

Witness: Peter Clarke
Statement No: 1
Exhibits Referred to: PC/1, PC/2, PC/3
Date Statement Made: 31 January 2012

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

Witness: Peter Clarke CVO, OBE, QPM

Address: c/o Metropolitan Police Service, New Scotland Yard

1. I have been asked to provide this statement for the purpose of assisting the Leveson Inquiry. In preparing this statement I have sought to address all the questions asked of me in the Notice issued pursuant to s.21(2) of the Inquiries Act 2005. I have begun each section of this statement by listing the questions to which I am responding.
2. I have sought to answer each question as fully as possible, but where the question is outside my knowledge, I have made this clear. I am no longer a serving police officer and therefore do not have the familiarity with some of the policies and procedures to which the questions make reference, which I would have had previously. I would respectfully suggest that there will be others within the specialist departments of the *Metropolitan Police Service (MPS)* who will be better placed to answer such questions.

Personal History

- (1) Who you are and a brief summary of your career history.

3. My full name is Peter John Michael Clarke. I was an officer in the MPS from 1977 until 2008, when I retired from the position of Assistant Commissioner, Specialist Operations.

4. Since retiring from the police service, I have assumed a number of advisory and consultative roles. These include an appointment as a Fellow of the Center on Law and Security, New York University School of Law. I am a Senior Advisor to Olive Group, a multinational security company, and a non-executive Director with Knightsbridge Guarding, a London-based security firm. In March 2009 I was appointed by the then Prime Minister to be a member of the National Security Forum, and since September 2009 have been a non-executive Director of the Serious Organised Crime Agency. I write and lecture on the subject of counter terrorism and national security. I am also a member of the Board of Trustees of the Crimestoppers charity.

5. My professional life in the police service was marked by a series of interesting and challenging posts. In fulfilling these roles I worked closely and developed contacts with colleagues in law enforcement, intelligence, diplomacy, the military, academia and business in many parts of the world. I was engaged in operations, training and inter-governmental negotiations in Europe, North and South America, Australia and the Middle East. I gave presentations and seminars, and

have worked with the NATO School, New York University, the University of New South Wales, Eurodefense, the Royal United Services Institute, the London Chamber of Commerce and many others. At governmental level, I frequently attended Cabinet Office Briefing Room (COBR) crisis management meetings, and was a member of the team negotiating with the US government for the return of UK detainees from Guantanamo Bay. I have given evidence to Parliamentary Committees, and at times was instrumental in the development of new counter terrorism legislation.

6. In British policing I believe that I had unique experience at senior level in matters of security, protection and counter terrorism. During the nearly 6 years that I held my last post, I played a leading part in many events and investigations, including the Bali bombings, attacks against British interests in Saudi Arabia, Turkey and elsewhere, the response to the July 2005 attacks in London, every major counter terrorist investigation in the United Kingdom, and the murder of Alexander Litvinenko in London in 2006.

7. My most recent senior positions were as follows:
 - (a) 1993 - 1994 - Staff Officer to the then Commissioner, Sir Paul Condon
 - (b) 1994 - 1996 - Divisional Commander, Brixton Division, MPS
 - (c) 1996 - 2001 - Head of the Royalty and Diplomatic Protection Department

- (d) 2001 - 2002 - Deputy Director (then Acting Director) of Personnel for the MPS
- (e) 2002 - 2008 - Head, MPS Anti-Terrorist Branch and National Co-ordinator of Terrorist Investigations

8. In May 2002, I was appointed to be the Head of the Anti-Terrorist Branch (SO13), and as such was responsible for the conduct of all investigations into suspected terrorist activity in London. On behalf of the Association of Chief Police Officers (ACPO), I also held the position of National Co-ordinator of Terrorist Investigations (NCTI). As such I had the responsibility to lead and co-ordinate counter-terrorist investigations throughout England and Wales. On behalf of the UK police service, I also co-ordinated the response to terrorist attacks overseas where British interests were affected, most usually when there were British casualties. In fulfilling my role I worked closely not only with colleagues in the MPS, but also with the intelligence agencies, government departments, and a wide range of domestic and international partners.

Media Relations

- (2) What were your impressions, over the years, about the culture of relations between the MPS and the media?
- (3) Describe the personal contact which you had with the media at the various stages of your career. The Inquiry would like an overall picture of the type, frequency, duration and content of your contact with the media.
- (4) Without prejudice to the generality of question (3) above, please set out the contact which you had with the following persons employed by (or formerly employed by) News International (if any), giving the dates and summarising the gist of the communications which you had with:

- A Neil Wallis.
- B Rebekah Brooks.
- C Andy Coulson.
- D Colin Myler.

- (5) Describe what you were seeking to gain for the Metropolitan Police through your personal contacts with the media.
 - (6) Describe in general terms and using illustrative examples what you consider the media has been seeking from you in your personal dealing with them during your career.
 - (12) Whilst you were serving in the Metropolitan Police, did you ever meet either James or Rupert Murdoch? If so, please give full particulars.
 - (13) Are you aware of any meeting between James or Rupert Murdoch and any member of the MPS? If so, please give full particulars.
9. I think that to talk about a 'culture of relations' between the police and the media is to suggest an unhelpful generalisation. In my experience there was no such thing. At a local level there is usually a good relationship between local officers and the local press. Reflecting on later years, when working at New Scotland Yard (NSY), I still find it difficult to identify anything that could accurately be described as a 'culture' of relations between police and the media. I accept that in recent months some commentators have tried to show that there was such a culture, but I simply do not recognise it. At its highest, it seems to me to be an attempt to generalise from a few particulars.
10. In the early stages of my career my contact with the media was restricted to local issues, usually following noteworthy crimes or a significant court case. My first contact with the media in any consistent way at a national level was when working for the then Commissioner, Mr (now Lord) Condon as his Staff Officer in 1993. Much of the contact was through the Director of Public Affairs, but the Commissioner also held a

series of informal supper meetings in his office at NSY to which editors of national newspapers were invited. I attended these briefings, and when invited to do so would join in the discussion.

11. My memory is that the editors of most, if not all, of the national press came to these meetings, sometimes accompanied by their leader writers. The discussions were around matters of police policy and strategy, and very often the conversation turned to trying to dispel the many myths that often surround policing. During that time, I also sometimes accompanied the Commissioner to the regular 'off the record' briefings that he would give to the Crime Reporters Association (CRA). These were held at NSY. It may be more accurate to describe these briefings as 'on the record' but 'non-attributable' as it was fully understood that the contents could and would be used by the media, but not attributed to the person giving the briefing. Given it was nearly twenty years ago, I cannot remember the precise details of these briefings, but do recall that they tended to be about matters of general policing interest rather than anything to do with specific cases or enquiries.

12. During my tenure as Divisional Commander of the Brixton Division from 1994 - 1996, I had frequent contact with the local media, and occasionally with the national press, particularly after an outbreak of public disorder in December 1995. Typically the contact with the local media would be about matters of local interest, particular crimes or local

policing issues. After the December 1995 disorder I gave some TV interviews to explain to the public what had happened and attempt to reassure them.

13. From 1997 until 2000 I was the Commander of the Royalty and Diplomatic Protection Department, with responsibility for the protection and security of the Royal Family, their residences, the diplomatic community in London and the Parliamentary Estate. I had very little direct contact with the media, as the general policy was that we did not comment on matters of protection and security. If there were issues that needed a response from the MPS, I would work with the Directorate of Public Affairs (DPA) to generate the appropriate response.

14. However, I was of course intensely aware of the activities of the media, particularly their intrusive behaviour towards some members of the Royal Family. A considerable amount of time and effort was devoted to considering where the responsibilities of the police began and ended when it came to protecting members of the Royal Family from the unwanted attention of the media. As the role of the police was to provide protection from physical harm, the decision as to what action needed to be taken in response to media intrusion was very often a judgement for an individual protection officer to reach; assessing whether media activity actually presented a physical threat.

15. In the early part of 2002, after assuming command of the Anti-Terrorist Branch and taking on the role of National Co-ordinator of Terrorist Investigations, my relationship with the media changed. For many years it had been the rule that the National Co-ordinator would be the sole spokesman on matters relating to terrorist attacks, arrests and investigations. This was partly to try to safeguard the security of other counter terrorist practitioners, but also for sound operational reasons. My contact with the media while I held this role, until my retirement from the police in 2008, was frequent, high profile and a major part of my role. It fell into several categories:

- Written statements and press releases carrying quotations from me and put out through the DPA.
- Off the record briefings for the CRA at NSY organised by the MPS DPA. These took place perhaps 2 to 3 times a year, and were designed to give an overall briefing on the terrorist threat, the progress of cases coming to trial, and any other appropriate issues.
- Formal press statements and conferences following terrorist attacks, the conclusion of trials or any other important event.
- One to one interviews with the print and broadcast media as appropriate.
- Occasional lunches with members of the CRA, arranged in groups (e.g. tabloid, broadsheet or broadcast) by the DPA. I do not recall the exact timing or number of these meetings, but would estimate that perhaps there were a total of 5 or 6 over the nearly 6 years I held the role.

- Occasionally individual reporters would contact me looking for guidance on a particular issue. Sometimes I could give it, and sometimes I would refer them back to the DPA. I always reported such approaches to the Specialist Operations Desk at the DPA.
 - Occasional social events such as the CRA Christmas reception, or the corresponding event held by the DPA.
 - Occasional contact at conferences or seminars where I was attending as a speaker or participating in some other way.
16. To the best of my knowledge I have never met or spoken with Neil Wallis or Colin Myler. I have met Rebekah Brooks and Andy Coulson on one occasion in 2004. The circumstances were that in August 2004 a terrorist network had been arrested in the UK, and among the material seized were plans to make dirty bombs to bomb the transport network and hotels in London and attack targets in the United States. The then Commissioner, Sir (now Lord) Stevens, was of the view that the media, who at that time were frequently sceptical and critical of the UK police counter terrorist efforts, needed to be made aware of the reality of the threat the country was facing. I think Lord Stevens shared the frustration that I felt; that some commentators were consistently saying that the terrorist threat was being exaggerated by the authorities for political or self-serving purposes.
17. The sense was that the media, at a senior level, needed to be made aware of the sort of material we were uncovering in our investigations.

Lord Stevens therefore directed that he and I would visit the editors of all the major national newspapers to brief them on what we had found. The whole matter was of course sub judice, so the material could not be used by the media. The intention was to inform their thinking and give context to their reporting.

18. As part of this series of visits and briefing we went to News International where the editors of The Times, The Sunday Times, The Sun and The News of the World (NOtW) were present. This included Rebekah Wade and Andy Coulson in the roles they held at that time. The meeting was unexpectedly (at least to us) joined by Rupert Murdoch who, we were told, happened to be in London at the time. That was the only occasion on which I have met Ms Brooks, Mr Coulson or Mr Murdoch. Briefings were also held with all the other major newspapers titles (The Mail, Independent, Guardian, Telegraph, Evening Standard).
19. To the best of my knowledge I have never met James Murdoch. I am not aware of any other meetings with the Murdochs that other members of the MPS had.
20. There is no distinction between the few 'personal contacts' I had with the media, and the vast majority which were under the aegis of the DPA. As far as I was concerned, all contact with the media had some very clear objectives, which I set out repeatedly to senior colleagues in briefings. The last occasion on which I did so was in a presentation to the

Association of Police Public Relations Officers (a national grouping) at their annual conference on 7th November 2007. One of the slides I used, in relation to my media strategy, was headed 'Aims and Objectives' and continued:

To support the investigation and in so doing to:

- Inform the public
- Reassure the public
- Demonstrate the integrity and independence of the investigation
- Prevent future prejudice (to any judicial process).

21. A key objective was to convey the integrity and independence of our counter terrorist efforts. Since 9/11 there had been a degree of scepticism in the media and among some in the Muslim communities as to the reality of the terrorist threat to the UK. Some commentators had claimed that it had been deliberately exaggerated to justify British foreign policy; an accusation that was hugely damaging to the credibility of the police among Muslim communities, whose support and confidence we needed.
22. This was due in part because the trials of the many terrorists that had been arrested were taking so long to reach their conclusions (3 years or more for some of the major cases). There was therefore a period when the combination of sub judice restrictions and court orders prevented the

outcome of many cases being reported because of the potential prejudice that could be caused to other trials.

23. In the period before the attacks on London in July 2005, and before any of the major terrorist trials reached the courts, I felt that there was an overwhelming public interest in the media being made aware of the true nature of the terrorist threat to the UK. During off the record briefings, I informed reporters what was in the pipeline in terms of trials, without prejudicing either current intelligence or the trial process itself and safe in the knowledge that none of what I was briefing could be reported because of the contempt of court rules. The objective was to offer responsible reporters an alternative view to the criticism that was coming from some quarters that the police were unfairly targeting the Muslim communities, using oppressive methods and arresting large numbers of innocent people who were then being released without charge.

24. The objective was not to enhance the reputation of the police, but to try to maintain the confidence of the Muslim communities through what was a deeply unsettling time for them. That, in turn, was an essential pre-requisite to broader efforts to counter the radicalisation of impressionable young people, and to gain information about extremist and terrorist activity in the UK.

My Understanding of the Approach of the MPS to Media Relations

(14) What mechanisms were in place to monitor and record meetings with the media, whether formal or informal, by members of the MPS?

- (15) Did you ever discuss the media, or media coverage, with politicians? If so, how important is such communication and why?
 - (18) Set out your understanding of the type of contact which Metropolitan Police personnel have had with the media covering nature, extent, and (in general terms) topics / content.
 - (19) Were contacts with the media restricted to certain staff or were all staff able to deal with the media?
 - (20) What did you expect the Metropolitan Police to gain from such contacts with the media?
 - (21) What did the media seek from such contacts with Metropolitan Police personnel?
 - (27) What policies and procedures were in place whilst you were a Deputy Assistant Commissioner to record contact between: (a) the Commissioner and the media; (b) senior managers and the media; (c) other personnel and the media? For the avoidance of doubt please answer in relation to both formal and informal communications.
 - (28) Were records of hospitality and other contact with the media audited and/or policed and, if so, how and by whom?
 - (29) In your opinion did the policies and procedures described above: (a) work effectively; (b) were they sufficient; (c) were they transparent enough; and (d) were they capable of improvement.
 - (30) What systems, policies and procedures were in place in the Metropolitan police to ensure that all members of the force (including civilian employees) know what was and what was not appropriate contact with the media?
 - (31) Were you satisfied that the policies and procedures described above were sufficient and worked effectively? Did you consider that they were capable of improvement?
 - (32) What training was in place in the Metropolitan police to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media?
25. There were no mechanisms in place that I can now recall for recording meetings with the media, unless the meeting fell into another category – e.g. where hospitality was received or if a journalist was recorded as a registered informant.
26. During the course of counter terrorist operations, there were of course discussions, often during COBR meetings, about the communications strategy with politicians. I recall having discussions with the Home Secretaries of the day about such issues on many occasions. Most

notably in the aftermath of the 7/7 attacks; the arrests in connection with the plot to bring down transatlantic airliners in August 2006; the murder of Alexander Litvinenko in December 2006; and the terrorist attacks in London and Glasgow in July 2007. These were specific operational discussions. I do not recall any more general conversations with politicians about the media or media coverage.

27. In terms of the type of contact the MPS had with the media, this would be wide ranging and dependent upon the context of the individual operation. It is therefore very difficult to set out a broad understanding of this contact outside my own personal experiences, which I have attempted to set out in detail to the various answers to these questions.
28. In my particular field of counter terrorist investigations, for the reasons given above, I was the only person who would routinely deal with the media. In the event of a major incident such as the attacks on 7/7, then the Commissioner or Assistant Commissioner (Specialist Operations) would obviously have a role in both the press conferences, and by giving interviews.
29. I have set out above what I expected the MPS to gain from their contact with the media in the context of my specific role within the organisation. I believe that the fundamental aims, which I mentioned of increasing awareness, reassuring communities and ensuring that live operations

were not jeopardised by irresponsible reporting can be applied to the MPS more generally.

30. The media sought a huge range of information from the MPS during my career. The nature of requests that I received were specific to the current operations that I was responsible for. I think that this question is best answered by members of the media.

31. There was a specific policy in place for MPS contact with the media. Contact with the media would vary depending on the rank or role of the officer. So far as I was concerned, all contact I had with the media was in my role as a senior officer of the MPS. In terms of the recording of contact with the media, I was not aware of any specific policy in place. I am aware that the DPA would maintain records of press lines where appropriate to ensure consistency in response. I would also refer you to tab A of the MPS Master Bundle for further details of the various policies in place during my time as Deputy Assistant Commissioner. The policy did not prevent contact with the media, but sought to provide guidance as to the rank of officer whom it would be appropriate to have contact with the media and general advice on engaging with the media.

32. Records of hospitality would have been maintained in accordance with Notices 20/2004 - Policy for Acceptance of Gifts and Hospitality, which can be found at tab B of the MPS Master Bundle. The policy is clear in that any offer of a gift or hospitality accepted must be justifiable in terms

of the benefit to the MPS. It is also specific in that hospitality must not be accepted which would compromise a police officer's judgment or integrity.

33. During the time that I held a senior position within the MPS, I had no reason to believe that whatever policies were in place were not adequate or working effectively. If I had thought otherwise, I would have brought it to the notice of the relevant senior colleagues either in the DPA or elsewhere.
34. My contact with the media would always be in collaboration with and guided by the DPA. I would decide what strategic objectives or public priorities demanded contact with the media, in whatever form, and I would then discuss with the DPA how this could be achieved. I was aware that there were a number of policies governing various aspects of media relationships and handling. I would rely on professional advice from the DPA concerning my appropriate contact in order to ensure my strategic objectives were compliant with policy.
35. I cannot recall any occasion on which a policy or procedure concerning the media impeded me in achieving my operational goals, and so to that extent they were sufficient and effective.
36. I am not in a position to describe the detailed contents of every training course for all ranks, grades and disciplines within the MPS insofar as

they may or may not have been relevant to media contact. I am informed that media awareness and broadcast training is organised by the DPA and provided to all relevant officers and staff who are likely to have contact with the media.

- (94) What is your current impression of the culture within the MPS in relation to its dealings with the press?
- (96) Do you consider that there are further steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate?
37. I ceased working for the MPS in 2008 and have therefore little current knowledge of the culture within the MPS about its dealings with the press. I have set out in detail above my own dealings with the press during my 30 years at the MPS and have nothing further to add beyond this. I understand that the MPS will be considering the recommendations of the HMIC Report and the Filkin Report in detail and taking whatever steps in response which they feel are appropriate.

Gifts and Hospitality

- (7) To what extent did you accept hospitality from the media?
- (8) Insofar as you accepted hospitality from the media, what was the nature of the hospitality that you accepted?
- (9) To what extent did you provided hospitality for the media on behalf of the Metropolitan Police Service?
- (10) Insofar as you provided hospitality to the media, what was the nature of the hospitality that you provided?
- (11) In relation to the hospitality which you accepted from any company owned by the Murdoch family, or any member thereof, or from any employee or director of such a company, please specify:
- a. The hospitality which you accepted;
 - b. The person who offered the hospitality;
 - c. When the hospitality was offered and how;

- d. Your reason for accepting the hospitality;
 - e. How you accepted the hospitality;
 - f. When you first formally declared the hospitality;
 - g. Are you aware of any other member of the MPS accepting such hospitality? If so, please name them.
- (22) What hospitality were MPS personnel permitted to accept from the media? Inter alia, were they entitled to accept a meal or a drink from a journalist?
- (23) What hospitality were personnel permitted to afford to the media?
- (24) What mechanisms were in place to record hospitality as between the media and MPS personnel?
- (25) How (if at all) was hospitality between the MPS (including yourself) and the media overseen, controlled and/or regulated?
- (26) Were the hospitality rules governing contact between MPS personnel (including yourself) and the media different from those covering contact with other third parties? If so, what were the differences?
38. As detailed above, I attended a series of lunches with members of the CRA, arranged by the DPA. These were held in restaurants in London, and to the best of my recollection the bill would either be paid by one of the journalists or shared between those journalists who were present. I attach as exhibit PC/1 a copy of the hospitality register which sets out all the recorded hospitality I accepted. To the best of my knowledge, I did not provide any form of hospitality for the media (save for my leaving drinks in 2008, which I personally paid for). I have only exhibited the entries that are relevant to me during my time as Deputy Assistant Commissioner.
39. It is possible that some of the lunches referred to above were paid for by a journalist from a company owned by the Murdoch family, but I simply cannot recall if that is the case or not. I was always accompanied by a senior member of the DPA at such occasions, and so they too would

have been paid for. I assume that the hospitality would have been entered either into the register held by Specialist Operations or by the DPA into their register.

40. Any acceptance of hospitality would have been in accordance with the relevant Gifts and Hospitality policy in force at any particular time. As explained above, I am not aware of any specific policy in respect of the media. The policy in place at the time applied to all members of the MPS, both police officers and staff. This was to ensure consistency in approach. The responsibility for the maintenance and updating of the Gifts and Hospitality policy was with the Human Resources Directorate.

Politicians

- (16) Did you ever know, or sense, that a politician has put pressure on you to take a particular course of action as a result of lobbying or influence exerted on that politician by the media? If so, please explain (although you need not identify the politician at this stage if you do not wish to do so).
- (17) Did the prominence which politicians have given to subjects ever give rise to pressure to alter policing priorities so as to allocate more priority to the subject being given prominence by the politicians? If so, please explain.
41. I have never been put under pressure by a politician to take a particular course of action as a result of such lobbying. My objectives were always abundantly clear in my dealings with politicians and there were no occasions when 'political pressure' played a part in my operational decision making.

Leaks, Disciplinary Action - Directorate of Professional Standards (DPS)

- (33) To what extent were leaks from the Metropolitan Police Service to the media a problem during your career with the MPS?

(34) What systems and procedures were in place to identify, respond to and detect the source of leaks?

42. I am publicly on record as having expressed my concern about the subject of leaks, but I must emphasise that my concern was not confined to the MPS; it related to a much wider range of people with access to confidential information. I made specific reference to the subject during the Colin Cramphorn Memorial Lecture that I delivered on 24th April 2007. I attach as exhibit PC/2 a copy of the lecture in full. The relevant extract from the lecture is as follows:

"The simple fact is that it is incredibly difficult to keep information confidential. The circle of knowledge, even on the most sensitive of operations, inevitably becomes wider than one would wish, particularly when those operations are protracted for the reasons I explained earlier. But let me make it absolutely clear what I am talking about. I am not referring to the normal day to day discourse that occurs between journalists and their contacts. What I am talking about is the deliberate leaking of highly sensitive operational intelligence, often classified, and the unauthorised release of which can be a criminal offence. I make no allegations about the source of leaks or about individual cases. What is clear is that there are a number, a small number I am sure, of misguided individuals who betray confidences. Perhaps they look to curry favour with certain journalists, or to squeeze out some short term presentational advantage - I do not know what motivates them. The people who do this either do not know or do not care what damage they do. If they do know, then they are beneath contempt. If they do not know, then let me tell them. They compromise investigations. They reveal sources of life saving intelligence. In the worst cases they put lives at risk. I wonder if they simply do not care.

The recent investigation in Birmingham into an allegation that a British serviceman had been targeted by a terrorist network is but one example of this. On the morning of the arrests, almost before the detainees had arrived at the police stations to which they were being taken for

questioning, it was clear that key details of the investigation and the evidence had been leaked. This damaged the interview strategy of the investigators, and undoubtedly raised community tensions. I have no idea where the leaks came from, but whoever was responsible should be thoroughly ashamed of themselves. There are many other examples that I shall not itemise, for fear of giving credence to those very leaks."

43. I still do not know who was responsible for that particular leak. The circle of knowledge across Government was extensive because of some of the issues involved in the case. One might think it instructive, to some extent at least, that many of the early media reports on the morning of the arrests were coming not from crime or security correspondents, but from political correspondents. I simply do not know who the source or sources of the leaks were. I think it would be naive to assume that there is not sometimes deliberate obfuscation by some journalists in order to protect their sources. The expression 'police source' can mean anything from a serving police officer, a member of police staff, a member of the Police Authority, or even someone who has been at a meeting where a police officer shared some information. From my experience of over 30 years, serving in uniform and detective roles across London, I think the extent of leaks from the MPS has been greatly exaggerated, although I would not suggest for a moment that it is not a problem.
44. Indeed, in 2007 I instigated a leak enquiry that resulted in one of my own staff from the Counter Terrorism Command being imprisoned for leaking a highly sensitive intelligence document to the Sunday Times. His motive was not financial, but he claims to have done it because he was

unhappy about internal organisational changes. This particular individual, Thomas Lund-Lack, had been a police officer for 34 years, a civilian member of staff for 4 years after his retirement, and was vetted to the highest levels. I had known him personally for over 20 years. To me, this shows that it is very difficult to predict the source or motivation of leaks. There is no simple answer, and it is a problem for the whole of Government, not just the police.

45. The best way to deal with the problem of leaks is by preventing them, if possible, from occurring. There is little if anything that can stop leaks happening if people are determined, for whatever reason, to breach trust, break their terms of employment or break the law. However, effective personnel screening, adhering to policies in respect of document and IT security, and strict adherence to operational security measures can contribute to preventing leaks.

46. There are of course conflicting pressures at play here. In my own field of counter terrorism, it was important to secure and maintain community trust, whenever possible. To that end I was frequently put under pressure to share the details of forthcoming operations with community representatives or independent advisory groups, as happens with some types of crime operation. My view was that this would present an unacceptable risk to operational security, and could actually place the public at risk from terrorists who might be alerted or diverted from their targets. The challenge was to find the balance between maintaining

operational security, being as inclusive as possible in the conduct of sensitive operations, and running the risk of suffering damaging leaks that could endanger lives.

47. Although I believe that prevention is better than cure, it is inevitable that leaks will occur in any organisation. Investigating leaks is difficult, depending upon how many people are privy to the leaked information, the means of leaking, the time of the leak, the recipient of the leak and so on. In terms of identifying sources of leaks, there are the normal methods of investigation, and in the modern era the ability to audit access to, and retrieval of, material from data storage systems is important. By way of comment, the apparent imbalance in terms of sanction and critical focus between those who leak and those who receive and make use of leaked material contributes to the problem. While being fully conscious of the public interest issues which this raises, there seems to be little or no disincentive for would-be receivers of such material to solicit or procure its leaking.

Financial transactions Between MPS Personnel and the Media

- (35) What payments (if any) were considered to be legitimate financial transactions between MPS personnel and the media?
- (36) What policies and/or guidance were in place in relation to financial transactions between MPS personnel and the media?
48. I cannot conceive of the circumstances in which there could be a legitimate financial transaction within the context of my operational command. Depending upon the circumstances, such transactions would

in all probability either be plainly illegal or in breach of the Code of Conduct and therefore a disciplinary offence and would be referred to the DPS. At no point did I receive any form of payment from any external organisation whilst employed by the MPS.

Bribery by the Media

- (37) To what extent do you believe bribery of personnel by the media was a problem for the Metropolitan Police Service (if at all)?
- (38) What steps were taken: (a) to educate your personnel about bribery; (b) otherwise to prevent the bribery of your personnel; (c) pro-actively to detect bribery; (d) retrospectively to investigate bribery; and (e) to discipline personnel (if any) who are found to have accepted bribes from the media?
49. I do not know to what extent bribery of personnel by the media was a problem for the MPS. If I had had reason to suspect such activity, I would have made sure it was investigated by the DPS. In my 30 years of service with the MPS I cannot recall ever being involved in a case or incident where bribery of a police officer by the media was suspected.
50. Police officers are trained to the effect that bribery is a crime. Many of the measures I have referred to above in respect of the prevention of leaking apply to the prevention of bribery, in particular security clearances and vetting, along with the financial enquiries that accompany this at the higher levels of clearance. In addition, the MPS have a system of 'management vetting' that focuses on financial matters for those who are to be employed in particularly vulnerable posts. There will be others who are in a better position than me to assist the Inquiry with the details of this.

51. I am not aware of any officers who have been found to have taken bribes from the media, so cannot comment on this part of the question.

Directorate of Public Affairs

- (39) What role did the Metropolitan Police Service Directorate of Public Affairs (especially the Press Bureau) fulfil? What, in practice, did it do?
- (40) How, in practice, did the media get access to you? Did the Head of Public Affairs act as a gatekeeper?
- (41) To what extent did the Press Bureau exist to manage the Metropolitan Police Service's corporate image in the media?
- (42) Why was it necessary for the MPS to have a Press Office, and what was your view as to its utility and role?
- (43) What was the media's attitude towards the MPS Press Office? In particular, were they satisfied by the provision of information and the routing of communications through the press office or did they prefer direct contact with individual personnel within the MPS?
- (44) How many personnel worked in the Press Bureau when you were an Assistant Commissioner?
- (45) How many of the personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were a Deputy Assistant Commissioner had previously worked for the News of the World? Insofar as you are able to please name them.
- (46) How many of the personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were a Deputy Assistant Commissioner had previously worked for a title owned by Rupert Murdoch? Insofar as you are able to please name them?
- (47) What proportion of personnel who worked in the Directorate of Public Affairs, including the Press Bureau, whilst you were a Deputy Assistant Commissioner had previously worked for a media outlet? Insofar as you are able to, please name them?
- (51) What limitations, if any, were there on staff from the Metropolitan Police Service leaving to work for the media and vice versa?
- (52) Were records kept of those who joined the MPS from the media, or went on to work for the media after leaving the MPS? If so, please describe the system in place.
- (53) To the best of your knowledge were there any discernible patterns in the movement of personnel from the media into the MPS and vice versa?

52. The DPA had many functions that could be better described by others. So far as my role in counter terrorism was concerned, the Specialist Operations Press Desk was the point of contact between the media and the MPS in respect of all enquiries relevant to the responsibilities of Specialist Operations. Broadly speaking these responsibilities concerned security, protection, counter terrorism and aviation. In my role I had very little, indeed virtually no contact with the Press Bureau as their role was to answer questions from the media about specific incidents. In respect of incidents involving Specialist Operations, the responses given by the Press Bureau would have been cleared with the Specialist Operations Desk.
53. The media would generally only get access to me through the Specialist Operations Press Desk. A few journalists had managed to get my direct line, and some my mobile telephone number, in which case I would either give such guidance as was appropriate, or refer them back to the Press Desk. In any event I would inform the Press Desk of the contact.
54. To the best of my knowledge the Press Bureau had no role in managing the corporate image of the MPS. I believe the role of the DPA is set out in a range of documents that others will be better placed than me to produce to the Inquiry.
55. The MPS probably has more need of an effective press office than virtually any other public body. It is inconceivable that the organisation

could run efficiently without a substantial group of professionals dedicated to fulfilling its stated functions. I found the DPA an essential part of my operational capability, in that, it could guide the media, curb the worst excesses of speculation and help prevent the public from being alarmed by rumour and speculation. It would also assist by disseminating accurate information, rebut inaccurate speculation, deliver appeals for information, and make space for me and my senior colleagues to get on with the job of trying to prevent terrorist attacks.

56. It is impossible to generalise on what the media's attitude to the MPS Press Bureau would have been during my time at the MPS. I have heard some members of the media complain about the Directorate, and others praise it. Sometimes it was a matter of individual relationships, but often I sensed that if journalists didn't get all the information they were looking for, they would start complaining about individual press officers. In my experience this was a tactic some journalists would use to try to gain direct access to myself or other officers.
57. I am not aware of whether records are kept of those who joined the MPS from the media or who went to work for the media after leaving the MPS. Equally, I am not aware of any patterns in the movement of personnel from the media into the MPS and vice versa.

58. I have no knowledge of the staffing levels at the DPA Press Bureau during my time as Deputy Assistant Commissioner or the staff movements within the DPA to other media outlets.

Media Crime

- (90) What levels of awareness and experience were there in the Metropolitan Police Service of "media crime" and in particular: (a) unlawful interception of communications (including the Regulation of Investigatory Powers Act); (b) bribery of officials by the media; (c) blackmail; (d) harassment by paparazzi and journalists; (e) traffic and/or public order offences committed by photographers and journalists pursuing stories; (f) inciting officials to communicate confidential information held by the MPS / conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).
- (91) What sort of priority was given to, and what level of resources are available to deal with, the above.

59. *The DPS will investigate offences where MPS personnel are involved.*

These allegations were taken very seriously during my time as Deputy Assistant Commissioner. I understand that the role of DPS is set out more fully in the witness statement of serving officers, which should assist the Inquiry.

Metropolitan Police Authority

- (48) What role did the Metropolitan Police Authority play in relation to oversight of the Metropolitan Police Service's relations and communications with the media?
- (49) What level of contact and oversight was there from the MPA in relation to the MPS' *relations and communications with the media*?
- (50) What level of contact and oversight was there from the MPA in relation to the MPS' policing of offences committed, or suspected as having been committed, by the media?
60. I am aware that the Metropolitan Police Authority (MPA) conducted a scrutiny of the communications strategy during and after the counter terrorist operation that was conducted in Forest Gate in June 2006.

However, I was never approached or interviewed by the MPA in respect of this, and do not know to whom amongst those involved in the operation, they spoke.

61. During the period from 2002 – 2008, when I was National Co-ordinator of Terrorist Investigations and therefore had a key role in communications between the police service and the media in respect of counter terrorism, I do not recall the MPA approaching me in relation to media issues. I had regular contact with the MPA in the person of Lord Harris, who was the Home Secretary's representative on the MPA, but this was usually in the form of a briefing about operational matters or developments in the Counter Terrorism Command.
62. The only other involvement I had with the MPA which I can recall in connection with media issues was in July 2011, more than 3 years after my retirement from the MPS. After giving evidence to the Home Affairs Select Committee (HASC), I learned from the BBC News that I had been referred by the MPA to the Independent Police Complaints Commission (IPCC) in connection with my role in Operation Caryatid, the first investigation into voicemail interception in 2005/6.

The IPCC, the Surveillance Commissioner and the Information Commissioner

- (92) Whilst you were an Assistant Commissioner of Police of the Metropolis did contact with the IPCC and/or the Surveillance Commissioner and/or the Information

Commissioner ever give rise to questions about the leakage of information to the media and/or private detectives? If so, please explain?

(93) What communications have you had with the IPCC, formal and/or informal, in relation to phone hacking and with what outcome?

63. The MPA referred me to the IPCC together with the former Commissioner, Sir Paul Stephenson, former Assistant Commissioners, John Yates and Andy Hayman, in relation to our involvement in the phone hacking case. The MPA did not specify in any detail what conduct it was concerned about or what evidence existed to justify its referral decision. The MPS chose to record and refer us to the IPCC on the basis that we were senior officers and that *'these were matters of public interest, which had the potential to undermine the public's confidence in the MPS; and in the interests of transparency'*.

64. The IPCC has statutory responsibility for public confidence in the system for handling complaints and conduct matters, as defined in the Police Reform Act. The IPCC made an independent assessment of these referrals and decided that my conduct did not amount to recordable conduct. The IPCC stated:

"In relation to Peter Clarke, who was responsible for the original investigation, he has explained the parameters of the investigation, as well as the reasons why the huge volume of material seized at the time was not subject to analysis. Had a complaint been made about the original investigation, fairness would require any investigation to consider whether his decision to set narrow parameters was reasonable and proportionate in all the circumstances as they existed at the

time, which included some 70 live operations relating to terrorist plots.”

Operation Caryatid

- (54) What is your view now, with the benefit of hindsight, of the decisions that were taken as to the decision: (a) to prosecute Glenn Mulcaire and Clive Goodman; and (b) the lack of further investigation at the time?
- (55) Please explain your role and the part that you played in the investigation which led to the arrest and subsequent convictions of Glen Mulcaire and Clive Goodman.
- (56) How much involvement did you have during the 2006/7 phone hacking investigation with: (a) day-to-day decision making; (b) strategic decision making; and (c) any other form of decision making including the allocation of resources?
- (57) What was the MPS' view of the applicable law? What consequence did this view have when applied to the evidence gathered during the course of the investigation?
- (58) When did the CPS first become involved?
- (59) Did the CPS shape or help to shape the police investigation and, if so, in what way/s.
- (60) What was the CPS' view of the applicable law? How did it differ from the MPS' view of the law (if at all)? What consequence did the CPS view of the law have when applied to the evidence gathered during the course of the investigation?
- (61) What was counsel's view of the applicable law? How did it differ from the MPS' and/or the CPS' view of the law? What consequences did it have when applied to the evidence gathered during the course of the investigation?
- (62) Approximately how many persons were named in Glen Mulcaire's notebooks?
- (63) Of those named in Glen Mulcaire's notebooks, approximately how many were associated with mobile telephone numbers?
- (64) Of those named, with mobile telephone numbers, in Glen Mulcaire's notebooks, approximately how many were associated with evidence which amounted to prima facie proof that the person's voicemail had been hacked?
- (65) What decisions were made as to parameters of the investigation, by whom and why?
- (66) Was all of the evidence obtained read (either individually or collectively)? If so by whom and subject to what instructions? If not, then please explain why not, what was read, by whom, and subject to what instructions.

- (67) Was there a decision to limit the investigation to the activities of Goodman and Mulcaire? If so, by whom and why?
- (68) Was there a decision to limit the analysis of the evidence to certain victims? If so, by whom, which victims and why?
- (69) There appears to have been a decision to prosecute selectively in relation to specific victims:
- a. Is this correct? If so, who made this decision and why was this approach adopted? If not, please explain the decision making process and the basis for the ambit of the prosecution of Goodman and Mulcaire.
 - b. Was there a desire to avoid publicising certain victims? If so, which victims and why?
- (70) In relation to the above four questions, the Inquiry notes the allegations made in *The Guardian* on 4 April 2010 in an article by Nick Davies entitled "*Police ignored News of the World phone hacking evidence*" which, amongst other things, alleges:
- a. That there was a police briefing paper, referred to by the CPS in a file noted dated 30 May 2006, informing the then Attorney General and the then DPP that "*a vast number of unique voicemail numbers belonging to high-profile individuals (politicians, celebrities) have been identified as being accessed without authority. These may be the subject of wider investigation.*"
 - i. Is it true that there was such a document?
 - ii. Is it true that there was a vast number of unique voicemail numbers belonging to high-profile individuals (politicians, celebrities) which had been identified as being accessed without authority?
 - iii. Why was there no wider investigation at the time?
 - b. Police persuaded prosecutors to: "*ringfence the case to minimise the risk of extraneous matters being included*".
 - i. Is it true that prosecutors did so seek to persuade prosecutors?
 - ii. If so, what are the extraneous matters referred to and why was there a desire to avoid their inclusion?
 - c. The CPS agreed with police that: "*the case should be "deliberately limited" to "less sensitive" witnesses*".
 - i. Is it true that the CPS so agreed?
 - ii. If so, who in the CPS made this decision?
 - iii. Who were the sensitive witnesses to be avoided?
 - d. Police agreed (with prosecutors) that they would approach and warn all potential victims but that this was not done at the time.
 - i. Was there any such agreement or decision to approach and warn all potential victims?
 - ii. If so, please give full particulars.
 - iii. If not, was there any consideration given to notifying victims / potential victims and what the upshot of any such consideration.
 - iv. To what extent, if at all, were victims notified in 2006/7 that they had been, or might have been, the subject of phone hacking?
 - v. Why was more not done in 2006/7 to notify victims / potential victims of phone hacking?
- (71) Is it true that the evidence was not logged onto a computer database during the 2006/7 investigation and prosecution? If it was entered onto a database, please identify the database and explain, in summary form, the extent to which data was entered onto a database? If data was not entered onto a database in 2006/7, why was this not done?

- (72) To what extent (if any), and in what way, and for what reasons, were any of the following important factors in the decision to prosecute Glenn Mulcaire and Clive Goodman in 2006/7 and to go no further at that time:
- a. The CPS' view of the law.
 - b. The MPS' view of the law.
 - c. Counsel's view of the law.
 - d. The depth and extent to which phone hacking at the news of the world was investigated (please explain any failure fully to investigate at the time).
 - e. Sufficiency of evidence.
 - f. Media lobbying.
 - g. Political lobbying.
 - h. Your views at the time.
 - i. The views of others at the MPS (please give full particulars identifying the person, the view, and its influence).
 - j. Resources (including competition for resources).
 - k. Budgetary concerns.
 - l. A desire not to alienate and/or damage relations with the News of the World.
 - m. Any other material factor (please identify any such factors).
- (73) Was there any investigation of *The Sun* given the existence of a corner name referring to this title in Glen Mulcaire's notebook? If there was, what was done and with what result? If not, why not?
- (74) Given the existence of a number of different corner names in Glen Muicaire's notebook other than Clive Goodman's, why was no other reporter from the News of the World prosecuted?
- (75) Given the fact that Clive Goodman was the News of the World's Royal correspondent but the victims selected in the prosecution of Mulcaire included victims who would not have been of interest to a royal correspondent: (a) why did the MPS accept the "rogue reporter" line deployed by the News of the World; (b) why were more journalists not prosecuted?
- (76) Was there any political lobbying in relation to the MPS' handling of the phone hacking investigation and subsequent prosecutions in 2006/7? If so, please describe the same and identify the source of the lobbying.
- (77) Was there any media lobbying in relation to the MPS' handling of the phone hacking investigation and subsequent prosecutions in 2006/7. If so, please describe the same.
- (78) What communications (if any) were you aware of as between the MPS and anyone employed by the Murdoch empire in relation to the investigation and prosecution of phone hacking by, or on behalf of, the News of the World in 2006/7.
- (79) What efforts were made to secure the co-operation of the News of the World during the investigation into phone hacking in 2006/7?
- (80) What response did you get from the News of the World?
- (81) How would you describe the level of co-operation that you received from the News of the World in relation to the phone hacking investigation in 2006/7?
- (82) Did you seek to exercise any powers of compulsion against the News of the World in order to obtain further evidence? If not, why not?

- (83) What assurances, if any, did you receive from the News of the World as to the extent of phone hacking within their organisation?
- (84) What weight did you attach to any such assurances and why?
- (85) Were there any such communications between other parts of the media and the MPS? If so, please explain.
- (86) To what extent was the phone hacking investigation and prosecutions in 2006/7 a matter which was dealt with, or considered (in any way, whether formally or informally) at Commissioner level and/or with the MPS senior management team?
- (87) What involvement did the then DPP have in the investigation, handling, the decision to prosecute or any other aspect of the phone hacking investigation and prosecution in 2006/7?
- (88) What involvement did the then Attorney-General have in the investigation, handling, the decision to prosecute or any other aspect of the phone hacking investigation and prosecution in 2006/7?
- (89) What action, if any, was taken by the MPS in addition to the prosecution of Goodman and Mulcaire to deter future phone hacking by journalists (e.g. was any advice or guidance given to mobile phone companies or anyone else)?
65. My recollections of my involvement in the investigation are made against the backdrop of a six year period since it was undertaken. At the time, I was briefed regularly by the Senior Investigating Officers (SIOs), Detective Superintendent Philip Williams, and Detective Chief Inspector Keith Surtees from Operation Caryatid of any significant events at our briefing meetings.
66. I have previously been shown some of the documentation compiled by the SIO's throughout his investigation. I first saw them when preparing to give evidence to the HASC in July 2011. I do not recall reading or being shown the decisions logs at the time of the original investigation. It was quite simply not something that I as the Deputy Assistant Commissioner

would have done – in either this or any other investigation. I was briefed verbally and was involved in the overall review of the SIO's decisions and how his investigation was progressing. As the investigation developed I had conversations with the SIOs and we discussed the general approach that was being taken.

67. In light of this, I will not be able to provide answers to a good proportion of the questions contained within the s.21 Notice. I did not at the time, and nor do I now, have a forensic knowledge of the case enabling me to provide suitable answers to all the questions. In 2006 I had oversight of in excess of 70 live terrorist investigations and therefore was reliant on the SIOs, Investigating Officer and the case officers of Operation Caryatid to have the detailed working knowledge of the case.
68. I also gave evidence to the HASC on 12th July 2011 and rely upon the evidence given there to assist the Inquiry as there is clear overlap between the questions asked on each occasion. I attach as exhibit PC/3 to this statement the transcript of my evidence.
69. I will therefore endeavor to answers as many questions as I am able within the narrative below which is based substantially on the evidence I gave to HASC.
70. No account of the conduct of Operation Caryatid can be complete without a thorough understanding of the broader operational context in

which decisions were made. For some years there had been an intensifying and deadly threat to the British public from Islamist terrorism. Only 5 months before the so-called phone hacking issues were brought to my attention, 52 members of the public had been murdered by terrorists in London in July 2005. It was my duty and responsibility to focus skilled investigative resources on those cases where they could have the greatest impact in terms of keeping the public safe. To have done otherwise would have been in my opinion a clear neglect of my duty as a senior police officer, and would have been perverse and irresponsible. As always, the challenge was to find a sensible balance between competing demands.

71. In order to understand the nature of the terrorist threat and why resources should not be disproportionately diverted away from countering it, I think it is essential to have some awareness of the way in which our understanding of the post 9/11 terrorist threat had developed, and how that had led to some fundamental changes in the United Kingdom's response.
72. In the immediate aftermath of 9/11 it is my view that we did not entirely understand the nature of the terrorist threat in the UK, and in particular whether the many radicalised extremists of whom we were aware posed a threat to the UK itself, or whether they were more focused on fundraising, training and propagandising in support of various causes elsewhere in the world. Throughout much of 2002 and running into 2003

an operation called Springbourne taught us that there was a real and immediate threat within the UK from Islamist terrorists. In January 2003 the operation reached something of a climax with the discovery of a ricin factory in North London, the execution of a search warrant at the Finsbury Park Mosque, and the murder of Detective Constable Stephen Oake in Manchester by Kamel Bourgass, who was also subsequently convicted in connection with the ricin plot.

73. During 2003-2004 there was an accelerating tempo of terrorist investigations. Some of these were particularly notable. Two British citizens mounted a suicide bomb attack in Israel in early 2003, and there was an extensive investigation into their alleged supporters in the UK. Intelligence was received about a threat to aircraft at Heathrow, and as a result military support was provided to the police. Later in the year Saajid Badat was arrested in Gloucester still in possession of explosives. He had intended to detonate a shoe bomb on an aircraft at the same time as Richard Reid was attempting to do so in December 2001. There were many other strands of intelligence that showed the threat to the UK from Islamist terrorism was not only a reality, but growing in intensity.

74. In 2004 there was a major escalation in our understanding of the scale and nature of terrorist plotting in the UK with the discovery, early in the year that a group of British citizens were planning to make and detonate a large bomb. This required what was then the largest ever UK

surveillance operation to control the threat posed by the plotters and to gather evidence to convict them. This operation was called Operation Crevice. Some of the plotters turned out to be linked to those responsible for the 7/7 attacks in London the following year. The scale and complexity of Operation Crevice was extensively explored during the Inquest conducted by Lady Justice Hallett into the deaths of those murdered by terrorists in London in July 2005.

75. Later in 2004 there was another major investigation called Operation Rhyme which dismantled a terrorist network led by a veteran jihadist called Dhiren Barot, whose ambition was to mount attacks, including the use of radiological devices, both in the US and the UK. Both of these cases led to multi-defendant prosecutions which in all took over three years to come to a conclusion, and devoured huge amounts of investigative resource throughout that time.

76. These cases and others showed a clear intention on the part of terrorists to attack the UK mainland and to try to kill as many people as possible whenever possible. This factor alone represented a complete sea change in the ambitions of terrorists within the UK. For much of the past 30 years we had faced a threat from Irish terrorists, but it had been fundamentally different and required a different response. Far from trying to kill as many people as possible, Irish terrorists had generally tried to restrict casualties in order to maintain some support and therefore traction in the unfolding political process. They had deliberately

tried to restrict the number of casualties by the use of coded warnings, through choice of targets, and using conventional weaponry. By way of contrast, Islamist terrorists used no warnings, wanted to cause mass casualties, had ambitions to use unconventional weaponry, and were not part of any political process. Critically, whereas Irish terrorists always demonstrated a desire to avoid being captured, Islamists used suicide attacks as a deliberate tactic.

77. The impact of this on the conduct of counter terrorist operations was profound. During the Irish campaigns, the ambition of the police was usually to intervene at or near the point of attack, in order to gather the best possible evidence to support a prosecution. When dealing with potentially suicidal terrorists intent on killing large numbers of the public, this was simply too dangerous a policy to pursue. It was vital to find a way of gathering evidence while at the same time securing evidence that could be used in Court. The transparency of the criminal trial process was important in securing community confidence in counter terrorist law enforcement. There was therefore a need to gather admissible evidence much earlier than had traditionally been the case in counter terrorist investigations, and this in turn meant that co-operation between the Security Service (MI5) and the police had to move to new high levels. However, in order to be sure that the public were not going to be subject to devastating attack while we were trying to gather that evidence, unprecedented levels of surveillance and other investigative assets had to be deployed.

78. In July 2005, despite the best efforts of the UK counter terrorist community, London was twice attacked to devastating effect. The subsequent criminal investigation was the largest ever carried out in the UK, drawing in detective resources from across the country, and in effect lasted right through until the Inquest into the deaths of the victims of the 7/7 attacks was concluded in 2011.
79. By early 2006, at exactly the time Operation Caryatid was developing, Operation Overt began. This was the next in line of what seemed like an interminable series of potentially devastating plots. This one turned out to be a plan to blow up, *simultaneously, a number of transatlantic airliners en route from the UK to the USA.* Following the arrests of 24 suspects in connection with this plot, which for various reasons had to occur the day after the arrests of Goodman and Mulcaire in Operation Caryatid, the terrorist threat level to the UK was raised by the Government from "Severe" to "Critical", meaning that a further attack was believed to be imminent. As with other major terrorist cases, the prosecutions in Operation Overt took a long time to come to fruition. In fact they took some 4 years and were spread over 7 separate trials. This all needed a massive commitment of officers from the Counter Terrorism Command (SO15).
80. The impact of this was that those of us who were charged with protecting the public from the effects of terrorism were more than fully

committed on matters that directly affected the safety of the British public. Not only were we continually 'borrowing' colleagues from other parts of the MPS, we also drafted in large numbers of officers from across the country. The impact of this on other policing operations was at times severe. For instance, during the surveillance operation in support of Operation Crevice in early 2004, every available surveillance team from within the MPS and indeed beyond was used on the enquiry. Investigations into drug trafficking, murder and other serious crime, including internal corruption enquiries, came second to the need to protect the public from terrorism.

81. Despite all the support that was received throughout these years, and particularly after the attacks on London in 2005, by the time Goodman and Mulcaire were arrested in August 2006 the Anti-Terrorist Branch (SO13) had some 70 live terrorist cases on its books, but insufficient resources to investigate them all. There was prioritisation even within life threatening terrorist cases, and that is the context within which the decisions that were taken to investigate possible invasions of privacy under Operation Caryatid must be considered.

82. It was against this background, in December 2005, that I was approached by the Head of the Royalty Protection Department who had himself been contacted by members of the Royal Household who were concerned as to how stories about members of the Royal Family were appearing in the press. They wondered whether, somehow, their

voicemails were being listened to. Because of the obvious security implications and sensitivities surrounding members of the Royal Family, I agreed that officers from my command would investigate the matter.

83. Officers from the Anti-Terrorist Branch were detailed to investigate. Because of the possibility that there was a threat to national security, which included the protection and safety of members of the Royal Family, the investigation was conducted as a sensitive, covert operation. Very few officers within SO13 were aware of the investigation as we were determined to ensure that operational security was not compromised and an effective investigation could be conducted. Indeed, the need for operational security was one of the factors that weighed in my mind in deciding to keep the investigation within the Anti-Terrorist Branch.
84. My role within Operation Caryatid was to set the parameters and strategy for the investigation and to have ultimate operational oversight. Through the senior management structure of the Branch I would ensure that an SIO was appointed who would implement the strategy and have daily conduct of the investigation. In turn, he would report to me through, Detective Chief Superintendent Tim White and Commander John McDowall, my senior colleagues within the Anti-Terrorist Branch.
85. The parameters of the investigation were very clear. They were to investigate the unauthorised interception of voicemails in the Royal

Household, if possible to prosecute those responsible and to take all necessary steps to prevent this type of abuse of the telephone system in the future.

86. The relevant mobile phone companies were approached and a close working relationship was forged from the outset. As the investigation progressed it became apparent that voicemails in the Royal Household were indeed being intercepted, in a previously unknown way. Access to the voicemails was being gained from the telephones of Clive Goodman, the Royal Editor of the News of the World, and Glenn Mulcaire, a private investigator.
87. I was aware that the investigating officers were working very closely with the mobile phone companies, and this of course was important to achieving a key part of the overall strategy, which was to stop the practice of voicemail interception in the future. I was not directly involved in any of the meetings with the phone companies, but was briefed throughout the investigation by the SIO and his deputy.
88. As the investigation progressed it became clear that there may have been many other people being targeted by whoever was responsible for the interception, and there was potential for the investigation to become much wider. I took the decision that this was not appropriate for a number of reasons. In coming to the decision that the parameters of the investigation had to remain tightly drawn it was obvious to me that a

wider investigation would inevitably take much longer to complete. This would carry two unacceptable risks. First, that the investigation would be compromised and evidence lost and second, that the much wider range of people who we were learning were the victims of this activity would continue to be victimised while the investigation took its course. This would probably go on for many months and to my mind this would be unacceptable.

89. It was not feasible to notify victims and continue with a wide ranging covert investigation, and if we had done so, it is inconceivable that the fact that there was an enquiry into this matter would not have leaked, thereby compromising the investigation and leading to the potential loss of evidence.
90. I am aware that a large amount of material in both paper and electronic form was seized following the arrests of Goodman and Mulcaire. I did not see this material but understand it included about 11,000 pages of documents. On the advice of the Crown Prosecution Service, and in compliance with the law regarding the seizing of journalistic material, we were advised to enter into correspondence with BCL Burton Copeland Solicitors, who were then acting for Newsgroup Newspapers Ltd. We asked for a large amount of material in connection with Mulcaire's dealings with the NOtW, including details of who he reported to, whether he had worked for other editors or journalists at NOtW, records of work provided and details of the telephone systems. We were initially assured

by the solicitors acting for NOTW that they would assist the investigation and that we were in possession of all relevant documentation. The reality of the situation, however, was that very little further evidence was supplied by them. Furthermore, they subsequently informed the SIOs that the material to which we were entitled to was limited, and in any event highly likely that it would amount to journalistic material.

91. In January 2007 both Mulcaire and Goodman pleaded guilty to conspiracy to intercept telephone calls without lawful authority and were sentenced to 6 and 4 months imprisonment respectively.

92. We had considered undertaking an exhaustive analysis of the material that had been seized in August 2006, and I made the decision not to do so. First, given the wider context of counter terrorist operations that posed an immediate threat to the British public, when set against a criminal course of conduct that involved gross breaches of privacy but no apparent threat of physical harm to the public, I could not justify the huge expenditure of resources this would entail over an inevitably protracted period. Instead, a team of officers were detailed to examine the documents for any further evidence, and to identify potential victims where there might be security concerns.

93. Secondly, the original objectives of the investigation could be achieved through the following measures:

- The very public prosecution and imprisonment of a senior journalist from a national newspaper for these offences;
- Collaboration with the mobile phone industry to prevent such invasions of privacy in the future; and
- Briefings to Government, including the Home Office and Cabinet Office designed to alert them to this activity and to ensure that national security concerns could be addressed.

94. Bearing in mind that there had been very close co-operation between my officers and the mobile phone industry throughout the investigation, it was agreed that after the arrests there would be a strategy for informing victims whereby police officers would inform certain categories of potential victim, and the mobile phone companies would identify and inform others.

95. I have since learned that this strategy did not work as intended, and as former Assistant Commissioner John Yates has publicly acknowledged, that is a matter of profound regret. It is also of course utterly regrettable that as a result of the decision not to conduct a detailed analysis of all the material seized, victims of crime and their relatives, who I had no idea were the targets of the hackers, were not notified and did not receive the support that they deserved sooner.

96. On 24 August 2006 I had a meeting with the SIOs to devise and produce a victim strategy. I think this may have been one of the last matters I

dealt with on this case as I do not recall any other discussions or briefings. Once the strategy had been agreed and set, I expected it to be implemented and seen through. It would not be something I would be expected to involve myself in and in any event by now I was fully immersed in Operation Overt.

97. By December of 2006 I and my officers were investigating the murder of Alexander Litvinenko, and a few months after that the attacks in the Haymarket and at Glasgow airport. There were also numerous prosecutions of the previous terrorist related investigations which were now being heard at Court, and these demanded a huge amount of investigative resource to support the prosecution effort.
98. It has been suggested that I should have asked for support from elsewhere in the police service to undertake the task of examining the vast amount of material that had been seized from Mulcaire at the time of his arrest. Given the fact that we had secured the convictions of Goodman and Mulcaire, to request further resources from elsewhere, or to seek to transfer the investigation to another department, bearing in mind the vast amount of work required against an uncertain legal background, would have been unrealistic. I therefore made no such request.
99. As I explained to HASC in July 2011:

"I took the view that it would be completely unrealistic, given that we were heading towards a prosecution of Goodman and Mulcaire, to then go to another department and say, "We've got a prosecution running. We have a huge amount of material here that needs analysing. We don't know, given the uncertainties of the legal advice, whether there will be further offences coming from this or not. Would you like to devote 50, 60, 70 officers for a protracted period to do this?" I took the judgment that that would be an unreasonable request and so I didn't make it."

100. I am absolutely clear in my mind that HM Government was fully aware of this case at the time Goodman and Mulcaire were arrested. I recall discussing the case with Dr John Reid, the then Home Secretary, shortly after Goodman and Mulcaire had been arrested. This was in the margins of a meeting about broader counter terrorism issues in the immediate aftermath of the Operation Overt arrests, and was of little significance other than to demonstrate that the Home Office had been informed of the arrests and the broad nature of the case that was alleged against Goodman and Mulcaire.

HMIC

- (95) What is your view of the recommendations contained in the HMIC's recent report "*Without Fear or Favour*"? If you have not already seen a copy, it is available online.
- (97) From your own experience of HMIC, is the HMIC sufficiently equipped to provide sufficient oversight of relations between the police and the media? What improvements might realistically be made to the system in this regard?
101. I have not had the opportunity to read the HMIC's report and given I left the MPS in 2008, I have nothing further to add to the views already expressed by both ACPO and the MPS in their press releases in response to the publication of the report.

I believe the facts stated in this witness statement are true

Signed..

[Redacted Signature Box]

Dated.....

31st January 2012