

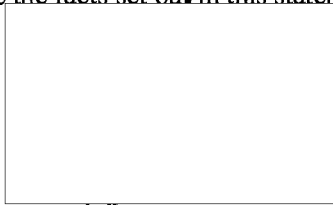
**THE LEVESON INQUIRY INTO THE CULTURE PRACTICES
AND ETHICS OF THE PRESS**

STATEMENT OF ROBERT QUICK

I have prepared this statement in response to the service of a notice under Section 21(2) of the Inquiries Act 2005 from the Leveson Inquiry ('the Notice'). For ease of understanding I have set out events in a chronological order. Where possible, I have cross-referenced within the statement to the questions from the Leveson Inquiry attached to the Notice. Unfortunately I have not been able to have access to a number of key documents that would have assisted in strengthening my recollections.

I believe the facts set out in this statement are true.

Signed



I, **ROBERT QUICK**, of
will say as follows:



Career Background (Question 1)

1. I joined the Metropolitan Police Service ("MPS") as a police officer in 1978 at the age of 18. From 1978 – 1991, I served in a variety of divisional and specialist squad positions in both uniform and CID in South London dealing with armed robbery, drug trafficking, murder and other serious offences.
2. In 1991, I was promoted to Detective Inspector and following my graduation with an MBA (Distinction) at Exeter University in 1994, I returned to operational CID duties in a variety of roles within specialist squads and on territorial policing divisions in South

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London. In 1996, I was promoted to Detective Chief Inspector and assigned to a division in Croydon Borough and then later as a staff officer to an Assistant Commissioner. In 1997, I was promoted to Superintendent and posted to a high crime division (Peckham) to lead the reduction of robbery and other violent crime. Later in 1998, I was seconded to the Commissioner's 'Private Office' at New Scotland Yard to support the MPS response to the Stephen Lawrence Public Inquiry and the development of a new approach to policing diverse communities across London. In 1999, I was appointed Detective Superintendent Operations at the newly formed Anti-Corruption Squad (CIB3). In February 2000, I was appointed the Commander of CIB which included the 'Anti-Corruption Command' (formerly CIB3) and Complaint's Investigation (formerly CIB2).

3. In 2001, I was appointed to the rank of Commander in the Metropolitan Police and supported Assistant Commissioner David Vaness (now Sir David) to reinforce the national counter terrorism capability in light of the attacks in the USA on 11th September 2001. I was then tasked by Commissioner Sir John Stevens (now Lord Stevens) to lead an operation across London to combat escalating levels of street robbery and street violence, much of it involving firearms and other weapons.
4. In 2003, I was appointed as Deputy Chief Constable of Surrey and awarded the Queen's Police Medal (QPM) for distinguished service. I was appointed Chief Constable of Surrey in October 2004.
5. Also between 2001 and 2008, I held a series of national portfolio's for the Association of Chief Police Officers ('ACPO') including Vehicle Crime and Road Freight Crime 2001 – 2005, Volume Crime (Vehicle Crime, Burglary, Robbery) 2003 – 2005, Workforce Development (including modernisation programmes) 2005 – 2008 and Terrorism and Allied Matters 2008–09.
6. On 1st March 2008, I was appointed to the role of Assistant Commissioner Specialist Operations ('ACSO'), a post which involved responsibility for the Counter Terrorism Command ('CTC'), Specialist Protection SO1 (Prime Minister and Cabinet), Royalty Protection SO14, Heathrow Airport Policing and Diplomatic Protection SO6. In this role my principal accountabilities as ACSO were to:
 - a) provide strategic and effective leadership and vision to fight terrorism;

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- b) provide protection and maintain the confidence of other key agencies and forces;
 - c) safeguard all communities through professional excellence in counter terrorism, security and protection;
 - d) be ahead of changing national and international threats from terrorism and extremism and to develop further the capability and capacity to meet those threats;
 - e) provide an effective liaison with colleagues in London boroughs and other parts of the MPS in order to inform counter terrorism, security and protection responses;
 - f) increase early identification of threats from terrorism, and opportunities for countering them; and
 - g) enhance the security of the critical national infrastructure, key strategic and symbolic locations and protected persons;
 - h) protection of key members of the Royal Family at home and abroad;
 - i) protection of the Prime Minister, Cabinet Ministers and other V.I.P.s at home and abroad;
 - j) policing at Heathrow Airport; and
 - k) protection of diplomats and the diplomatic estate in the UK and visiting heads of state and diplomatic VIPs.
7. I resigned from the MPS on 31st May 2009 after serving 13 months of my 5 year contract as ACSO.

Head of Anti-Corruption Command 1999 – 2001 (Question 3, 17, 18, 19, 20)

8. In 1999, I was posted as a Detective Superintendent to head up operations in the newly formed Metropolitan Police Anti-Corruption Command. In this role I took over from, the then Detective Superintendent John Yates, who was transferred to the office of Sir Paul Condon, the Commissioner. The Anti-Corruption Command was established in response

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to significant intelligence indicating serious corruption was being perpetrated by a minority of officers. This included officers passing to criminals, information and intelligence held on them by the MPS in return for payment or other benefits; corrupt relationships between police officers and police informants where police officers were complicit in plans to commit crimes and share insurance reward monies; the sale of information from police computers to criminals; the sabotaging of evidence; and the unauthorised disclosure of sensitive information to journalists for payment. These were some of the main strategic threats identified through a long term covert operation named Operation 'Othona' which ran between 1993 – 1998.

Operation Nigeria

9. During 1999, Anti-Corruption Command was conducting an operation, code named Operation Nigeria, which was a covert infiltration of office premises operated by 'Southern Investigations' whose proprietors were two men, Jonathan Rees ("Rees") and Sidney Fillery. Both were suspected of involvement in the murder of a former partner in the company, Daniel Morgan, who was murdered with an axe in a pub car park in Sydenham in 1987. Fillery had been a former police detective and had worked on the original murder investigation. The objective of this operation was to try to advance the investigation into the Morgan murder. During the course of Operation Nigeria, it became clear that, amongst other criminal activities, 'Southern Investigations' was acting as a 'clearing house' for stories for certain newspapers. Many of these stories were being leaked by police officers who were already suspected of corruption or by unknown officers connected to officers suspected of corruption, who were found to have a relationship with 'Southern Investigations'. A number of journalists were identified as having direct relationships with 'Southern Investigations'. To the best of my recollection these included journalists from papers like 'The Sun' and 'News of the World' but may have included other newspapers. My recollection is that one of the journalists suspected was an executive with the 'News of the World'. During the operation it became clear that officers were being paid sums of between £500 and £2000 for stories about celebrities, politicians, and the Royal Family, as well as police investigations.
10. I recall one instance where certain officers from the Royalty Protection Branch appeared to have leaked a story in relation to a member of the Royal Family and details of bank

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accounts. It was often difficult to take direct action against such officers without compromising the covert investigation techniques being used against those connected with 'Southern Investigations', but where possible, action (criminal or discipline) was taken.

11. Matters in Operation Nigeria were brought to a head when evidence emerged that Rees was conspiring with a known criminal to plant cocaine on the criminal's wife in order to have her arrested and prosecuted so as to enable the criminal to win a custody battle over their one year old child. The Operation Nigeria investigation revealed that this conspiracy involved at least two corrupt Metropolitan Police detectives who were actively involved in attempting to pervert the course of justice in order to ensure the conviction and imprisonment of an innocent woman. These events precipitated the end of Operation Nigeria as police were forced to intervene and arrest those involved, thereby revealing that 'Southern Investigations' had been infiltrated covertly by police. Rees, two known criminals and two detectives were arrested and subsequently convicted and imprisoned for these crimes.

Report Recommending Investigation of Newspapers in 2000 (Question 3, 17)

12. Following these events and as a result of intelligence from Operation Nigeria, in around 2000, I wrote a short report highlighting the role of journalists in promoting corrupt relationships with, and making corrupt payments to, officers for stories about famous people and high profile investigations in the MPS. Despite detailed archive searches, the MPS have been unable to provide me with a copy; ordinarily material of this nature would have been destroyed after six years. In my report I recommended the commencement of an investigation into such activities. I believe my report also names some newspapers but I cannot recall which ones. I proposed an investigation of these newspapers/officers on the basis that I believed that the journalists were not paying bribes out of their own pockets but were either falsely accounting for their expenses and therefore defrauding their employers or, that the newspaper organisations were aware of the reasons for the payments and were themselves complicit in making corrupt payments to police officers.
13. I submitted my report to Commander Hayman ("Hayman"), who was at the time the head of MPS Professional Standards Department and the person I reported to directly. I recall

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speaking to Hayman about these matters and that he had reservations based on potential evidential difficulties pertaining to privileged material (journalistic material). I did not believe that the circumstances in which these stories were being obtained offered the facility to hide behind the legal protections available to journalists and I recall debating this with him. I am unable to say whether Commander Hayman referred this matter further up the command chain although I was under the impression he had. I did not sense much appetite to launch such an investigation although I felt Hayman was sincere in his reservations at the time. I do recall Hayman making a suggestion that he should visit a particular editor or newspaper and confront them with this intelligence but I do not know what action was taken in this regard.

14. I believe at about the same time I also had concerns about two freelance journalists, named [redacted] who appeared to be conspiring to place misleading stories in [redacted] newspaper to influence the jury in the 'drugs planting' case against Rees. I believe Hayman and I did take some action in relation to these journalists that resulted in them no longer being employed by [redacted]
15. Part of the remit of Anti-Corruption Command was to provide anti-corruption training throughout the MPS. This was done in a number of ways including holding seminars and educational briefings for operational MPS staff during which real life examples of corruption were provided. These briefings and seminars also made reference to potential corrupt relationships between journalists and police officers. Accordingly, by the end of 2000 at the latest, it is my belief that there was a common understanding in the MPS of the threat that tabloid journalists posed to the integrity of police officers. There were considerable grounds to believe that journalists from tabloid newspapers were corruptors, driven by intense competitive pressures to use unethical and unlawful means to secure stories that included corrupting police officers through payments. The stories were rarely 'public interest' stories but rather stories about the private lives of famous people under police protection or who otherwise had come into contact with police.
16. On occasions, leaks were undermining criminal investigations. An example of this was the investigation into the murder of TV presenter Jill Dando in 1999. I recall that the details of a suspect were leaked to a national newspaper before the Senior Investigating Officer, Detective Chief Inspector Hamish Campbell, wanted this information to become

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public. This caused significant disruption to the investigation and one of my teams was asked to assist in the investigation of this leak. To the best of my recollection a Detective Sergeant was identified as the source of the leak and made the subject of disciplinary proceedings.

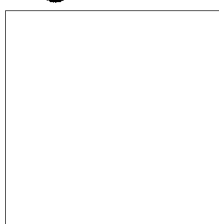
Review of 'Cash for Honours Investigation' (Question 3, 17)

17. In late 2006, whilst I was serving as a Chief Constable in Surrey, I was asked by the then Deputy Commissioner, Paul Stephenson ("Stephenson"), to undertake a review for him of the so called 'Cash for Honours' investigation (Operation Ribble) which was at that time being conducted by Acting Assistant Commissioner Yates ("Yates"). At a briefing with Stephenson, he outlined his concern at allegations being levelled at the MPS and at Yates specifically about the unauthorised disclosure of confidential details of the investigation to the media. Initially Stephenson asked to me conduct a review of the basis for continued investigation (i.e. to establish whether the evidence so far justified continued investigation in order to put a full file to the CPS) however this soon changed to a 'focused security review' concentrating on the security 'regime' within the investigation which regulated the handling of the intelligence and evidence secured by the investigation. The terms of reference agreed with Stephenson reflected this and also a focus on the personal security and welfare of Yates, his senior investigating officer ("SIO") and the deputy SIO ("D/SIO").
18. For the purposes of preparing this statement, I have been given access to a copy of my draft review report, dated 8 January 2007 [**Annex A**]. Despite having delivered three bound copies of my file review to Stephenson's office in January 2007, MPS have been unable to locate a copy of my final report. I undertook the review during the course of the following six to eight weeks on a part time basis. I held meetings with some of Yates's senior investigative staff and was given access to a wide range of evidential material and correspondence between the investigation, the CPS and the leading QC advising on the case. I concluded my review in the first week of January 2007, finding that there was a proper basis for the investigation to continue toward the submission of a full file to the CPS and that there was a good and robust process ensuring a high standard of security for the retention and transfer of sensitive evidence and information within the investigative/prosecuting team. I also found that there was also appropriate security at

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the investigation office sited away from New Scotland Yard. In addition, I made some recommendations in respect of the personal security of Yates.

19. On Friday 26 January 2007, I was contacted again by Stephenson following a meeting he had attended earlier that day with the Chief Secretary to the Cabinet, Sir Gus O'Donnell ("O'Donnell"), during which O'Donnell had raised a number of concerns regarding unauthorised disclosures from the Operation Ribble investigation. O'Donnell had specifically expressed concern about Yates's relationship with the media in this regard. As a consequence I was asked to give additional urgent consideration to security and integrity issues surrounding Operation Ribble.
20. On Monday 29th January 2007, I wrote to Stephenson in response to his request, making a series of further recommendations to assure and underpin the security and integrity of Operation Ribble [**Annex B**]. I made 13 recommendations in my letter. Four of the recommendations were as follows:

"Recommendation 9 – Consideration should be given to temporarily suspending all telephone and one to one contacts with all journalists (i.e. two week blackout period). Alternatively, if this is felt unachievable due to the risk of undermining long term relationships etc., such contacts should be minimised and made in such circumstances as to provide corroboration as to what is said (i.e. on conference facilities or one sided recording)

Recommendation 10 – Surpol (Surrey Police) is researching the legality of recording options and I will report on these imminently.

Recommendation 11 – Work to analyse and timeline the appearance of relevant information (sensitive and confidential) in the media as recommended in the December review will be expedited by the MPS. This will be mapped against the timing of the release of information through pre-interview disclosure or times which information / facts could have been reasonably be implied through questions put to witnesses.

Recommendation 12 – Finally, consideration should be given to Surrey Police or the Metropolitan Police conducting a retrospective analysis of Asst. Commissioner Yates' telephone records (work / private) at times leading up to the appearance of key pieces of sensitive information in the media. This may offer a further layer of audit to counter unsubstantiated claims that sensitive information has been provided to the press. Any relevant contacts can be debriefed with Asst. Commissioner Yates so as to ascertain their nature in order to have as comprehensive records as possible available as to the timing and nature of contacts with journalists."

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21. Recommendation 12 was made by me on the basis of my experience as a former head of the Anti-Corruption Command. This was a standard response of the MPS when seeking to determine whether staff members were involved in the improper disclosure of information to the press or others. I specifically did not raise recommendation 12 with Yates pending Stephenson's views. It is clear from the copy of the report I have received from the MPS in preparing this statement that Stephenson provided a copy of my further recommendations to Yates that day and sought his views on recommendations 9 and 12.
22. In the days that followed I did not receive a clear indication from Stephenson on these recommendations but fully expected them to be adopted and implemented. Accordingly as I remained responsible for the effective implementation of the recommendations, I recall having a discussion about them with Yates. Although, given my comment to Stephenson in my further review, I had no intention of discussing recommendation 12 with Yates, during the course of this discussion it became obvious to me that he was aware of it. Therefore I asked him for his consent to allow that his private and work telephone records be examined and cross referenced with media reports about the investigation. At the time I thought he might welcome this as something he might use to refute any allegations against him. However he refused and when I pressed him he made the comment that he was *'very well (or too well) connected'*. When I questioned this remark he emphasised *"No Bob – I am very well connected"*. I was surprised by these comments and told him as a courtesy that I intended to raise the matter with Stephenson. Shortly after, when I raised the issue with Stephenson, he made it clear that he did not require me to implement recommendation 12.

**Political/Media Pressure in relation to extended detention in terrorist cases
(Questions 3, 14, 15)**

23. During March 2008 I was advised by Sir Ian (now Lord) Blair ("Blair") that the Home Secretary had sought his advice in relation to pre-charge detention of terrorism suspects. The Government were contemplating introducing legislation to extend pre-charge detention from the existing 28 days to possibly 42 days. As part of this process I consulted with those officers who had recently led investigations into some of the most complex cases ever encountered where groups were planning mass casualty attacks. These cases included the 7/7 murders as well as the so called 'Airlines' plot (Operation

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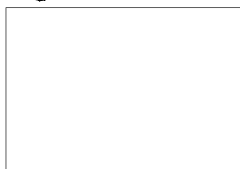
Overt) to attack up to 12 Trans-Atlantic Airliners in flight with homemade 'liquid drinks' bombs.

24. The advice of my senior counter terrorism commander colleagues was emphatic that there were foreseeable circumstances when 28 days detention may prove insufficient to secure enough evidence to justify a substantive terrorism charge.
25. On 28th March 2008 I wrote to the Home Secretary to set out my assessment of the risk of 28 days pre-charge detention proving insufficient in some foreseeable circumstances. I did not give explicit support to the proposed extension to 42 days; however, I did set out the risks identified from my own experience and judgement which was informed by discussions with my most senior counter terrorism colleagues in the police and security service [Annex C]. This letter was subsequently placed in the House of Commons Library.
26. In May 2008, I had a meeting with Shadow Home Secretary David Davis MP ("Davis"), at his request. At the beginning of this meeting Davis accused me of being a supporter of the Government proposal to extend detention without charge to 42 days. I robustly rejected this accusation and informed him that I was not supporting any number of days and made it clear I thought this was a matter for Parliament and not the Police. I told him I had not provided support for the proposal but that I did have an obligation to respond to the Home Secretary's request for advice and set out the risks as I had assessed them, having consulted with my colleagues including, Deputy Assistant Commissioner ("DAC") Peter Clarke ("Clarke") and Mr Clarke's successor, DAC John McDowall ("McDowell") who had led Counter Terrorism Command in recent years through some of the most serious and complex terrorism investigations in UK history. Davis then informed me that all the suspects charged in the 'Airlines plot' (Operation Overt) could all have been charged within 48 – 72 hours and that extended detention was not necessary due to the CPS 'Threshold Test'. Prior to this meeting, I had specifically consulted the Head of the CPS Terrorism Division on the threshold test and I disagreed with his conclusion in relation to both Operation Overt and the 'Threshold Test'. Davis also told me he believed the Chief Constables were not in favour of the proposal to extend the detention period to 42 days. I told him that this was not correct and that I had been at the recent Chief Constables' Council meeting when they had debated the proposals and

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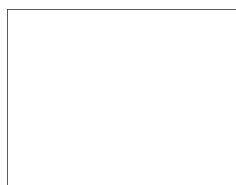
agreed an ACPO statement supporting, in principle, proposals to extend pre-charge detention (although I recall ACPO did not specify any number of days detention believing this to be a matter for Parliament).

27. Following my meeting with Davis, I read press articles the next day in the Daily Mail and Evening Standard in which Davis was quoted misrepresenting the position I had explained clearly to him in our meeting. In particular, he suggested that I had agreed with him that there was no single police force view on this issue [Annex D]. I complained about this misrepresentation to both Blair and Stephenson who advised me against pursuing the matter.
28. I then wrote to Davis on 30th May 2008 [Annex E] reiterating my comments in the meeting and expressing my surprise at reading inaccurate media reports, purporting to come from him.
29. On the 4th June 2008 I held a further meeting with Davis, Shadow Attorney General Dominic Grieve (“Grieve”) and Commander Tim White (“White”) (the second most senior officer on Operation Overt). During this meeting I commented that I found the misleading newspaper article to be a serious matter but he did not seem at all concerned. Davis and Grieve were given a detailed and accurate account of what happened in Operation Overt by White who was personally able to verify the facts.
30. Despite these two meetings and correspondence, Davis later gave at least one other seriously misleading account to the press about this episode. This occurred on 12th April 2009 when Davis attacked my character and professionalism during a live criminal investigation in a full page article in the Mail on Sunday [Annex F]. In this article he gave what I consider to be an untruthful account of the meeting I had with him in his office in May 2008 about extended detention. I have a recollection of a similar article appearing in the Mail on Sunday at the end of December 2008 but I have been unable to trace a copy other than an undated version [Annex G]. A similar story was referenced in the Guardian on the 23 December 2008 [Annex H].

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Damian Green Investigation (Question 2, 3, 14, 15, 16, 17)

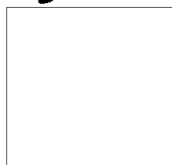
31. On 8th October 2008 a letter (erroneously dated 8th September 2008) was received at my office from Mr Chris Wright, the Director of Security at the Cabinet Office [**Annex I** - this is not the original letter but a copy repeated in a Parliamentary Report]. Prior to the receipt of this letter I was aware from a Cabinet Office briefing that there had been approximately 30 leaks of protected information from the Home Office in the previous two years, of varying seriousness, some of which had resulted in the commencement of a criminal investigation by the MPS. The letter was addressed to me because national security investigations and leak inquiries are within the remit of Specialist Operations. In the letter Mr Wright requested a criminal investigation stating that:

“We are in no doubt that there has been considerable damage to national security already as a result of some of these leaks and we are concerned that the potential for future damage is significant.”

32. On 9th October 2008, given the sensitive nature of the matter, I decided to instruct my deputy, DAC Cressida Dick (“Dick”), to oversee a scoping exercise for this matter, prior to commencing a full criminal investigation.
33. On 24th October 2008 Dick briefed me on the results of the scoping exercise. It was apparent from this exercise that documents had been stolen from a safe in the Home Secretary’s private office and letters from the Home Secretary to the Prime Minister were being intercepted and the contents leaked without authority. As a consequence of press reports, I was informed that the investigation may also involve at least one member of the Opposition Front Bench. It did not appear possible to establish precisely what material had been leaked other than through investigation. The proximity and access of the leaker to sensitive material meant that the leaks required a thorough investigation.
34. Following consultation, the view of the CPS was that various criminal offences had potentially been committed on the basis of the facts established at that point. I asked Dick to brief Stephenson on the full findings of scoping report and to agree terms of reference for an investigation with him and the Cabinet Office. I did this as Stephenson had expressed a view that an investigation should only proceed if criminal offences were suspected and that he wished to be consulted about the terms of reference.

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35. Shortly afterwards, Dick told me that Stephenson had been briefed and that both Stephenson and the Cabinet Office had agreed terms of reference for an investigation that was now underway and was being led by a Detective Chief Superintendent (“DCS”) with a Detective Chief Inspector (“DCI”) as the SIO, both of CTC. On or around the 12th November, Dick briefed me to the effect that a civil servant in the Home office, Christopher Galley (“Galley”), was now a strong suspect for some of the leaks. She and I agreed that due to her imminent departure overseas the oversight of the case would be passed to McDowall. A few days later McDowall advised me of his decision to have Galley arrested as part of the investigation. I was told that Galley had been linked to at least six of the series of leaks from the Home Office and therefore it was decided to arrest him as there was reasonable suspicion he had committed an offence, it was necessary to interview him and there was a power to affect that arrest. It was also considered he posed a continued security threat given his access to secret material. I was told that the advice from a senior CPS lawyer with expertise in this subject was that Galley may have committed a criminal offence of misconduct in a public office. It was recognised that the precise nature and scale of the leaks would not be known until the investigation was concluded and therefore Official Secrets Act offences could not be ruled out at this point. I supported the decision to arrest the suspect, Galley, and I personally briefed Blair and Stephenson to this effect.

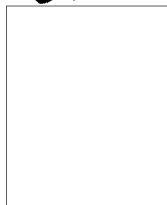
Arrest of Galley

36. Galley was arrested on 19th November 2008 at his home address which was searched and documents seized. These documents included letters from Shadow Immigration Minister Damian Green MP which indicated a relationship had existed between them over at least the previous two years. During the course of his interview, on 19th November 2008, Galley admitted being responsible for four of the six leaks initially linked to him. He stated that he was a member of the Conservative Party and that in 2006 he had approached Davis and informed him he worked in the Home Office Immigration Department and that he was willing to help his party by providing material. He claimed to have met Davis and discussed this with him. He also claimed that Davis invited him to a subsequent meeting where he introduced him to Damien Green (“Green”), and another person thought to be a researcher. Galley stated in respect of meetings he had with Green *“And then in the last sort of ten minutes he sort of explains if you can get your hands on*

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any information, send it to him. He just says any information that you can actually get hold of that might be useful to him and the Home Office, the shadow Home Office". Galley said he believed Green wanted "Anything that would be damaging to sort of the Labour Government or the Labour Home Office team at the moment". Galley claimed that during the course of their initial conversation he told Green he wanted a "Parliamentary job" within the party. He said Green offered to look out for a position for him and went on to further describe the conversation by saying "He wanted as much, how can I say, as much dirt on the Labour Party, the Labour Government as possible. And so he wanted as much information to damage them as possible". Galley also stated "Well at the end of each meeting he always tends to say, yes I am looking, I'll try and find something, I'll put your name about but nothing ever seems to happen" This marked the apparent beginning of a relationship between Galley and Green, characterised by Galley's persistent inquiries of Green about a job in the Party (in letters and e-mails) and Greens responses, which suggested he was trying to help Galley. The letters and e-mails recovered appeared to corroborate Galley's account of the initial meeting with Green and the discussion with Green about seeking a job in the Party. A full breakdown of this evidenced communications is held by the MPS.

37. Galley then detailed two meetings with Green where he handed over leaked material to Green including material stolen from the Home Secretary's private outer office safe. One meeting was in a wine bar where Green appears to have suggested in e-mail that Galley's colleagues would not be likely to see them *"Anywhere we won't see any of your colleagues! Do you know Balls Brothers opposite Victoria Station? If we say 6.15, and I will be in the back bar, which is usually quieter"*. Galley was released on bail later on 19th November 2008 pending further investigation.
38. Lines of inquiry were identified to establish further the nature of the relationship between the two men in terms of leaked material. E-mails recovered at Galley's home, addressed to Green, revealed that prior to police involvement and when Galley was under suspicion during the internal civil service leak inquiry, on 24 September 2008, he sent a text message to Green's mobile phone stating *"Interviewed today by cabinet office about leaked economy and crime paper, I think I managed to deflect all questions"*. The response from Green's mobile phone was *"Good let's talk again after conference unless you are going - Damian"*.

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39. Further enquiries and reviews of emails and text messages recovered during the searches revealed additional communications between Galley and Green. For example, on 30 March 2008, an email from Galley to Green stated *“anything I can do to help with CT? I have access to the Home Secretary’s briefing and speech on the bill.”* The reply from Green’s email account was *“briefing very useful and the list of [undecided’s].”* This was significant to the investigative team as it suggested encouragement of Galley by Green in respect of potentially sensitive counter-terrorism documents. In June 2008 Galley sent a further text to Green to the effect he had been promoted to assistant to the Director of the Strategy Unit and the reply from Green’s mobile phone was *“Congratulations – sounds useful for all sorts of reasons – Damian.”* In one email dated 26th June 2008 Galley communicated to Green *“still have access to Private Office in-box and access to Private Office – access to SPT in-box shortly.”*
40. On 20th November 2008, Galley contacted the investigation team and was re-interviewed the following day. During this second interview he detailed how, on 19th November after being released from the police station, he contacted Green by phone to tell him he had been arrested. Galley claimed Green told him to *“plead not guilty”* and not to mention him to the press and, significantly, said *‘do not mention David Davis’*.

Arrest of Damian Green MP (Question 3, 17)

41. On 20th November 2008, I was informed by McDowall of the admissions by Galley in relation to Damian Green. After discussion, we agreed that given the significant sensitivities and complexities of this matter we should seek advice from the CPS, the MPS Directorate of Legal Services (DLS) and the parliamentary authorities in relation to the evidence, issues of parliamentary privilege and the potential search of Green’s parliamentary and constituency offices. We discussed the risk of losing evidence but agreed this was outweighed by the need to ensure the legality of any action and liaise with, and seek guidance from, the parliamentary authorities. At this stage we had no information to suggest Galley would alert Green although it was a risk (we learned later that Galley told Green of his arrest on the evening of 19th November). Later that day, at McDowall’s request, the SIO sent a detective to the Palace of Westminster to start a dialogue with the authorities in relation to the issues involved with a search by police of an MP’s office. At this stage the name of the MP was not divulged to the parliamentary

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authorities. It was made clear to the parliamentary authorities that this was an investigation into unauthorised leaks from the Home Office.

42. During the course of the following seven days the DLS advised us that a search of an MP's parliamentary office would be lawful provided it was carried out with the consent of the parliamentary authorities (the Speaker or his representative). It was also advised that a search warrant could be applied for if consent was withheld. We were assured by the DLS that parliamentary privilege would not prevent the police from searching an office in the Palace of Westminster or from taking action against an MP in relation to potential criminal charges. On 25th November, I was briefed by the DCS overseeing the investigation and the SIO regarding the advice of the CPS and DLS. I also spoke to McDowall and we agreed to convene a 'Gold Group' meeting to explore the issues and determine future strategy and action. On 26th November 2008, I convened a Gold Group comprising myself as chair, McDowall, Dick, Commander Sawyer (Commander of CTC), the DCS, the SIO and the 'SO' press officer. The SIO briefed the Gold Group on the action taken to date and the evidence and information available including Galley's admissions and the documents and e-mails recovered. We were also briefed on the consultations with the CPS, the parliamentary authorities and DLS.
43. It remained the case that Galley appeared to be a serial leaker who clearly had access to very sensitive material in close proximity to the Secretary of State with responsibility for national security. It was clear that continued investigation was required to test Galley's account and to establish exactly what had been leaked and to whom. The issue as to whether Green should be arrested or invited in by an appointment for an interview was debated at length. It was agreed the police have a duty to act without fear of favour and there were strong reasons to suggest an invitation to interview was not appropriate in this case. The fact that Galley had told police in interview under caution that Green had told him not to disclose the involvement of Davis was taken as an indication Green may wish to conceal certain facts in the case. The process of criminal investigation, as established in law, places a duty upon the police, where there are reasonable grounds to suspect an offence, to identify the facts and available evidence impartially and present this to the prosecuting authority for a decision as to prosecution.

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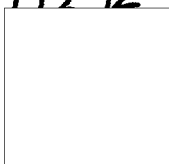


44. The Gold Group were satisfied on the advice of the CPS that there were strong and reasonable grounds to suspect Green of a serious offence and that this must be investigated in order to establish conclusively what material had been leaked and the precise role of individuals in the leaks. On balance it was agreed by the 'Gold Group' unanimously, that the arrest of Green was a legal, proportionate and necessary course to progress the investigation. It was decided exceptional measures should be taken to mitigate the impact of the arrest due to his status as an MP.
45. Gold Group agreed that the SIO would attend Parliament that afternoon (26th November 2008) and speak with the Sergeant at Arms (the No. 2 to the Speaker) and personally brief her on the investigation and seek her consent for a search of Green's parliamentary office. It was agreed that search warrants would be obtained for Greens' constituency home and office and his family home. The SIO was asked to develop an arrest plan to minimise the disruption to Green and his family. This included taking computer experts on the searches that could advise search officers on how to retrieve material quickly with minimal disruption or interference to Green's work schedule and commitments. It also included a plan not to arrest Green in the early morning (dawn) as it was decided to wait until after his school age children were likely to have left for school (this did introduce the risk that Green may have left the house prior to police arrival). The plan was also to include special arrangements at Belgravia police station to ensure Green was not placed in a cell and that he was processed and interviewed as quickly and as privately as possible. I then stated as Stephenson had authorised this investigation and was about to assume the role of acting Commissioner I would brief him on the planned arrest and give him the opportunity to 'veto' the arrest given the sensitivity of the case.
46. I immediately went to see Stephenson and gave him a briefing on the Gold Group discussions and decisions. He made it clear he would not 'overrule' the Gold Group's decision. On the same day at about 5.30 pm, I reconvened the Gold group and briefed them on my discussions with Stephenson. I was then briefed in more detail on the arrest and search operation and this was approved by the Gold Group to be conducted the next day.
47. During the same afternoon, the SIO and other officers attended Parliament and briefed the Sergeant at Arms. The SIO explained the nature of the investigation as one into

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unauthorised leaks from the Home Office but did not at this stage divulge the name of the MP. The SIO explained the consent and warrant provisions of section 8 of the Police and Criminal Evidence Act 1984 and the legal advice in this regard, provided to him by the DLS. After extensive discussion, the SAA took her own legal advice from the House of Commons legal authorities. She then indicated that she would brief the Speaker and that if the police returned on the morning of the operation (the next day) consent to the search would be given.

48. On 27th November 2008, the DCS head of SO15 (CTC) investigations and the SIO initiated the arrest and search plan. The search team attended the Palace of Westminster and the SAA called the Speaker and advised him of the police request to search and of her intention to give consent. I was told the Speaker agreed this course of action by officers who were present during the conversation, albeit listening to the SAA only. Written consent was provided by the SAA both by signing a MPS search pro-forma and by preparing and signing a letter of consent, after taking advice from Commons lawyers. However, the arrest team could not locate Green at his home so the searches of the four premises were delayed several hours. Officers remained in the vicinity of all four locations. After discussion with the SIO, it was agreed the searches needed to start.
49. It had been agreed at the Gold Group the previous day, that once the operation began I would notify a number of senior stakeholders including David Cameron, the Cabinet Office, the CPS, the Home Office Permanent Secretary Sir David Normington and others to ensure they did not learn of events second hand from the media. Stephenson briefed the Mayor Boris Johnson, (in his capacity of Chair of the Metropolitan Police Authority) in the margins of a meeting at 10am to the effect a controversial operation was running but he did not go into detail. In order to avoid any suggestion that the investigation was politically motivated, no member of the Government was briefed in advance.
50. Green was arrested in his Kent constituency near his parked car. He was taken to Belgravia police station later that afternoon. It is my understanding that when told of why he was being arrested, Green volunteered information to the effect that relevant documents were in a folder in his parliamentary office (documents were found inside a folder marked 'Animal Rights Activists' in a filing cabinet in Green's parliamentary office and were subsequently identified as some of the material leaked by Galley). The

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arrest plan incorporated a series of special measures to minimise the impact of the arrest on Green and his family. These were that no forced entry would be made to any of the premises concerned, Green would be taken to a police station where special arrangements were in place to receive him and deal with him expeditiously, he was not placed in a police cell and was kept out of view of other detainees and non-essential staff. Most of the detention time was taken up with travelling time to the police station and a lengthy consultation between Green and his solicitor.

51. At the police station, Green went through the normal reception processes and in accordance with standard procedure was asked to nominate a person to be notified of his arrest and to whom he would be allowed one phone call. Green nominated Andy Coulson and was allowed to make one call to Mr Coulson. At that time Mr Coulson was Director of Communications for the Conservative Party. Then, following a consultation with his solicitor, Green claimed to be too tired to be interviewed (at about 8.55pm). He later agreed to be interviewed but declined to answer any questions put to him. Upon being released from the police station Green attended the front of the Palace of Westminster and gave a live TV and press interview claiming he was innocent, that he had only been doing his duty as an MP and criticised his arrest.

Media Coverage of the Arrest (Question 16, 17)

52. On Friday 28th November various influential public figures were severely critical of the arrest and investigation of Green, despite being unaware of the nature of the material obtained by the police. I was particularly concerned to read news headlines quoting the chairman of the Metropolitan Police Authority, Mayor Boris Johnston challenging Stephenson, and criticising the investigation suggesting it was ‘not proportionate. The Leader of the Opposition, David Cameron, was quoted as being “extremely angry” and accusing the government of “stalinesque behaviour” [Annex J]. I was immediately concerned as to what impact this would have on the investigation and wished to discuss this with Stephenson. However this was Blair’s last working day in the MPS and Stephenson was busy, so I decided to wait until the following Monday.
53. Over the weekend of 29th & 30th November, the news story gathered momentum and various people came forward to offer prejudicial remarks about the investigation and the arrest. Much of the media coverage seemed to be fed by commentators who could not be

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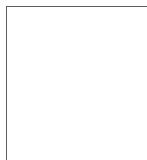
in a position to know the facts. Completely unfounded claims were being made that the arrest had been sanctioned at the highest levels of Government and comparisons were being made to Robert Mugabe's regime in Zimbabwe. Recurring media themes over the weekend were that the search of Parliament was unlawful without a search warrant; that the arrest was heavy handed and disproportionate; and that the investigation was politically motivated and authorised at the top of Government. All of this was untrue. Various spokespeople portrayed an image of Green being a passive recipient of leaked material that embarrassed the Government and that he was merely doing his job as an MP. The MPS was not in a position to counter these claims or publically set out the evidence it was relying on as this could prejudice the on-going investigation and any future prosecution.

54. On the evening of Sunday 30th November 2008 Stephenson phoned me at home, as he was anxious about the growing controversy. I re-stated my belief that the MPS had acted lawfully and fairly and that we needed to hold our nerve and get on with our job and investigate. Stephenson told me not to worry and that he was 'not about to row away from me'. Whilst I initially welcomed his call I did become concerned about this remark. The next morning, Monday 1st December 2008, I joined Stephenson (who had this day become Acting Commissioner) in his office with the now Acting Deputy Commissioner Tim Godwin. Stephenson looked very anxious and told me he had written out his resignation. I asked him why as he had done nothing wrong. We discussed the situation and it became very apparent that Stephenson was beginning to position himself against an investigation he had sanctioned and an arrest and searches he had supported. I reiterated my position that we had acted lawfully after taking careful legal advice and consulting all parties and that it was our duty to undertake this investigation regardless of whether it was unpopular with the media and some MP's. I suggested the MPS should not panic or be intimidated and must weather the immediate storm as it would dissipate over the course of the week. I stated that we were well within our rights and duties to investigate Green and strongly refuted the idea that anyone should resign over a perfectly legitimate police investigation. Nothing more was said about resignation.
55. During the morning of Monday 1st December 2008, there were various additional reports from the weekend media quoting Mayor Boris Johnson making prejudicial comments about the investigation and arrest of Damian Green (these reports continued in the days

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and weeks that followed [Annex K]). Later that morning, Yates asked to see me in his office. He told me he felt the inquiry was doomed and that the CPS would withdraw their support due to the outcry in much the same way as they had in 'Cash for Honours'. He advised me to stop the investigation and 'cut my losses'. I sympathised about the 'Cash for Honours' case experience but said that the matter was about our duty to investigate, not about 'cutting my losses' or trying to second guess the CPS. I suggested we should not be unduly influenced by the political and media furore, as we know much of it to be unfounded. I said we had a job to do and that a threshold had been reached whereby Green was now legitimately under investigation. I told him I was confident that the CPS would support the MPS in establishing the facts by completing the investigation and that the issue of whether there are prosecutions is a matter for them. Yates tried to persuade me to discontinue the investigation against Green but I was clear in my opposition to this course of action and stated it was expedient, unethical and very possibly a neglect of duty. At this point Yates suggested a case review. I stated it was premature to have the case reviewed and there was no rationale for it to happen outside of normal timescales. I stated this would be seen as the MPS 'blinking' in the face of largely unfounded criticism and that people should allow the investigation to take its course and judge it at the end when all the facts are known.

56. The following day Stephenson told me that he was minded to have the case reviewed. I opposed the review being undertaken, as did Dick and McDowall, stating it was too early, that the investigators had not had time to analyse the material seized in the investigation and that the controversy needed time to settle to allow for a calm and proper review. In addition, a claim by Green that material seized from his parliamentary and constituency offices was subject to 'legal privilege' meant it was necessary to resolve this before it could be established whether evidence of Green's involvement was contained in this material. However there was a sense of crisis and I was unable to persuade Stephenson to wait for a few days.
57. According to ACPO Guidance, reviews can be commissioned by a Chief Officer to support senior managers and senior investigating officers and to ensure the integrity and proficiency of a serious investigation. Reviews are usually conducted after seven days, particularly in cases where no suspects or strong lines of inquiry have been identified. I have never known a review to be commissioned in response to claims by the suspect or

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the media that the investigation is inappropriate. Later that day Stephenson asked Chief Constable Ian Johnston of British Transport Police (now Sir Ian Johnston) ('Johnston') to undertake the review. Later that day he made a public statement announcing the review of the case and this was widely interpreted in the media as a lack of confidence by the MPS, and the senior investigating team, in its own actions [Annex L].

58. During the course of the next few days I became very concerned as stories were appearing in the press 'distancing' Stephenson from the arrest of Green and the search of Parliament, suggesting he had argued with me that Green should not be arrested and I had ignored him. Some of these stories were attributed to friends and people close to Stephenson [Annex M]. When I read these stories I immediately suspected that someone senior at Scotland Yard was briefing the press without my authority (as the officer in charge of the investigation). Further, it was apparent that, if the press and media were reporting what they were being told accurately, then they were being deceived. As the officer in overall charge of the investigation, only I could authorise press briefings and releases. The only exception to this was if the Commissioner overruled me. I spoke to the Stephenson on or around the 3rd December and he stated he was 'sorry' about these stories and implied he had nothing to do with them. I stated I thought they had come from a senior source in the MPS and expressed anger at what I considered to be dishonest conduct. A few days later, I made similar comments to Yates.
59. Negative press reporting of this case continued throughout December and included former Prime Minister Sir John Major stating on television, on the Andrew Marr show on Sunday 7th December 2008, that the police had taken sledgehammers to Greens' address. This was completely false. At around the same time I was approached by the SIO who told me there were various stories circulating that police had 'ransacked' or 'trashed' Green's constituency office and at one point I was shown a newspaper clipping of a ransacked office which suggested this was how police had left one of Green's offices. The SIO and other officers involved were deeply concerned about this as they assured me that they had undertaken a meticulous search of each office and left it as it was found. In addition they told me they had taken photographs at each stage of the search and upon its completion demonstrating the office was left as it was found, thereby disproving the newspaper allegations. I along with other colleagues believed the pattern revealed media

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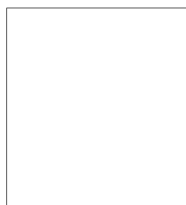
were being fed stories which were simply untrue and it did not appear possible for these all to be explained as mistakes.

Johnston Review (Question 3)

60. The Johnston Review began on Tuesday 2nd December 2008 and Johnston was asked by Stephenson to report in two weeks – a deadline that others and I considered completely unrealistic given that, amongst other matters, most of the evidence obtained from Green’s office could not be examined. The Review was asked to look at issues of lawfulness and proportionality. It was proposed that officers from Yates’ command undertook the Review work. I felt uncomfortable about this as Yates had already declared a view that the investigation should be stopped. Accordingly, I was concerned at what influence he might have on the Review. However I decided to place my trust in Johnston’s oversight of the Review.
61. On Saturday 6th December 2008, I was asked by Acting Deputy Commissioner Godwin to attend a meeting at New Scotland Yard with Johnston, Godwin and Stephenson. Also present was Stephenson’s Chief of Staff, Caroline Murdoch, Commander Denholm (one of my Commanders in specialist operations) and the head of Public Affairs Department, Fedorcio. I cannot recall if Yates was present. I have requested a copy of the minutes from MPS and these are yet to be provided. During the meeting it became clear to me that Stephenson, Godwin and Johnston had held an advance meeting before joining the others and me. The meeting was chaired by Godwin and Johnston delivered his preliminary findings. These were that the search of the MP’s office and his arrest was lawful but that ‘on balance’ he felt the arrest of Green was disproportionate and that he should have been invited in for an interview. He stated that in his view Galley’s conduct amounted to conduct which should have been dealt with as a disciplinary matter and that the Cabinet Office alluded to this when he had met them. I challenged this because it was obvious from the Cabinet Office letter of 8th September 2008 that they were inviting a criminal investigation and that this was confirmed by Dick who had a number of meetings with the Cabinet Office officials on the matter. I reiterated that the Cabinet Office and the Permanent Secretary at the Home Office knew of our plans to deal with Galley by way of arrest and thereby commencing a criminal investigation and had at no time suggested discipline as the appropriate course. I also stated that regardless of

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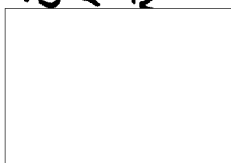
opinions that disciplinary action might be the appropriate course, the CPS had expressly advised that criminal offences were in prospect on the information available at the time. I also stressed that the investigation was far from complete as we had not had the opportunity to examine material seized from Green's offices or examine communications data and therefore it was extraordinary that we were trying to 'guess' the outcome of the search for evidence rather than just get on with it. Finally, I stated that as Galley had alleged that Green had told him not to mention certain issues, there was a reasonable basis to doubt whether Green could have been relied upon to cooperate and not seek to hide his or others involvement. An invitation to interview was therefore not an appropriate option in the view of the Gold Group who had considered this in great detail. It was common for my team to be working on investigations concerning leaked Government documents at any one time and I recall at this meeting mentioning one of these investigations.

62. Johnston did not counter these arguments. Stephenson and Godwin seemed very preoccupied during the meeting about the negative media attention MPS would receive if this investigation continued. As we had reached an impasse, the meeting broke up and did not reconvene.
63. Almost immediately after the meeting, Stephenson came into my office and asked me to stop the investigation. I expressed the view that I did not think it justifiable or ethical to stop the investigation purely on the basis of a controversy that appeared not to be driven by the public but by those who may have a vested interest in deterring the police from undertaking such investigations. I expressed the view that the role of the police was to establish the facts and that stopping the investigation at this stage would be premature. Stephenson appeared to accept these points. I reiterated my respect for his position and his right to stop the inquiry.
64. In the days that followed a number of so called 'Reference Group' meetings were held to manage the on-going controversy. These were usually chaired by Godwin and attended by Stephenson, myself, Catherine Crawford the Chief Executive of the MPA, Federico, Yates, Caroline Murdoch, Commander Denholm and Commander Sawyer. I recall on one occasion both Stephenson and Yates suggesting that the investigation should be stopped. However, despite the continuing media criticism, it was agreed that the

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investigation would continue as there were still legitimate lines of inquiry to pursue and the CPS supported the investigation. Had the investigation been concluded at this point and then evidence subsequently came to light of more serious leaks then the MPS would have almost certainly been subject of severe criticism. Johnston's report of his Review was handed to Stephenson and me on 16th December 2008. Its content was largely as I had expected; it validated the lawfulness of the arrest of Mr Galley and the search of his home and the lawfulness of Mr Green's arrest and the searches relating to him, including his parliamentary and constituency offices. The report stated the arrest of Galley was proportionate but, in relation to Green stated *'on balance, a potentially better approach was to invite him in for interview under caution by appointment'* and concludes *'there is a strong question mark for me over the proportionality for the arrest of Green, given its timing seven days after Galley's arrest, and given the level of seriousness of the leaks in which there was a reasonable basis for a belief that Green was involved'*. The Review listed seven reasons why the arrest of Green was proportionate and fifteen as to why it was not. I, along with other colleagues, strongly challenged this list. Many of the fifteen points are based on inaccurate information or a limited appreciation of the facts.

65. Of more concern was a series of inaccuracies and material omissions in the report including: i) the omission of details of the senior level engagement and approval throughout the investigation, including Stephenson's approval of the terms of reference for a criminal investigation and the arrest of Green; ii) the omission of key elements of Greens' alleged conduct relevant to the decision to arrest; iii) the omission of key elements of the reasoning of the Gold Group which supported arrest (including the fact that documents were being stolen from the Home Secretary's private office safe which did house sensitive material and Galley's claim that Green had told him *'not to mention David Davis'*); iv) the omission of evidence which challenged public assertions that Galley and Green were motivated purely to serve the public interest; v) the inaccurate portrayal of CPS engagement being at a low level (a senior CPS subject matter expert was consulted along with a senior lawyer who reports to direct to the DoPP); vi) the omission of the facts that Galley was accessing the Home Secretary's Private Office safe to steal documents and had access to sensitive material; vii) the omission that one of the MP's implicated admitted publically that he had been in receipt of sensitive leaked material; and viii), the failure to balance criticism that part of a MPS search pro-forma

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was not signed by the Sergeant at Arms with the fact that she took formal qualified legal advice before consenting to the search and specifically prepared a letter of consent

66. I and my senior investigative team (Commander Sawyer, DCS Timmons and the SIO) all made these points to Johnston but for some unknown reason they did not find their way into his Review. The conclusions of Johnston’s Review were released in summary form to the press which led to significantly increased criticism of the investigation.
67. I have subsequently become concerned to discover that certain critical references in the original Johnston Review have since had to be redacted from the published version as I believe they were objected to by the Cabinet Office.

68. The proposition that the Cabinet Office considered that this was not a matter that warranted a criminal investigation was at the heart of attempts to persuade me to stop the Green investigation and formed a central plank in the argument and conclusion by

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Johnston that the arrest of Green was 'disproportionate'. It now appears that when support for these statements was sought from the Cabinet Office, it was not forthcoming.

69. The CPS was provided with an un-redacted copy of the Johnston Review and they indicated through Commander Sawyer (supervisor of the SIO) that they did not consider it to be central to the question of whether Galley and Green were guilty of any criminal offence and they advised that it was in the public interest for the investigation should continue.

Media Attack on my Family (Question 2, 3, 16, 17)

70. Despite increased media criticism of the investigation in the wake of the Johnston conclusions, the investigation continued. On 19th December 2008, I received a distressed telephone call from my wife, Judith, to inform me that a client of hers had called her to say that a journalist from the Mail on Sunday had called at her house to interview her about my wife's wedding car business. The client, who had hired two of Judith's Rolls Royces in the summer of 2008 for her daughter's wedding, had informed my wife the reporter had called at her house unannounced and asked to speak to her about Judith's business 'Aphrodite Wedding Services'. He stated that the Mail on Sunday was going to do a feature article on the company. The client allowed the reporter into her home and he spoke to her and her husband. The client gave a ringing endorsement of Judith and the service she provided. The client told Judith that the reporter had seemed fixated on learning what relationship I had with the business and whether I drove the wedding cars. He also asked whether police officers were used to drive the vehicles and whether they were in uniform.
71. In 2006 my wife had begun a small web-based wedding car hire business which she could then progress into a wedding planning service. Towards the end of 2007 Judith's business started to take off with a rapid growth in bookings, particularly from January 2008. At the outset, my wife contacted Tandridge District Council and sought guidance as to the licencing requirements. She was advised that a wedding car service did not require a licence (no such licence exists). She indicated that she wished to explore whether there was any demand for 'special occasions' hiring and would advertise for this but was not sure whether she would pursue this at this stage. She was advised the law in respect of this was less clear but that this would not necessarily require a licence. She

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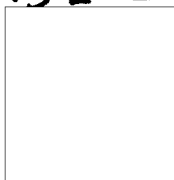
subsequently confirmed with a number of other wedding car service operators that no licence requirements existed for this type of service.

72. Once my wife was made aware of the Mail On Sunday's activities she immediately became suspicious of calls received a few days earlier, where a caller inquired about hiring our Jensen motor car shown on the web-site. My wife told the caller that we did not hire out the car (the vehicle has never been hired but was placed on the website as an 'optimisation tactic' as the cars attract lots of web hits as they have a sizable following worldwide). The caller persisted in trying to hire the car (my wife had not had anyone attempt to hire the car before) and my wife was emphatic that the car could not be hired but that other cars (Rolls Royces) were available for weddings. The caller did not seem interested in this. My wife also became suspicious of a hiring she had agreed to earlier that week which she thought was unusual. This was from a man who appeared vague about his wedding plans yet wanted to take his fiancée for a trip in one of my wife's cars. In view of the events during the course of the day she contacted the client and challenged him and he admitted to working for the Mail newspaper. My wife cancelled the hiring which was just about to commence that afternoon.
73. I was concerned upon learning of the Mail on Sunday's interest in my wife's business because both the Mail on Sunday and the Daily Mail had been particularly critical of my role in the Green affair. On receiving the telephone call from my wife, I telephoned Fedorcio, Head of Public Affairs at the MPS, to ask him to look into the matter and pointed out whatever the media think of me, my wife had nothing to do with recent events and I am not involved in my wife's business. I spoke to Fedorcio later that day and he stated the Mail on Sunday were not forthcoming about their intentions.
74. I discovered later that day that the Mail on Sunday reporters were in our village speaking to local people about me and my family. On Saturday 20th December 2008 I received a telephone call from Fedorcio to advise me that the Mail on Sunday had been researching an article for a front page story on my wife Judith's business. The article was supposed to concern the use of serving police officers as drivers for her business (this tied in with the questions put to my wife's former client who was visited by the Mail). However, the Mail on Sunday had conceded there was no truth in this, and so, they proposed to run a story on the basis that the operation of the business from my home was a security risk and

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that my own private Jensen Interceptor was for hire. Fedorcio told me the Mail on Sunday had said they had assigned two reporters to the story over a number of days and it had cost a lot of money and therefore they need to run some kind of story.

75. Whilst the fact that my wife ran her own wedding car business did not in itself pose a security risk, I immediately recognised the security implications to my family if a story was published linking me in my role as ACSO to the business. I was aware of the risk from terrorists and violent extremists who had in the past demonstrated ambitions to do harm to police officers. I was aware of 'Operation Gamble' a case where extremists were convicted for conspiring to kidnap and murder by beheading, a British serviceman who lived in the Midlands. It appeared to me that whereas an extremist will have no knowledge of my wife's business, the Mail on Sunday article would alert them to it. This would enable them to purport to be a bone-fide customer and create an intolerable risk to my family and me. There was nothing on my wife's business website connecting it to me or my role as ACSO. It was clear that it was the publication of the article itself that would create a substantive risk that otherwise was a negligible risk.
76. I told Fedorcio that I believed there was no public interest in this story and it was a spiteful and unwarranted intrusion of my family's privacy. I predicted that it was motivated by the Green affair (the subsequent article was laced with references to the Green arrest) and stated that if the article is published in a national newspaper linking it to me in this way it would compromise the business and would potentially place me and my family at risk of harm. In my role as ACSO both I and my family were subject to periodic independent risk assessments. As a consequence of the actions of the Mail on Sunday, I was written to by the Office for Security and Counter-Terrorism at the Home Office and informed that the risk level to me and my family had been raised.
77. I made a number of telephone calls throughout the day to Fedorcio, Stephenson, and Godwin. I informed them that there was nothing on the website to identify it with me in my role as ACSO. Indeed, after my selection for the role, MPS security vetting began with a series of visits to my home where lifestyle issues and other security aspects relating to me and my family were considered. The fact that my wife operated the business from home was disclosed but it was not considered as a risk at that time (however publicising the business and its link to my role through a mass media changed

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this situation). The MPS did however make significant security improvements which were implemented.

78. I asked both Fedorcio and Stephenson to intervene and suggested that the MPS should contact the Mail on Sunday and indicate that this was an unacceptable intrusion which created significant risks unnecessarily. However Fedorcio and Stephenson, without any clear explanation, refused to intervene on my behalf. At this point I felt a failure by the MPS to protect me and my family from the activities of the Mail on Sunday and that this was unacceptable. Overnight I did not sleep through concern for my children and considered that I should move them to a place of safety until my security could be reassessed in the light of the article.
79. The first Mail on Sunday article appeared on the 21st December 2008 (**Annex N**) authored by a journalist named Martin Delgado. It headlined that my wife ran a Rolls Royce car hire firm (Aphrodite Wedding Services) from our home. The article did indeed portray the business as a security threat to me. It also stated that my private Jensen Interceptor was available for private hire. The vehicle did not feature on the bookings page of the site and it has never been hired out. The Jensen was pictured on the web-site with an unallocated registration number and so was not traceable by this means. The article showed a very clear facial picture of my wife, and a picture, together with other published details, made it possible to identify our home.
80. Following the publication of the article on 21st December 2008, I decided that until proper risk assessments could be made, the responsible thing to do was to remove our children from our home and implement a number of security precautions. This was wise because over the following six weeks we had several visits from reporters and photographers and various other unknown persons and cars were seen waiting/loitering outside the house. We found beer cans and other missiles which appeared to have been thrown at the house. Neighbours approached me expressing a level of concern for their safety.
81. On the Sunday morning that this article appeared my family and I were angry and upset. I had just told my children that they would need to be moved out of the family home over Christmas for their own protection. They were distressed and in tears, as was my wife who realised the implications for her business. We were receiving various calls on my

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wife's business line which appeared to be journalists. My wife then received a call on her business mobile from a journalist. Because she was so distressed she could not speak to him so she handed the telephone over to me. The journalist asked me how I felt about the Mail on Sunday article and in the heat of the moment I told him of my initial thoughts that the Mail on Sunday had been mobilised by the Conservative Party to undermine the Green investigation, and I went on to say that this was corrupt. My remarks simply reflected, in part, a pattern of events which I saw as connected. Although I believed that there was a connection between my role in the Green affair and the article I instantly regretted saying what I said as I knew it was not something I could easily prove.

82. During that Sunday and the following day, I was criticised by various senior Conservatives including David Cameron and David Davis who stated I was wrong and should withdraw my remarks and apologise. On Monday 22nd December 2008, I arrived at Scotland Yard and met Stephenson who asked me to withdraw the remarks and issue an apology. In the knowledge I could not conclusively prove my remarks, and in order to defuse the further controversy the MPS was now embroiled in, I agreed to retract my statement and issue an apology.
83. The Mail on Sunday ran a further article on Sunday 28th December 2008 relating to my wife's business [Annex O]. This article maligned Judith's business by implying (but not stating) she operated a private hire company rather than purely a wedding car business. This was because her website advertised 'Special Occasions'. This was purely a market research activity to see whether there was any interest or demand for services other than weddings. She was monitoring this using a 'Google analytics' package. However there was no demand for this service. If there had there been she would have sought an operator's licence (she already had licensed drivers in her pool). However she decided to concentrate on car hire for weddings and this activity did not require a licence
84. The tenor of the second article suggested that because the business was unlicensed it had been operating illegally. This, and associated copycat articles, have had the effect of damaging Judith's reputation (and mine as it linked me to the business) and that of her business. We suffered the indignation of having friends and family, approached by journalists who had also been in our village shops, in an apparent failed attempt to obtain a negative quote. At the time we had relatives calling us to say they had read Judith had

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been convicted and fined £3000 (we do not know where these reports emanate from but several people claim to have read this).

85. During the months following the release of these articles, Judith was continually plagued by cranks and journalists calling her business telephone numbers on the pretext of seeking prices, quotes or to make bookings by both telephone and internet. Many of the suspicious contacts were seeking bookings for weddings the following weekend or the same month which is most irregular.
86. The articles also left us with the risk that a violent extremist could purport to be a customer and make an appointment to view a car and therefore get to my wife having seen a picture of her and our home in the Mail on Sunday and learned of the approximate location of our home. Following the actions of the Mail on Sunday, we were left with no alternative but to wind down the business.

The On-Going Investigation

87. The next stage of the Green investigation was to examine material seized from Green over which there was a claim of parliamentary privilege
88. At this stage, the DoPP, Keir Starmer QC, took over personal supervision of the case and chaired a case conference where he indicated it was in the public interest to continue the investigation and he wanted the parliamentary privilege issues resolved so he could view relevant material from Green's offices. Later when Godwin and I were briefed on this meeting by Commander Sawyer, Godwin upon hearing the DoPP wished to see the investigation completed remarked that Stephenson 'would go ballistic and would pull the inquiry anyway'. I was very surprised by this remark.
89. On 22nd December 2008, an article was published on the Guardian website in which a well-placed Conservative was quoted as saying in relation to the Green arrest "Bob Quick is behind this. I am going to fucking get him this time" [Annex P]. My recollection is that this was picked up and quoted by other newspapers at the time

Resignation – 9th April 2009 (Question 3, 17)

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90. On 8 April 2009, I was scheduled to attend 10 Downing Street to brief the Prime Minister on a planned counter terrorism operation. The previous evening I had asked my staff officer to ask the CT Coordination Centre to prepare me a short briefing note setting out some of the operational logistics. On the morning of the 8th April, at about 8.00 am I asked for the briefing note but it was not ready. I went upstairs to speak to colleagues before the 'Commissioners Breakfast' event and went back to my office at about 8.25am. At about 9.05 am I gathered up my papers and was handed a paper folder by my staff officer who told me that several copies of the briefing note I had asked for were enclosed in the folder. I went downstairs and got into my official car. As we made our way to Downing Street I took the briefing notes out of the folder. I noticed that the notes were marked 'secret'. It was unusual for them to be handed to me loose as usually secret documents are placed in ring binders which ordinarily are not able to be carried when 'open'. I surmise that because the note was late in preparation there may have not been time to place it in a proper binder.
91. I read the note and as I was going through the security gates at Downing Street I began to place the copies of the note back inside the paper folder. I remarked to my driver that it was quiet in Downing Street as I could not see anyone other than one parked unmarked police car on my nearside about halfway along the street. As we passed this car I looked to my left where journalists usually gather behind some metal barriers. I could see no one there but I noticed an unmanned TV camera pointing away from us up the street. My driver pulled over to my right stopping immediately outside the door to No. 10 on the same side of the street. The car was facing away from Whitehall and I was on the other side of the car from the door to No. 10. I was slightly early at about 9.20 so I decided to sit in my car for a minute and organise some of my papers. However just as I started gathering up a binder and the paper folder my driver said 'Oh the doors opening' I looked up and saw the door to No. 10 open and reacted naturally to jump out of the car and go inside. As I stepped out of the car I noticed I had left a sheet of paper behind the folder which was now exposed outwards as I exited from my car. It was only on view for about 1 – 1.5 seconds and I quickly repositioned it so it was not on view.
92. I did not actually see any photographers although I did hear a sound and my peripheral vision caused me to think someone was over to my left near the parked police car back towards Whitehall. Within an hour of leaving the Downing Street briefing I was called

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by my deputy, McDowall, who alerted me to the fact that I had been photographed in Downing Street. I returned to Scotland Yard where he produced a photograph that had been placed on the internet of me carrying a document marked secret. Although very little information about the intended raid was revealed, as a result of this photograph the raid, which had been scheduled for 2am on 9th April was brought forward to the late afternoon of 8th April, and the suspected terrorists were arrested in daylight with members of the public in the vicinity. I am unaware as to whether any investigation was conducted as to how the photograph appeared on the internet.

93. Having overseen the bringing forward of this counter terrorism operation I went to see Stephenson who I knew had seen the Home Secretary. He told me that I did not have her support any longer and that he felt the situation was difficult. He said he did not wish to lose me but could not see how I could remain in the ACSO post and that he would have to move me to another post if I chose to stay. I told Stephenson I needed to go home and consider my position. I said I needed to decide whether I had made a fleeting human error in a secure zone that was forgivable or a grave and unforgivable mistake. Stephenson appeared sympathetic and told me how very sorry he felt for me as this could happen to anyone and that I had been very unlucky.
94. Later that day I saw on various news channels Chris Grayling (Shadow Home Secretary) repeatedly stating that my position was untenable. As the story gathered momentum in the press, I recall that calls for my resignation over this disclosure were also being linked back to the Green affair. I realised the MPS, my family and I were about to be embroiled in a protracted media event. My children had phoned to say the media were at my house in large numbers and were standing on ladders outside our gates filming and taking pictures over them into the house.
95. After discussions with family and close friends, I decided it was right and proper to offer my resignation. The next day whilst my terms and conditions were outstanding, and before I had actually tendered my resignation, the Mayor of London announced the acceptance of my resignation on television.

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DoPP and Home Affairs Select Committee Reports - April 2009 (Question 3)

96. Shortly after I left the MPS, Yates was appointed to the role of ACSO by Mayor Boris Johnson thereby placing him in overall charge of the Green investigation. Within a week of my departure, on 16th April 2009, the DoPP advised that there was insufficient evidence to provide a realistic prospect of convicting either Green or Galley with any criminal offence [Annex Q]. However the DoPP advice contained the following relevant extract:

37. My conclusion should not be misunderstood. The unauthorised leaking of restricted and/or confidential information is not beyond the reach of the criminal law. The fact that the overall evidence of damage or potential damage in this case is not such that the offence of misconduct in public office is made out should not be taken to mean that the absence of sufficient damage actual or potential will always lead to a decision not to prosecute.

... once the pattern of leaks was established in this case it was inevitable that a police investigation would follow. There has been a thorough investigation and, without it, I would not have been able to reach a conclusion on the particular facts of this case.

97. The Home Affairs Select Committee Report 'The Policing Process of the Home Office Leaks Inquiry' [Annex R] was published on the same day. The Report was written without the benefit of the DoPP's commentary of the 16th April 2009 and so appeared to be written under the misapprehension that the leaking of 'restricted' or 'confidential' material were not appropriate for a criminal investigation:

"16. When Parliament revised the Official Secrets Act in 1989, it narrowed the scope the section on unauthorised disclosure of government information, focusing on specific types of damaging information—relating to security and intelligence, defence, international relations and crime and special investigation powers. Unauthorised disclosure of these types of information remained subject to criminal proceedings. This was in line with what the then Home Secretary told the House in December 1988 when introducing second reading of the bill, namely that it would "remove the protection of the criminal law from the great bulk of sensitive and important information", none of which would "any longer have the protection of the criminal law".

17. The Cabinet Office's guidance to departments says that it is appropriate to involve the police in leak investigations when they involve "a serious and damaging impact on the functioning of a Department and ... suspicion of leaking sensitive information". However, it is easy to imagine circumstances in which a leak of sensitive information could lead to a damaging impact on the functioning of a Department without falling within the categories laid down in statute. The Cabinet Office's guidance therefore seems

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to leave open the possibility of involving the police in an investigation without any suspicion—let alone evidence—that a criminal offence under the Act has taken place. We recommend that the Cabinet Office revise its guidance to preclude this possibility.”

98. Whilst the Report took the view there was a risk that “*growing frustration in both the Home Office and the Cabinet Office may have led officials to give an exaggerated impression of the damage done by the leaks*”, the Report did not appear to recognise that a serial leaker inside the Home Secretary’s private office had direct access to secret material which meant a criminal investigation was not only proper, but inevitable. In relation to the police search of Green’s parliamentary office the report said –

“It is very regrettable that there should have been any misunderstanding over the issue of consent to search Parliamentary premises, but, in seeking consent before applying for a warrant, the police were following the procedure set down in statute”.

Publication of the Johnston Review and HMIC Review of Lessons Learned from the MPS Investigation into Home Office Leaks (October 2009) (Question 3)

99. During the course of 2009 I was contacted by the MPS and my views sought about its intention to publish the Johnston Review. Given the obvious flaws in the Review I was very concerned about such a course and considered that its omissions had the potential to create a misleading account of this investigation.
100. I wrote to Yates [**Annex S1**] setting out my concerns that the public would be misled by the publication of the Johnston Review. The initial response [**Annex S2**], received from Yates did not deal with the issue of the omissions. I wrote a second time [**Annex S3**] and the reply appeared to lay the matter at Johnston’s door suggesting the omitted material was brought to his attention [**Annex S4**].
101. In the summer of 2009, Her Majesty’s Chief Inspector of Constabulary, Sir Denis O’Connor (“O’Connor”) was commissioned by the Home Secretary to produce a report into the lessons learned during the MPS investigation into the Home Office leaks [**Annex T**]. Around this time I learned of an agreement between O’Connor and Stephenson to publish the Johnston Review as an annex to the O’Connor Report. I was concerned about this approach as it would give credence to the Johnston Review which in my view it did not deserve. I raised the numerous flaws in the Johnston Review with O’Connor in July

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2009 when he visited me at home as part of the preparation for his Report. O'Connor seemed reluctant to look into these matters and indicated he did not see it as his role to test the reliability of the Johnston review. None of my challenges appeared in O'Connor's report of 12th October 2009. The commentary and recommendations in the O'Connor Report appeared to me to be a diversion from the fundamental issues at the heart of the Green case.

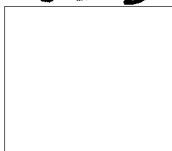
102. In November 2009, Damian Green was summoned to appear before the House of Commons Committee on Privilege. During his evidence he was asked specifically by the committee chairman Sir Menzies Campbell QC *"did you ever encourage him (Galley) to break a duty of confidence as a civil servant?"* Mr Green emphatically denied he had done anything to encourage Galley to leak Government information [Annex U]. He went on to say words to the effect that if he were a Minister he would not tolerate such behaviour and would do all in his power to prevent leaks. On 14th December 2009, I gave evidence to the same committee where my evidence directly conflicted with Green's evidence about his involvement (as detailed in paragraphs 47-52). The Committee did not see fit to challenge me or to recall Green and the subsequent report published by the Committee entitled *'Police Searches on the Parliamentary Estate'* <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmisspriv/62/62.pdf> made no adverse comment on the conduct of Green.
103. I am aware O'Connor was asked by the Home Secretary to conduct yet another review in the light of further revelations about the phone hacking scandal. On 20th July 2011 HMIC was formally commissioned by the Home Secretary to *'consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations about what needs to be done'*. I am unaware if this review was completed and I have had no further contact with O'Connor in relation to the concerns I expressed to him.

Personal contact with the media in MPS (Question 3, 4, 5, 6, 7, 8, 9, 12, 13)

104. During my career in the MPS, I had no personal contact with the media other than appeals for witnesses, TV radio interviews about specific crimes and events and local briefings to local journalists organised by local police press officers as part of the routine engagement between police and the media. Once I became a Chief Officer in the MPS, I

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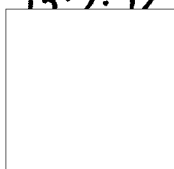


had more contact acting as a MPS spokesperson on a variety of issues connected with my role as Commander for 'Crime' across Territorial Policing in London. An example of this was when I was asked by the then Commissioner Sir John Stevens to appear on a one hour discussion programme on a Sunday presented by Jonathan Dimbleby, where the subject was London street crime. All of these engagements were formal business interactions organised by the MPS Department for Public Affairs (DPA). I did not maintain personal contacts with journalists. Occasionally journalists would obtain my mobile phone number and call to seek 'insider track' comment off the record in respect of the issues of the day. I treated such calls with great caution but always sought to be polite and helpful. I was happy to give them 'the official line' and occasionally off record comment where this helped contextualise an issue to avoid misunderstanding or interpretation. This was very infrequent and I would keep records of such incidents. When I returned to the MPS in 2008 as ACSO, I decided to be extra cautious regarding my dealings with the media, partly because in this role one has knowledge of highly sensitive information across the spectrum of counter terrorism and national security. Occasionally journalists would call my office directly seeking meetings and interviews with me. In such instances, my private office staff would refer them to the SO press officer.

105. I was briefed by the SO press officer that DPA had some years earlier instigated a 6-8 weekly briefing with TV and print journalists on CT background issues. This was because the CT landscape was extremely complex with many pending trails and current investigations. These briefings were with well-known specialist journalists who reported regularly on CT issues (e.g. Daniel Sandford of the BBC). I agreed to undertake these as they were well established and there was a good rapport between the media and my predecessors Andy Hayman and Peter Clarke. A press officer would accompany me to these meetings and I found them helpful in understanding how various journalists were interpreting events. On many occasions I was able to make observations professional or share unclassified background material which I think was helpful to both the MPS and the journalists in so far as more accurate accounts could be reported. Only around 3 -5 journalists would attend each briefing and these were sometimes over a lunch at the journalist's request. Occasionally if a story was running they would press hard for as much detail on the record as possible. Although I understood and respected such

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requests, I would resist them. These briefings were entered into the Hospitality Register by my staff office PA whenever drinks or food were provided. All of these meetings were arranged through my private office and therefore will have been entered into my official diary which is available for inspection. I have been granted access to the Hospitality Register kept by my office and this reveals that between 1st March 2008 and 8th April 2009 (13 months) I attended Crime Reporters Association (CRA) lunch briefing on 4 occasions, a dinner on 1 occasion (Child Victims of Crime Charity Dinner), and a reception on 1 occasion. I recall that I also made a brief appearance at the CRA Xmas party on 10th December 2008.

106. As ACSO I had regular formal diarised meetings (MPS briefings for Crime Writers Association journalists) and occasional diarised lunches with journalists with a press officer in attendance. This was a formal six weekly meeting established by DPA to assist them with off record background briefings to assist them understand the complex background to CT cases.

Social Contacts between Media and MPS (Question 3, 5, 17)

107. On my return to MPS in 2008, my role as ACSO required frequent trips outside London and overseas and working late nights when I was in London. Accordingly there were very limited opportunities for me to socialise with colleagues. I recall on at least two occasions when I was invited to drinks at a wine bar local to Scotland Yard observing Stephenson, Yates and Fedorcio socialising with people I know to be journalists, including Lucy Panting of the News of the World and Mike Sullivan of the Sun. On other occasions I recall seeing Yates in social situations with Stephen Wright, crime correspondent for the Daily Mail. This surprised me at the time, as I was aware that Wright was responsible for a large number of Daily Mail articles that were repeatedly critical of Blair during his tenure as Commissioner [see <http://www.dailymail.co.uk/home/search.html?sel=site&searchPhrase=ian+blair>]. Other critical articles, where occasional reference was made to comments by unnamed senior MPS insiders, were often attributed to an unnamed Daily Mail reporter. I did not mix with journalists in this way. The reasons for this go back to my time as head of the MPS Anti-Corruption Command in 1999-2001 when I encountered inappropriate contact between MPS officers and the press which was sometimes found to be corrupt in nature.

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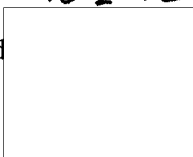


Surrey Police 2003 -08 (Questions 23 – 75)

108. Surrey Police had formal written policies and procedures which regulated the conduct of Force personnel in relation to their conduct with the media. In general, formal business engagement with the media was encouraged but only with the support of the Force Corporate Communications Department (CCD) or divisional press officers. CCD oversaw this activity and advised me as Chief Constable as to how the Force interacted with the media and where changes to policy and practices were recommended. CCD would place formal papers on these types of issues before the Chief Officer Group and the Police Authority. Copies of the relevant policies and procedures are available from Surrey Police.
109. The expectation of the Force was that contact with the media should be 'positive and open'. Whilst individual members of staff had authority to speak to media representatives, they were encouraged to seek the advice of a senior officer or press officer in any case of doubt. Surrey Police personnel were advised of their duty to withhold information where there were legal, operational or security grounds to do so or where a duty of confidentiality arose. Media training was provided for staff at every level of the organisation.
110. As Chief Constable of Surrey Police I had very limited personal contact with the media. I occasionally found myself sitting at a dinner table at a civic function (i.e. Surrey County Show) where media representatives were also invited guests. This was infrequent. The Surrey Police CCD would from time to time organise briefings for local / regional TV, radio and press representatives. These events might sometimes be attended by journalists from national media outlets. An example of this was an event organised to brief journalists on the review of the 'Deepcut' investigation into the unexplained deaths of four recruits at Deepcut Barracks in Surrey.
111. Such events might be organised to coincide with the publication of the Force Annual Report or the budget settlement. Invariably such events involved police authority members and were managed by Surrey Police corporate communications staff. The events normally comprised a briefing on topical issues and a question and answer session. I would estimate such events took place every three months or so. I recall one event followed complaints by local editors that Surrey police was not cooperative in giving

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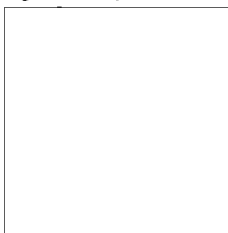
access to stories and staff. I learned of these complaints through my Head of Corporate Communications and it was her suggestion to hold a social event where Force seniors could meet local journalists and discuss topical issues. I recall I also made a short speech setting out the desire of the Force to foster good working relations with the media and whenever appropriate to provide access, information and quotes about events and incidents to enable the media to do their job well. I also stressed the reliance of the Force on good cooperation from the media to facilitate crime prevention advice and witness appeals. My impression was that at times media representatives were frustrated by Surrey Police Corporate Communications staff who would interpose themselves in interactions with Force staff. It was clear that the local media often preferred to go direct to a police officer with direct knowledge of the matter and to try to foster a relationship. I supported the position where CCD or divisional press officers were actively involved in media contact wherever possible.

112. Occasionally journalists would push for information that was in addition to what was given to other journalists in order to give themselves an edge. I found journalists to be quite open about the pressures they are under to get stories, particularly scoops and exclusives. I always tried to be even handed with journalists and insisted the corporate communications staff did likewise to avoid suggestions of favouritism or bias. I, along with my colleagues, found this to be an inevitable aspect of encounters with journalists, who would naturally ask probing questions about a given subject and explore various 'angles' to a story. Very often I would simply state I could not comment on aspects where I felt it unwise to do so (e.g. because it might compromise an operation or investigation or duty of confidentiality). A combination of media training and experience made it relatively easy to deal with journalists in a helpful and balanced way whilst keeping sensitive matters confidential.
113. I do not recall receiving any hospitality from the media whilst serving in Surrey Police and can find no records of it. I would only accept hospitality in the form of refreshments if it was part of formal and declared business between the Force and a media outlet. My contact with the media was organised and facilitated by my own personnel and was always diarised as formal business. I am unaware of any undisclosed media contact within the Force.

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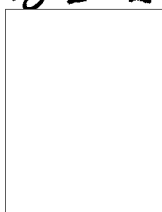


114. Occasions where the police and the media were accepting or giving hospitality were organised by the corporate communications department and recorded in official diaries and work plans. The work of the Force with the media was subject to regular reports to the police authority and media events were reported in this way (Police Authority members were invariably in attendance at such events). In addition my staff kept a detailed log of my expenses and any hospitality I received and this was recorded in a register and is available from Surrey Police. I recall details of this would be recorded on the Surrey Police website.
115. As Chief Constable of Surrey Police I would regularly meet with councillors from Surrey local authorities and Surrey MP's. Indeed nine members of the police authority were councillors representing the three main political parties. Understandably authority members and councillors would often reflect in their comments their political leaning and often the policies of their party. However at no time did I ever feel I was being put under political pressure to take a particular course of action by local councillors.
116. Surrey MP's were invited to events by both the Chief Constable and the Police Authority. These events included quarterly buffet lunch briefings during which the MP's were briefed on the progress and plans of the force and on topical local and national issues. These conversations might include media coverage on such issues and whether the Force should adopt a particular position.
117. The Surrey MP's were extremely supportive of the Force. Surrey Police had faced a particular funding challenge over a number of years. The Surrey MP's would often ask PMQ's and make statements in support of a better settlement for Surrey Police. In this setting there was more (but not significant) pressure placed on me to enter the public arena and criticise Government policy on funding and in other policy areas, such as justice policy (i.e. targets). In this regard I had to strike a balance between properly representing the interests of good policing in Surrey from a purely professional standpoint and not allowing myself to be drawn into debates and discussions driven from a party political view point. Despite some moderate attempts to persuade me to take a line that accorded with a party political view or agenda I felt my constitutional position and accountability to a cross party police authority enabled me to confidently resist this.

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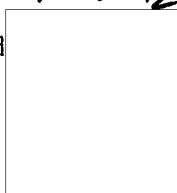
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118. In my experience, politicians in Surrey, whether councillors or MP's used proper channels and mechanisms to argue in favour of particular policing priorities. The construct of the Police Authority was an important safeguard in this respect, helping to avoid overtly political and short term objectives gaining undue prominence when set alongside national and regional policing priorities (such as counter terrorism or the threats from organised crime) or wider public safety imperatives.
119. The issue of the acceptance of gifts or hospitality from the media was covered by Forces standing orders on 'Gratuities, Gifts and Discounts'. These orders were consistent with those in other Forces and ACPO guidance. In my view the orders were clear and did not afford a special status to the media. Gift and hospitality registers were subject to internal audit and inspection and I would have expected irregularities to be reported to divisional command, HQ command and CCD. In serious cases of irregularity, matters were reported to the Professional Standards Department and Deputy Chief Constable (the Force discipline authority). I was not always satisfied the force had sufficient resources to 'police' effective compliance with all policies and procedures. However a combination of good quality line management supervision, 'dip sampling', routine and periodic inspection and procedures to report wrong doing mitigated risks significantly but could not eliminate them completely.
120. I am unable to recall specific cases of wrong doing in Surrey police which involved the media but I would anticipate there were some cases during my tenure that I would have been alerted to by the Deputy Chief Constable. I do not recall leaks from Surrey Police being a major problem during my tenure as Chief Constable but I am sure that there would have been some occasions where information appeared to have been leaked. In such circumstances an internal inquiry would be initiated and these will be fully recorded in professional standards department.
121. Surrey Police information systems (including CIS) were subject of strong supervision and audit. On occasions individuals were found to have misused Force information systems and disciplinary or criminal investigations would follow. These matters will be fully documented in the complaints and discipline (Professional Standards Department).
122. I cannot think of any legitimate financial transactions between individuals in Surrey police and the media.

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123. My judgement was that Surrey Police personnel were vulnerable to approaches to bribe them by journalists from time to time. Surrey Police in common with all forces has major incidents and cases in respect of which the national media will seek information aggressively.
124. I am unaware of limitations on Surrey Police personnel leaving the Force to work in the media other than specific contractual obligations and requirements and the Official Secrets Act. I believe Surrey Police CCD had effective oversight of any staff movement between the media and Surrey Police. Naturally many press officers had previous experience working with media organisations. I do not recall any discernible patterns.
125. I do not think there were high levels of awareness of 'media crime' in the Force when I was Chief Constable (2004-08). I do believe there was a general awareness of potential conflicts between the duties and obligations of staff to withhold information from the media and others and the desire of the media to obtain such information. However, if specific allegations came to light I believe the Deputy Chief Constable and I would have allocated resources as appropriate. The investigation of any such matters would fall under general crime investigations and professional standards policies
126. I do not recall any contact with the IPCC or surveillance commissioners about information leaks although I could not rule this out. In general, the Force had a strong professional standard's and integrity programme (the Surrey Police Standard) which postulated an intolerance and aggressive pursuit of wilful wrongdoing.

Awareness and experience of 'media crime' in the MPS (Question 18, 19, 20, 21, 22)

127. I have already dealt in my statement with my awareness of such activity (paragraphs 9 – 14) and my role in raising awareness within MPS of certain times of 'media crime' (paragraph 15). During my service in the MPS up to 2003 I believe the awareness in the MPS of media crime centred on the bribery of police officers for information or conspiring with or inciting them to leak protected information. I do not believe the MPS gave high priority to these types of offences and this may have been as during the 2006 phone hacking investigation, the MPS was in the middle of one of the most intensive periods of sustained threat from Islamist terrorists based inside and without the UK with a

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series of major investigations running between 2002 and 2009 that resulted in over 120 convictions for serious terrorism offences.

Conclusions

128. In the commentary to the O'Connor Report, it was stated that

"the police need to be able to retain their impartiality and exercise discretion acting 'without fear or favour'. In doing so they need to be confident of moving from a 'without fear or favour' approach based on intentions to one that also considers the likely realisation and outcomes" [Annex T page 19, paragraph 9.1.2].

129. The commentary appears to suggest that best practice requires that the police should, in effect, second guess the outcome of an investigation and where necessary cease it as a pragmatic alternative to completing it thoroughly.
130. If this was part of the operational mantra of any police service, then justice would not have been done on countless occasions where police have had reasonable grounds to suspect an offence and used their powers to investigate to uncover evidence they could not possibly have anticipated. I believe strongly that the police service must avoid being seen to bend its principles when an actual or proposed investigation has the potential to generate controversy and there is the risk that powerful stakeholders may be involved.
131. I have read the report by Elizabeth Filkin (Jan 2012) *'The Ethical Issues Arising from the Relationship between Police and Media'*. I do not think this report has identified the unique role of the police in our democracy and the full potential for, or implications of, collusion or other malpractice. My experience in recent years has led me to a clear belief that the relationship between the media and the police must be the subject of the utmost transparency and accountability, in part because the police are unique in the access they have to information highly sought after by the press and media. The intense commercial pressures in the news industry create an obvious risk of inducements being offered to the police to impart this information unethically or unlawfully.
132. On a more subtle level, a police officer can easily be tempted to wield influence and power by cultivating inappropriate relationships with the press and media and selectively leaking information. This can easily result in a reciprocal relationship where elements of

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the media can offer a degree of protection to such officers from negative reporting and the assistance with the promotion of their self-image. Other forms of patronage can accrue from such inappropriate relationships, particularly where support for a particular political agenda is a motivation.

133. It was clear from the events I witnessed during the Green investigation, as it is clear now in the light of the latest reinvestigation of phone hacking and corruption allegations (Operations Weeting/Elveden and Tuleta), that the police are (or should be) very different from other establishment institutions. This is because the police may be called upon at any time to investigate any other part of the establishment and must do so independently and objectively, irrespective of political and other pressure. I am firmly of the view that the police must never seek to accommodate the desires of those in powerful positions by applying perverse and expedient interpretations to the evidence, established police procedure, or to the law.
134. In the Green investigation I applied a central policing principle that if the threshold for investigation is reached then a necessary, lawful, proportionate and accountable search for evidence must occur. When the police stray from this doctrine, particularly in serious cases, they risk undermining the rule of law and attracting justifiable criticism. It now seems paradoxical to me that although the approach I took in the Green matter seems to have differed significantly from that taken in relation to the phone hacking allegations, both cases were the subject of vicious political and media criticism.

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