

Witness: Clive Driscoll
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The Leveson Inquiry into the Culture Practices and Ethics of the Press

Witness: Clive Driscoll
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1. I make this statement for the purpose of assisting the Leveson Inquiry. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true.
2. My career background is that I joined the Metropolitan Police Service (MPS) on 3rd May 1979 and I am currently a Detective Chief Inspector in the Specialist Crime Department. I started my career at Sutton Police Station and carried out most general duties in both uniform and CID roles during my time as a PC/TDC. I was promoted to Police Sergeant in May 1985 and transferred to Brixton Police Station, working as a Police Sergeant initially and then in 1987 as a Detective Sergeant on the Burglary Squad and Crime Desk. I also formed one of the first Domestic Violence Units. In 1992 I transferred to CO41, which was based at New Scotland Yard, and was in charge of policy for Sexual Offences, Domestic Violence, Child Protection and the Paedophile Unit, working directly to Commander Kendrick. I was promoted to Detective Inspector during 1999 working on a Child Protection Team and was

then a Detective Inspector at Fulham Police Station. In 2001 I transferred to Lambeth Complaints Department within the DPS. I was promoted to Detective Chief Inspector in 2003 and was selected to become a Senior Investigating Officer (SIO) on the Racial and Violent Crime Task Force. Due to reorganization within the MPS I gained a new unit title but kept responsibility for several murders, one of them being the murder of Stephen Lawrence. I have been the SIO in a number of high profile and sensitive investigations, including investigations into so-called "honour" killings and historical investigations.

3. During the early part of career I did not have contact with the media, however during and following my involvement in the high profile murder investigation of Surjit Athwal (Operation Yewland) I did have contact with Justin Penrose, a journalist from the Sunday Mirror, and Donal Macintyre. In 2007 I had contact with Justin Penrose and a witness from this investigation in connection with an article that the witness was featuring in for the Sunday Mirror.
4. However, when I was appointed as the SIO of Operation Fishpool, the investigation that led to the successful convictions of Gary Dobson and David Norris for the murder of Stephen Lawrence, I made a decision that I would not speak to journalists direct. This was because I was well aware that there would be a great deal of press intrusion due to the high profile nature of the case. Periodically journalists would contact me direct - they were able to do this as my work mobile number had been published on the internet by Peter Tatchell with regard to a case I had worked on concerning reggae stars performing songs with homophobic lyrics in the United Kingdom. Mr. Tatchell had urged people to contact me should they have any concerns with regard to stars performing such songs. I did not mind being contacted as it was my work phone.
5. I recall getting telephone calls from journalists and Mark Daly, the producer of Panorama, in connection with the Stephen Lawrence murder reinvestigation but I would tell any journalists contacting me that

I could not talk to them. I met Mark Daly once at the BBC studios in Shepherds Bush for operational reasons. Even the MPS press bureau would ring me out of working hours to inform me that journalists wanted to talk to me. I could understand why they would want to make contact but it was my firm belief that it would not be helpful to the case to talk to them direct. I always reported any contact that journalists made with me to DPA. One other journalist I met at events connected with the Stephen Lawrence Foundation was a journalist from the Daily Mirror, however, I only really talked to him about football. He was someone that Mrs Lawrence introduced me to.

6. Operation Fishpool started off as a full forensic review of the original investigation and following this a new investigation was started. I was appointed the SIO on 20th June 2006. As is well-known, the failure of the original investigation led to the McPherson report finding that the MPS was institutionally racist and to a number of significant changes in the way race crime was investigated and prosecuted. It also led to changes in the "double jeopardy" rule which allowed the three original suspects who had been acquitted to be rearrested and prosecuted a second time for the murder of Stephen Lawrence, but only if new and compelling evidence was found. There have also been numerous allegations of police corruption as a result of serious failures in the original investigation. The new investigation finally led to Gary Dobson and David Norris being convicted for Stephen's murder earlier this year, nearly 18 years after his death. My team were commended in open Court by the Judge at the conclusion of the trial.
7. Given the impact of the original murder investigation, I understood that this was always going to be a very sensitive and high profile case. The family were convinced that the previous attempts to prosecute had failed because of racism and police corruption in the MPS and therefore, in order to assist the investigation, it was essential that police gained the trust of the family. The issue of the murder and the previous investigation was also very sensitive within the police because of the

impact the McPherson report had had on the reputation of the MPS and the changes which had followed. As the issue had become an iconic one there were strong views and intense media and public interest surrounding the investigation. The accused were considered to be dangerous men and we were concerned about the safety of witnesses.

8. For all of these reasons, we decided to keep information about the progress of the investigation very close and disseminate information only on a "need to know" basis. I was ultimately responsible to Assistant Commissioner (A/C) Cressida Dick, who assumed Gold responsibility as Head of the Serious Crime Directorate. I am 100% sure that A/C Dick would not have discussed with Management Board what I regarded as the sensitive and intricate details of the investigation and I am informed that the case was not even raised at Management Board until the arrests of the suspects were made public. Other than A/C Dick and certain members of my own team, only a very few people in the MPS knew anything about what was happening in the investigation, although of course, at various stages, people from outside of the MPS had knowledge of specific details.
9. In April 2007 I passed the forensic exhibits to LGC Forensics (LGC) after moving them from the Forensic Science Service (FSS). It would follow, therefore, that my Forensic Team, LGC Scientists, the LGC press officer, the MPS Press Officer and the CPS would have known what progress was being made in general terms but not all of these people would have known the sensitive detail. All parties had put in place some security around the passing and viewing of information.
10. Obviously the forensic scientists were aware of the nature of the forensic evidence, but they were not told about other developments in the investigation. This was not the sort of investigation where junior officers knew what was happening in all aspects of the investigation and very little information was authorised for release to the press. On 28th April 2007 I made the decision not to share the new forensic

findings with the press as I did not believe that it would help the investigation or assist witnesses. This is recorded in my Decision Log. I made my decision even though the McPherson report said that we should be open and transparent with everyone, which would include the press. However, I was also concerned that repeated and widespread press articles would risk damage to witnesses and unreasonably raise the expectations of Stephen's family. Therefore I had a meeting with the family to explain my decision and to share the information I had with them. The officers within my team were briefed not to discuss the findings with anyone and I arranged for the LGC press officer and the MPS press officer to liaise and it was agreed that there would be no disclosure to the press. The CPS had a similar instruction and it appeared to work well for a short period of time.

11. However, despite these precautions, on 18th October 2007 a significant amount of information about the investigation was leaked to the media (News of the World). This was incredibly damaging. Stephen's family were already deeply suspicious about the MPS and I had had to work hard to gain their trust. I am aware that the Commissioner wrote to the family's Solicitor about this, such was the level of concern.
12. We had arranged a meeting at New Scotland Yard (NSY) on the 7th November 2007 and this was reported in the Daily Mail on the following day. We had made every effort to keep this meeting secret. It was attended by Mrs Lawrence, her Solicitor and Counsel. Attendees from the MPS were myself, A/C Dick, two people from my team and a representative from the CPS. The purpose of the meeting was to update Mrs Lawrence and her legal team about the progress we were making in the investigation and the new forensic evidence. It ended at 8.30pm and I was astonished to find out less than two hours later that press enquiries were being made about the meeting.
13. The very next day the Daily Mail published an exclusive two page spread about the meeting. The online newspaper article is exhibited as

CD/1. The article referred to the forensic evidence that was discussed at the meeting. After that the BBC took up the story and a media frenzy began. Stephen's family were distraught about this and about the leaks in general. I was extremely embarrassed and the leak caused difficulties between me and the family for a while. This was a further upset for them and that was not easy to deal with as they felt their trust in my team had been misplaced. Their view was that the leak had been deliberately leaked by police. There was an MPS review of the leaked information and I believe that Stephen Wright, the Daily Mail journalist, confirmed that no police source had been involved. He informed the officer conducting the review that the reference to a police source in the article had been inserted as an assumption by a junior copy writer, something that he was subsequently unhappy about. The source of the leak was not identified.

14. This newspaper article was particularly damaging as it undermined our relationship with the family. Initially the family had been distant with us but then we made progress. However, when this happened it was almost like going back to square one. It also undermined the trust of a significant witness who felt that he had been attacked in the article.
15. Every time a story leaked to the press I had to repair relations with the family. It also risked the integrity of the investigation and trust of other witnesses. Many of the leaked stories were published by the Daily Mail and my recollection is that Stephen Wright was usually the author. I do not believe that Mr Wright would have deliberately done anything to undermine the investigation.
16. At one point it seemed there was almost one story every month, most contained publically held or regurgitated information. However, confidential information about the forensic evidence was also being published in the media and I considered that to be compromising.

17. In February 2008 an apparent leak led to some reporting in the **Sunday Times** about forensic tests being undertaken on the case. We initially thought this had been a leak but enquiries revealed that it was, in fact, a genuine mistaken release of information by LGC.

18. The leaking of information made my job much more difficult and I became convinced that someone was deliberately attempting to disrupt the investigation. I recorded this in my Decision Log on the 17th October 2010. I was so incensed that someone was apparently leaking sensitive evidence in a live murder enquiry that I spoke to Justin Penrose and asked him to find out the name of the source. I rang him because he was a journalist I had come to trust in my dealings with him during Operation Yewland. Although he was polite he said that even if he knew he could not tell me. I hoped that in some way this conversation would get back to the source and send a clear message to him/her to stop leaking evidence.

19. I do not know where the leaks came from and, given the way we tried to protect the information, I believe that whoever was leaking could only have been someone in the MPS, LGC or the CPS who had access to the sensitive material. I am sure as I can be it was not one of my own team – I trusted them all. Some of the details being published were partly wrong so that, in my opinion, they would not have come from people involved in the fine detail. It appeared to be someone sitting on the perimeter.

20. The situation became so bad that we eventually obtained a Press Restriction Order at the High Court on 7th September 2010 to prevent the press reporting about the new evidence in Stephen's murder. I exhibit this order as CD/2. We did this as we were very concerned about any prejudicial effects to a potential forthcoming trial and wanted to protect the investigation and the rights of any Defendants. I felt that we could have lost evidence as a result of the information being made public. The order was obtained with the full backing of the CPS and it

effectively prevented the press from publishing anything about the case. This was the only way I felt we could manage the leaks and protect the integrity of the investigation.

21. On 5th September 2010 I was informed by the MPS press office that Stephen Wright had got hold of some information which he proposed to publish, including information about the forthcoming arrests/charges and the fact that we were making an application for an order for reporting restrictions. This is recorded in my Decision Log. To the best of my recollection he also had details of forensic information. All the information was highly confidential and sensitive and was kept very close. I do not know how it could have leaked but it was not known to many people and was potentially very damaging. I had to ask Stephen Wright, via my press office, not to publish this and I recorded details of this conversation in my Decision Log. I did not understand how he could possibly have such detailed knowledge without a source, or sources, somewhere in the Police, CPS, LGC or the Court. I also found it odd that the Daily Mail were publishing many of the leaks, as they had always campaigned for the suspects to be prosecuted and had been supportive of the family's fight for justice. I cannot explain why this was the case but felt that the newspaper was being used.

22. In the lead up to the trial a contact who had provided information to the investigation asked me to keep their name and address a secret because they were concerned about what the Defendants might do now they had been arrested. The contact asked me specifically not to tell a named senior member of the MPS. They asked me to give my word that this person would not have any involvement and would not be told. I didn't even know who this individual was and asked why the contact had said that. The contact originally said it was well known in Fleet Street that this person briefed outside official meetings and later added a more serious allegation. This concerned the close relationship between this senior member of the MPS and sections of the media. The relationship was rumoured to be corrupt.

23. I went and spoke to our MPS press officer and asked her to keep the inclusion zone tight and not to pass information about the contact's identity to anyone outside the inclusion zone. I also reported the allegation immediately, via my line management structure, to the Head of the Department of Professional Standards, DAC Mark Simmons. I know that the allegation was taken seriously and the Commissioner also spoke to me about it. I understand a confidential operation followed and I made both a statement and supplied a report to it. I have since been informed that the information regarding corrupt practice was fully assessed and found to be third party information and rumour. It could not be corroborated. Further, I am told that the findings were reported to the Independent Police Complaints Commission (IPCC) and Operation Elveden.

24. I was not involved with this issue any further as, having reported it to the correct department, I then got on with my investigation. I cannot be sure whether the leaks continued but, by that stage, the Press Restriction Order was in effect and no reporting could take place. During the trial, I was approached by some journalists who repeated the allegation made by the contact. This was said to me by two journalists separately and independently.

25. I was deeply saddened by this allegation, that this should either happen, or be rumoured to be happening. During the investigation I was extremely worried by the level, nature and frequency of the leaks. I feel very strongly that it is essential that the public should have absolute trust and confidence in police otherwise our investigations suffer and we cannot fulfil the role we undertake. We need the support of the public in everything we do.

I believe the facts stated in this witness statement are true

Sign 

Dated 14 - 03 - 2012