from that body in relation to such matters (at least until the law had been amended) as it would not have been a proper and proportionate use of scarce police resources. This a practical example of an application of the Blackburn decision.

105. The law around the interception of communications is complex and in terms of voicemail interception has never been fully tested in a Court. However, I was briefed at the time that the legal advice obtained from the very outset from a senior lawyer within the CPS.

Carmen Dowd, was unequivocal. This advice was that to prove the Section 1 Regulation of Investigatory Powers Act 2000 (RIPA) offence, it was necessary to prove that a voicemail had been intercepted prior to being listened to by the intended recipient. The analogy is the unopened envelope – in other words if you, unauthorised, open an envelope and read the letter this is a Section 1 RIPA breach, whereas if you read it after the envelope has been opened it is not. It was very clear from the documentation I have read and considered that the entire police investigative approach in 2006/2007 was based upon this understanding of the law and this legal advice. I summarised this in a letter to the Chairman of the Culture Media and Sport Committee in March 2011 (JMY/3B, Tab 31H). This was confirmed on several occasions subsequently by the current DPP although it is accepted that he revised his view (as he is entitled to do) in late 2010.

106. The advice described at paragraph 105 above dictated who the police considered to be "victims". I have confirmed in evidence to various select committees the fact that the activities of Glen Mulcaire affected many people. However, I have also said in evidence to the same committees that in light of the legal advice received, the police were only able to positively identify a small number of victims, i.e. where the offence could actually be proved to the requisite evidential standard as per paragraph 105 above. My understanding of the history of the case from 2006/2007 was that the team only technically ever proved one case, that of Jamie Lowther-Pinkerton.

107. Notwithstanding the subsequent furore, the original investigation was considered at the time to be a success. Two people had pleaded guilty to an indictment that reflected both the level of offending known at the time and that it targeted several sections of society; exemplary sentences had been imposed and a strong deterrent message sent, the law had



been to some extent clarified, and I had been briefed that agreements had been reached with Service Providers about both future prevention and identification of further victims. The sentences imposed can be favourably compared with those in the Operation Motorman case where the defendants received conditional discharges (see JMY/3A, Tab 8).

108. It is now abundantly clear that the NoTW failed to properly cooperate with the original investigation in 2006/2007 and deliberately covered up evidence of others' involvement in phone hacking, despite giving the appearance of cooperation in legal letters from their solicitors (see JMY/3A, Tab 13). This purported cooperation clearly had a major impact upon how the investigation in 2006/2007 could proceed, for example it closed the door firmly on any attempt by the police to get production orders or use other intrusive methods.

109. Turning now to the events of July 2009, particular media stories would often be discussed by the Management Board and those in charge of Business Groups would be asked to provide a response. It was therefore a regular occurrence for the Commissioner or Deputy Commissioner to ask an AC to respond or provide an explanation regarding adverse media comment or articles. The Guardian article of 9 July 2009 (JMY/3A, Tab 1) is one of many articles which I have been asked to respond to during the course of my work.

110. The request was to "establish the facts". There has been some misunderstanding and debate about the term "review" – a review in police terms is a comprehensive piece of work which involves a substantial number of people reviewing an entire investigation or

particular aspects of one (e.g. a forensic review in cases such as the Stephen Lawrence or Rachel Nickell murders). Reviews are resource intensive and there has to be a compelling reason for a decision to devote staff and officers to undertake one. New evidence or new information could obviously be a compelling reason, although it is likely that a scoping exercise would be carried out first to decide whether such a decision was merited. The article of 9 July 2009 provided no such new evidence or new information that merited a full review. This decision was supported by the DPP (JMY/3A, Tab 21) and Leading Counsel (as far as Leading Counsel is concerned I have in mind particularly Leadings Counsel's note of 14 July 2009, see JMY/3A -- Tab 18).

111. In terms of what I actually did on the day, I wrote myself a file note (JMY/3A, Tab 2) as follows:

"File Note

Principles to be adopted regarding Operation Caryatid and request by Commissioner to establish the facts around the case

I have considered what approach I should adopt in undertaking the above exercise. Specifically, this is not a review. It is to establish the facts around the case and to consider whether there is anything new arising in the Guardian article. I intend to adopt the following principles:-

1. Scale, scope and outcome, in terms of the original case.
2. Consideration in relation to the level of liaison with the CPS and Counsel and any advice that have provided.

3. Consideration of the approach to be adopted by the Prosecution Team and their focus.
4. Any complexities and challenges around the evidence then and any now; in particular, in relation to the availability of data.
5. The level of disclosure and who had reviewed what material.
6. How the case was opened after the guilty pleas.
7. Whether there was anything new or additional in terms of the articles in the Guardian.
8. Our approach to victims -- how they were managed and dealt with and the impact of any further enquiries (if deemed necessary) on them.

John Yates

9<sup>th</sup> July 2009"

112. I held a number of meetings during that day involving those who had leadership of the original investigation, including DCS Philip Williams who was the senior investigating officer (SIO) on the original investigation. The Gold Group meeting had the benefit of legal advice and attendance from one of the MPS's senior lawyers, Naz Saleh. (JMY/SA, Tab 3).

113. The article concentrated on the decision of News International to pay out substantial sums of money to settle civil actions. I had detailed discussions with those involved in the original investigation and established that there was no new evidence or new information in the Guardian article apart from the settlement of the civil actions, for example Gordon Taylor was named on the original indictment.

114. I was concerned at the time about how the MPS had responded to potential victims and my press statement of 9 July 2009 (see JMY/3A, Tab 11) and the record of my subsequent oversight reflects this concern.
115. I was always clear that if new evidence or new information came to light then I would consider reopening the investigation. I have been consistent throughout on this point. For example, the New York Times investigation and subsequent article in autumn 2010 (JMY/3B, Tab 21) raised some new issues which were properly scoped in collaboration with the CPS. This involved writing to nineteen current and former reporters and desk staff in the NoTW's news and features department seeking their cooperation and any information that they had about phone hacking (JMY/3B, Tab 31).
116. As I recall, many of these letters were ignored and no relevant replies were received. Subsequently, the CPS came to their own view that there was no new evidence from the New York Times (or elsewhere) that merited further investigation (JMY/3B, Tab 31E).
117. In early January 2011, my level of concern as to how matters had been dealt with to date caused me to formally request the DPP to undertake a review of all the material in police possession. This he agreed to do and he tasked Alison Levitt, QC to undertake this task on his behalf (see JMY/3B, Tab 31G).
118. In mid-January 2011 the NoTW provided the first new evidence, which may well have been provoked by our enquiries of their staff in late 2010. This resulted in my decision to reopen the investigation and to advise the Commissioner that it should be undertaken by a different business group due to my heavy involvement in counter-terrorism and

preparation for the 2012 Olympics, and my recent promotion to Temporary Deputy Commissioner.

119. It is clear therefore, and contrary to the view held by many, that my involvement in phone hacking matters did not cease on 9 July 2009. As can be seen from exhibits JMY/5, JMY/3A and JMY/3B I maintained close oversight of subsequent developments and devoted a considerable amount of time to the investigation.

120. For example, regular Gold Group meetings, with legal advice, were held by me to monitor developments (JMY/3A, Tab 3):

- 9 July 2009 (JMY/3A, Tab 3)
- 10 July 2009 (JMY/3A, Tab 12)
- 13 July 2009 (JMY/3A, Tab 15 and Tab 16)
- 17 July 2009 (JMY/3A, Tab 22)
- 6 September 2010 (JMY/3B, Tab 24)
- 9 September 2010 (JMY/3B, 26)
- 10 September 2010 (JMY/3B, Tab 27)
- 17 September 2010 (JMY/3B, Tab 29)
- 1 October 2010 (JMY/3B, Tab 30)
- 21 October 2010 (JMY/3B, Tab 31B)

There were numerous other meetings during this period that were not formally recorded.

121. In addition, I realised very early on that the inability to search the documentation from the previous investigation was a weakness that potentially prevented the MPS responding accurately to individual requests (JMY/3A, Tab 22). I therefore made the decision on 22 July 2009 (JMY/3A, Tab 27) that all documentation should be scanned on to the Holmes computer. The email reflects that this was to be treated as a priority. Around ten detectives spent over four months undertaking this task at a cost of over £200,000.
122. However, subsequent developments have shown that there were weaknesses in the police response both in the original investigation in 2006/2007 and thereafter. I recognise this and have accepted and continue to accept personal responsibility for the failings that took place whilst this matter was under my leadership. For example, the day-to-day management of the exercise to place all documentation on the Holmes computer was not at the level I expected or that was required. This resulted in some material not being placed on the system which resulted in incomplete or incorrect responses to a number of people who were affected. This is a matter of great personal regret.
123. I have also stated publicly that the decision not to reopen the investigation in 2009 was a poor one in the light of what we now know. Much emphasis has been given to the term "crap decision" (Sunday Telegraph – 10 July 2011). I regret the careless use of this language during the course of a lengthy interview. However, I would emphasise that the interview clearly states (and I repeated this before the select committee) that the decision was based on what we knew at the time and not what emerged in January 2011. I had no way of knowing at that time the extent of NoTW's deliberate cover-up of the wider involvement of others in this activity.

124. In January 2011 when News International provided the MPS with further material which appeared to show that other journalists had been involved in phone hacking. This was the first actual new evidence that I was shown and resulted in my decision to re-open the enquiry and hand over the case to another team, due to the demands of my role as national lead for Counter Terrorism policing in the run up to the Olympics.
125. I had several communications and meetings with the Guardian after it published its article on 9 July 2009 to explain the background to the case and the current police position. I met with the Editor, Deputy Editor and Nick Davies.
126. I also recall that we wrote to the Guardian asking if it had any further information that it would share with the police. This is referred to in the CPS advice (JMY/3B, Tab 31E, page 8 paragraph 43).
127. Finally, other than the limited conversation with Neil Wallis that I referred to in HASC (19 July 2011, Q.905), at no time was I given assurances by anyone employed by or representing the NoTW that phone hacking was limited to a "rogue reporter", nor did I have this type of conversation with any such person before or after I became involved in phone hacking matters.

**Media Crime (Questions 78 – 79 of the Inquiry's letter)**

128. The term "media crime" referred to in the list of questions I have received is not reflected in law or in operational police terminology and is not an expression I am familiar with.



Any of the matters listed in the question would be dealt with as an individual allegation, and the relevance of the "media" aspect would be dealt with on a case by case basis. This may mean seeking guidance from the DPA or restricting access to crime / intelligence reports if the matter is sensitive. Consultation and advice from the Crown Prosecution Service can and would be obtained as necessary.

129. In respect of the more serious offences, where MPS personnel are involved, such matters would be viewed with great seriousness. They would be subject to a comprehensive investigation by the DPS. These investigations would be supported by whatever levels of resources were required. Less serious offences would be dealt with appropriately at borough level.

**Media coverage of me (Question 80 – 82 of the Inquiry's letter)**

130. I believe I was a victim of phone hacking as I stated to HASC (12 July 2011, Q.350 to Q.353).

131. I believe that I was also the victim of intrusive and inaccurate reporting in the summer of 2011, particularly in the days leading up to and on the day of my resignation, 18 July 2011.

132. I remain extremely disappointed at the behaviour of two members of the MPA professional standards committee, Chris Boothman and Joanne McCartney. They had clearly decided that I was guilty of misconduct and called for my resignation publicly on

several occasions, not only before the Committee met to discuss the case on 18 July 2011 but also, and even worse, during the meeting itself. This added to the media frenzy, placed additional pressure on those left on the committee, and in my view played a significant part in the conclusions they reached; conclusions that have now been shown to be badly flawed.

133. According to some media outlets I was also the subject of threats to publish details about my private life, but this was not true.

*My Resignation (Questions 83 – 86 of the Inquiry's letter)*

134. I announced my intention to resign and made a public statement, a record of which I produce as my exhibit as JMY/6. I stand by my resignation statement, particularly the risk of these events distracting me from performing my national role as the lead for counter terrorism in the lead up to the 2012 Olympic Games.

135. The decision by the MPA to suspend me – although never implemented – was a crucial exacerbating feature in my decision to resign. They made their decision after referring two matters to the IPCC and on both these matters I have been completely exonerated without having to provide a statement or explanation in any form.

136. The committee had all of the information available on 18 July 2011, provided by me in an email that morning (Exhibit JMY/4), that would have allowed them to reach the same conclusion subsequently reached by the IPCC. It is obviously a matter of great

disappointment that they chose to ignore this vital information and allowed themselves to get caught up in the heat of the media and political frenzy to reach the incorrect conclusions they did. These were not the actions of a responsible employer. Ironically, the last paragraph of my email to Catherine Crawford on the morning of 18 July 2011 specifically raised this point, namely that I expected the committee to act as a responsible public body and consider the evidence, rather than react to the media frenzy. Regrettably, they failed on all counts.

137. I discussed my intention to resign with Kit Malthouse, Catherine Crawford as well as Tim Godwin and told the Home Secretary after I had made my decision.

138. Both Kit Malthouse and Catherine Crawford were clearly under considerable pressure. A live press conference had been called by the Mayor and was due to start at City Hall at 2pm that day. I felt that the very public threat of suspension would make my current role untenable. It is simply not true that suspension is a neutral act; far from it. At any level, but particularly for someone at my then level of seniority and then level of media exposure, it is career ending. I challenged Catherine Crawford at some length as to whether the Committee had considered my email to her of that morning and if they had not, why not. She was unable to provide me with an answer. It was very clear to me from this conversation that the Committee had made up its mind (although not yet publicly).

139. My conversations with Kit Malthouse were very straightforward and reasonable but he appeared powerless to influence events and inferred very clearly that the 2pm press conference would be very difficult for me. In essence, I was therefore given a very short period of time (about 30 minutes) to decide upon the termination (or otherwise) of a 30

year career. I concluded that in all the circumstances it was better to announce my intention to resign immediately. Later that day I received a text from Kit Malthouse which summarised for me the atmosphere that had prevailed:

"Goes without saying that I feel terrible for you and family. It's just been appalling. Insanity and cynicism combined in a profoundly poisonous mix. Horrible. I know what you have given over 30 years and I for one am deeply grateful ... K"

#### IPCC Investigation (87 – 88 of the Inquiry's letter)

140. I have had the following communications with the IPCC since I announced my intention to resign:

- i. My solicitor wrote to Deborah Glass on 11 August 2011 enquiring whether a decision had been made as to whether any investigation was required into my referral to the IPCC on 18 July 2011 (normally made within two days).
- ii. He then spoke to an IPCC lawyer the same day and was given an update and timescale.
- iii. That same lawyer emailed my solicitor on 16 August 2011 confirming that the IPCC's decision following the referral would be sent to me and my solicitor at 9am on 17 August and published at 11am the same day, which duly happened. That decision confirmed there would be no investigation into the referral in

relation to the phone hacking investigation but there would be an investigation into my alleged involvement in Amy Wallis's employment by the MPS.

- iv. My solicitor wrote to Deborah Glass again on 22 August 2011 disclosing the Tiplady email of 17 July 2011 (JMY/4 page 3) and requested that email be considered by the IPCC prior to it making a severity assessment and/or serving a Regulation 14A notice in respect of the Amy Wallis investigation. The letter also asked whether the MPA had provided the IPCC with a copy of that email.
- v. On 24 August 2011 a senior investigator, Steven Evans, wrote to my solicitor confirming his appointment.
- vi. My solicitor wrote to Mr Evans on 2 September 2011 questioning whether the Tiplady email had been provided to the IPCC by the MPA.
- vii. On 30 September 2011 my solicitor spoke to Berwyn Jones, another investigator at the IPCC, who made a request that I provide a witness statement in Mr Fedorcio's investigation. My solicitor confirmed that I would provide this statement in an email of 4 October 2011.
- viii. On 19 October 2011 Mr Evans emailed my solicitor confirming that there would be no investigation into the remaining part of the referral to the IPCC, i.e. in respect of Amy Wallis's employment by the MPS.

- ix. On 8 November 2011 my solicitor wrote to the IPCC requesting that they publish their decision exonerating me without delay. On 9 November 2011 the IPCC declined and there was some further correspondence in this respect.
- x. On 14 November 2011, due to developments at the Inquiry relating to the MPS's opening, my solicitor agreed a form of words with the IPCC relating to its decision not to investigate the Amy Wallis referral.
- xi. On 2 December 2011 my solicitor sent my witness statement in respect of the Fedorcio investigation to the IPCC.
- xii. There has been other correspondence between my solicitor and the IPCC on procedural matters which does not need to be detailed in this statement.

141. I did have contact with the IPCC regarding leaks of information to the media and/or private detectives but I cannot now recall the details.

**HMIC Report (Questions 90 -- 92 of the Inquiry's letter)**

142. I think the recommendations in the HMIC Report are very sensible and I cannot imagine that any force or police authority would have any problems implementing or monitoring them. I particularly welcome the recommendation to implement national standards around these matters as from the report it is abundantly clear there are differing standards from force to force.

143. I agree with the Filkin report that in the future, systems should be put in place to ensure that contact with all sections of the media is open and recorded.

144. From my experience HMIC is not sufficiently equipped to provide oversight of relations between the police and the media. They often produce excellent reports but do not have the resources to follow them up and monitor delivery. This is an observation rather than a criticism. Furthermore, these are operational matters which require leadership from the police at every level rather than relying on an external body to provide oversight of these relations.

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

Signed



Dated: 22.2.12

JOHN YATES