

Statement made on behalf of: The Commissioner of Police of
the Metropolis

Witness: Sue Akers

Statement No: 3

Exhibits Referred to: None

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

Witness: Sue Akers

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Introduction

1. I have been required by the Inquiry to provide a statement of the current position:
 - regarding Operations Weeting, Elveden and Tuleta - providing as much detail as possible, without naming individuals, as is compatible with the ongoing police investigations; and
 - as to whether the MPS are receiving cooperation with their investigations, with examples of how this is/is not being provided.

2. I also provide further information about the process of informing the victims of phone hacking of their involvement in Operation Weeting.

3. This statement should be read in conjunction with my previous statements dated 11 November 2011 and 24 February 2012 and the evidence I gave to this Inquiry on 6 and 27 February 2012.

Conduct of the Investigation

4. I continue to lead all of the Operations which arose out of the phone hacking events. There is a Detective Superintendent in charge of each operation, each of whom answers to me.
5. We also continue to work closely with the CPS who have been advising us regarding potential offences. Legal advice has been sought and obtained in relation to police powers and options in investigating journalists and the offices of newspapers, and in respect of both individual and corporate offences.

Cooperation

6. To date, we have primarily been seeking the cooperation of News International (NI).
7. As set out in my statement of 24 February 2012, the Management Standards Committee (MSC) is an independent body outside NI and was formally established by News Corp on 21 July 2011 with Lord Grabiner as its Independent Chairman. The MSC initially reported directly to Joel Klein, Executive Vice President and News Corp Board Director. He was replaced at the end of June 2012 by Gerson Zweifach. Membership of the MSC initially comprised of the following: Lord Grabiner; Joel Klein,

Jeff Palker (a US lawyer based in the UK), and Will Lewis and Simon Greenberg, both from NI.

8. Will Lewis and Simon Greenberg no longer attend the regular meetings that my teams hold with the MSC and all contact is now conducted through the lawyers acting for the MSC.
9. In mid May 2012 there was a development in the MPS investigation which appears to have caused the MSC to reconsider their relationship with the MPS. This resulted in a pause for several weeks in the voluntary disclosure of material to the MPS. Following a meeting on 1 June 2012 with Lord Grabiner and other lawyers acting for the MSC, voluntary disclosure by the MSC resumed with the MPS.
10. In general terms the MSC have committed significant resources to assist the 3 police investigations and they are continuing to cooperate with the MPS and to disclose documentation. The relationship can be described as professional and productive, although not without its challenges.
11. I address at paragraph 27 below the nature of the cooperation we have received from other newspaper companies.

Operation Weeting

12. As set out in my statement of 11 November 2011, Operation Weeting began on 26 January 2011 when NI provided significant new information relating to allegations of phone hacking at the News of the World in

2005/2006. Since that date Operation Weeting has obtained and analysed a vast quantity of documentation.

13. To date 15 current and former journalists have been arrested and interviewed in relation to conspiracy to intercept communications. 12 of these remain on pre-charge bail, 11 of whom are due to return to various police stations on 24 July 2012 other than one individual who has been bailed to 2 August 2012. None have yet been charged. One non journalist has also been bailed to 24 July 2012. Files in respect of all these individuals are currently with the CPS for advice as to potential charges.
14. Currently 6 suspects are on bail pending a plea and case management hearing at Southwark Crown Court on 26 September 2012 for perverting the course of justice. A further individual has also been interviewed in connection with the same matter and released on pre-charge bail to 1 August 2012.
15. The non-journalist referred to at paragraph 13, together with a further non-journalist, is on pre-charge bail in relation to money laundering offences to 24 July 2012. A preliminary file is currently with the CPS for advice in respect of this matter.
16. The cooperation Operation Weeting has received from the MSC has been good. As explained above, there was a period in May 2012 when

no material was formally handed over to Operation Weeting from the MSC. I understand that this was whilst they considered their position.

17. The only significant change since then is that all contact with the MSC is now through their lawyers who continue fully to cooperate with officers from Operation Weeting.

Operation Elveden

18. Operation Elveden began in June 2011 when the MSC disclosed material to the MPS that indicated that police officers had been receiving cash payments from journalists from the News of the World for the provision of confidential information.
19. Operation Elveden has conducted 41 arrests consisting of 23 current or former journalists, 4 police officers, 9 current or former public officials and 5 individuals who acted as conduits for corrupt payments. There are currently files at the CPS for 3 police officers and one journalist.
20. The CPS has provided Operation Elveden with advice as to potential charges. These include corruption under the 1906 Prevention of Corruption Act, misconduct in a public office and conspiracy to commit these offences, aiding and abetting misconduct in a public office, money laundering contrary to s328 Proceeds of Crime Act 2002 and bribery contrary to s1 Bribery Act 2010. Given the issues raised by Article 10 of the Human Rights Convention, legal advice has also been sought in relation to the public interest in investigating such payments. Our

investigative strategy is to focus on cases in which there is evidence of financial payment and we continue to receive CPS advice in this regards.

21. The police intention has always been to go where the evidence takes us. Our ongoing investigation has more recently revealed that in some cases, a public official has been identified not only in relation to accepting payments from NI, but also in relation to payments from other newspapers.
22. In one case the public official was a prison officer at a high security prison during the period when the payments were made and related stories published. The individual's former partner appears to have facilitated the payments into their bank accounts. The former partner's bank account reveals numerous payments from NI, Trinity Mirror and Express Newspapers, between April 2010 and June 2011 which total nearly £35,000. There were further payments after the officer retired (in June 2011), the last of which was made by Express Newspapers in February 2012.
23. Cooperation from the MSC enabled us to identify the stories to which the NI payments related. Further investigation has enabled us to identify stories in the Daily Mirror, Sunday Mirror, Daily Star and the Sunday Star that are suspected to be linked to the payments.

24. In another case the public official is a prison officer at a different high security prison and that individual's partner has facilitated the payments into their account. These are from Trinity Mirror. They were made between February 2006 and January 2012 and the total amount was in excess of £14,000. Further investigation has enabled us to identify stories in the Daily Mirror during the relevant period that are suspected to be linked to the payments.

25. Although this will ultimately be a matter for the CPS, the MPS has to make an assessment first as to whether or not there exists reasonable grounds to suspect that offences have been committed and second whether or not the suspects alleged criminal conduct can be justified as being in the public interest. It is the MPS assessment that there are reasonable grounds and that the majority of these stories reveal very limited material of genuine public interest.

26. On 11 July 2012 following the arrests of one employee of Trinity Mirror and one employee of Express Newsgroup, letters were served on the head of legal for those newspapers requesting specific evidential material which Operation Elveden believe is in their possession and control and which is likely to be of substantial value to the ongoing investigation. Operation Elveden have requested a response by 18 July 2012, after which Production Order applications may be made. We expect the responses from the newspapers to be finalised by 18 July. The initial reaction from both newspapers was positive, indicating cooperation with the police investigation.

27. Further lines of enquiry of a similar nature are being undertaken as a result of which it is anticipated further arrests will be made.
28. Operation Elveden commenced on the basis of "full cooperation" from the MSC. This included their own internal review of The Sun newspaper. The MSC voluntarily provided documents evidencing suspected criminality which led to a couple of arrests and culminated in two large arrest operations on 28 January 2012 and 11 February 2012 at The Sun newspaper. Subsequent to these two arrest days there was considerable adverse publicity of the MSC and the MPS, including threats of legal action against the MSC.
29. The Sun Review generated significant new lines of enquiry for Operation Elveden and consequently further detailed requests to the MSC were made for additional information and documentation. Although it is accepted that these requests would have placed considerable pressure on the MSC, Operation Elveden noted a change in their stance and level of cooperation, with some requests being refused and delays being experienced.
30. It is accepted that the MSC have a duty in protecting legitimate journalistic sources and the law places strict restrictions on the police obtaining such material by a court order. However Operation Elveden was launched on the basis of the MSC statement of "full cooperation" and on a voluntary basis they have continued to assist the MPS in

identifying unlawful behaviour. It is difficult to conduct a police investigation of the nature of Operation Elveden without such cooperation. Arrests were carried out on the understanding that there would continue to be 'full cooperation' and both parties understood exactly what that entailed. Any subsequent shift in the position of the MSC in disclosing information to Operation Elveden has the potential adversely to impact on the initial decisions and arrests that have been made.

31. As noted above (and referred to in my statement of 24 February 2012), the MSC initiated an internal review of the Sun newspaper of their own volition. This review had not been requested by the MPS. Operation Elveden have recently asked for sight of the findings of the review which is understood to have been completed. We have been informed there is nothing available to disclose.

Operation Tuleta

32. Operation Tuleta is the operational name given to the assessment and investigation of allegations of the commission of criminal offences by personal data intrusions connected to journalism which fall outside the remits of Operations Weeting and Elveden.
33. Currently Operation Tuleta is conducting an assessment of 101 separate allegations of data intrusion, including allegations of phone hacking, computer hacking and improper access to banking, medical and other personal records.

34. Relevant documentation from previous enquiries has been collated and electronic storage devices previously seized as evidence during other enquiries have been obtained by Operation Tuleta for further laboratory examination. Between 8 and 12 terabytes of data across 70 storage devices will be searched for evidence to support or contradict allegations made. This is a very substantial amount of documentation and data. MPS counter corruption databases and relevant HOLMES databases are also to be searched. To date 6 arrests have been made under the Computer Misuse Act and/or in respect of offences of handling stolen goods, the subjects of which are all on police bail pending completion of the arrest phase and further investigation; in due course a file, or files, will be submitted to the CPS for charging decisions.
35. One of the sources of information and evidence available to Operation Tuleta is material passed to it by the MSC.
36. In April 2012, as a result of material provided by the MSC, Operation Tuleta officers discovered instances where staff at NI titles appear to have been in possession of material downloaded or otherwise obtained from stolen mobile telephones. It appears from some of the documentation, which is dated around late 2010, that one mobile telephone had been examined with a view to breaking its security code so that the contents could be downloaded by experts (whose identities are unknown to Operation Tuleta at present) in different parts of the country.

37. A significant and important line of enquiry is identifying the experts used.
38. From an investigative perspective it is now intended to seek further relevant documentation from the MSC. It is hoped that this may produce further relevant information, which in turn may lead to further lines of investigation.
39. An important part of our investigation is establishing whether these were isolated incidents or just the 'tip of the iceberg'. It is hoped that this question will be answered when we approach the companies that provided the expert services.
40. One mobile telephone theft took place in Manchester and another in South West London. This may suggest that this is more than an isolated local issue, but we are very much at the early stages of investigation.
41. From June 2012 onwards, as is the case with Operations Weeting and Elveden, only lawyers acting on behalf of the NI have attended Operation Tuleta meetings. Operation Tuleta's requests for information around the apparent handling of the stolen phones and subsequent downgrades, were initially challenged. However, recently they have demonstrated a willingness to assist us and they are currently doing so.

Operation Weeting Victims

42. The process of notifying victims and potential victims of phone hacking whose details could be identified within the documents in the possession of Operation Weeting has been lengthy and has involved considerable resources.
43. The notification process was completed at the end of May 2012. Whilst some new information may emerge which could result in the figures slightly fluctuating, it is unlikely that there will now be any further significant change.
44. We have continued to focus on those potential victims with a phone number. In total it is believed that there are 4,775 such 'potential' victims, of which 1081 have some additional factor which means we consider them likely to have been victims. These factors include audio recording of voicemail messages, PIN numbers and/or calls to Unique Voicemail Numbers.
45. Officers from Operation Weeting have notified a total of 2,615 of which 702 are likely to have been victims.
46. As the figures show, police have been unable to contact a number of possible victims often because, despite concerted efforts, there have been insufficient details to trace them.

I believe the facts stated in this witness statement are true

Signed

Dated

20.7.12

