

W. Henry



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SPECIALIST OPERATIONS

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Culture, Media and Sports Committee
House of Commons
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Specialist Operations

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Thank you for your letter of 20th October 2009 and I hope that the information and comments provided below will enable the Committee to bring its enquiry to a satisfactory conclusion.

In going through some of the questions it was considered that particular themes emerged. For ease of reference, I have grouped the questions together with my response under those subject areas.

Persons of interest/potential victims

Question 1. I would be grateful if you would confirm who has been contacted by the Metropolitan Police as a result of the Guardian articles (Questions 1985-88 of 2 September refer.)

Question 4. In written evidence to us you said that the investigating police: "led on informing anyone who they believed fell into the category of Government, Military, Police or Royal Household, if we had reason to believe that the suspects had attempted to ring their voicemail" (para 15, PS 114.) How many suspected victims were contacted in each of the four categories listed above and how many additional people since the police statements of 9 and 10 July? The submission goes on to state that the police contacted individual phone companies about other suspected victims. How many names and/or numbers were passed on for assessment in this way?

Question 5. Specifically we would be grateful for confirmation as to when the police contacted Tessa Jowell MP, who was named in the Guardian as a victim of Mulcaire.

Answer

"Given the nature of the issues the MPS was investigating i.e. interception of sensitive/personal telephone conversations, one of the key parameters of the investigative/prosecution strategy was to ensure proper consideration was given to individuals' right to respect for their private and family lives. One of the fundamental tenets of the investigation was therefore to protect those

individuals' rights to privacy by not revealing any information without their consent. Furthermore many potential "victims" or "persons of interest" to Mulcaire and Goodman had potential national security issues, or personal sensitivities associated to their role/position in public life and therefore did not wish to be part of a prosecution. Many have also more recently requested that any communication with them remain "strictly private and confidential – not for publication".

Given our duty to respect these individuals' private and family lives, we are unable to provide all of the details requested, however we are able to confirm the following: -

Qu 1. As confirmed by Andy Coulson in public to the Committee, he was contacted by the MPS as a result of the Guardian articles. We are unable to confirm any other names but can inform the Committee that the numbers are no more than a handful.

Qu 4. A very low number of individuals were contacted in the categories listed and no additional contact has been instigated by the MPS since the police statements of 9th/10th July 2009. In terms of part two of Question 4, to maintain individual privacy the individual phone companies were not supplied with lists of potential victims (apart from those who had agreed to be witnesses in the trial), but rather they were supplied with the potential phone numbers that Mulcaire and Goodman had used to see if they could ascertain to what degree their respective client base may have been vulnerable due to calls from these numbers.

Qu 5. The MPS is not formally aware as to whether Tessa Jowell MP has made any public declaration in relation to this matter and therefore to respect her right to privacy we cannot comment any further.

To assist and reassure the Committee we can confirm that at the time of the investigation where we believed someone did fall into the relevant category as described above, those persons were contacted promptly individually and as part of further wider security awareness the Cabinet Office was briefed about the risks (not about individuals.)

Material Seized

Question 3. In evidence to us on 21 July Tom Crone, Legal Manager of News Group Newspapers, told us that: "The police raided Mulcaire's premises; they raided Goodman's premises; and they raided the News of the World offices. They seized every available document; they searched all the computers, the files, the emails et cetera".

(Q 1339) We were also told during that session, by Colin Myler, that Glenn Mulcaire had a "vast database of contact numbers in the sport and show business world" (Q 1420.) Please would you confirm whether any such database was found during your searches.

Answer

The searches and seizure of material all took place on the 8th August 2006. In the case of Clive Goodman his home and office at NOTW were searched. The offices of 'Nine Consultancy' used by Glen Mulcaire, his home address of 108 Alberta Avenue, Cheam and his parents address were

also searched yielding a huge quantity of documents. Hundreds of unstructured handwritten sheets showed research into many people in the public eye. These included those linked to the Royal Household, Members of Parliament, military staff, sports stars, celebrities and journalists. There was also a quantity of electronic media and computers recovered which in Mulcaire's case did contain similar personal data as found on the hundreds of handwritten individual sheets of paper. It is reasonable to expect some of the material, although classed as personal data, was in their legitimate possession, due to their respective jobs. It is not necessarily correct to assume that their possession of all this material was for the purposes of interception alone and it is not known what their intentions was or how they intended to use it.

Material sought as potential evidence

Question 6. Further to your and Mr Williams' answers to Questions 1938, 1989 and 1990 please clarify what the range of material was that the police sought and what answers you received from the lawyers representing the News of the World.

Answer

Post arrest there were meetings and a series of formal letter exchanges that took place between CPS, lead council, police and the solicitors employed to represent NOTW.

A range of material was asked for, examples include:-

- All documents pertaining to the employment of Mulcaire
- Any record of work completed by him
- Who does he report to, has he worked for other editors/journalists - if so copies of that work.
- Details of their internal phone systems (including itemised billing) and floor plans of phone extensions.

We made clear that *'the investigation is attempting to identify all persons that may be involved including any fellow conspirators.'*

NOTW instructed lawyers to respond to our requests for disclosure and they took a robust legal approach to our requests and provided material strictly based upon the evidence against Goodman and Mulcaire. When it came to anything wider their position was that either the material did not exist or they assessed that it was confidential journalistic material. What was received did become part of the prosecution, but following legal advice we did not have any power or basis upon which to compel further disclosure.

Material upon which the prosecution was based

Question 7. A number of references were made on 2 September to material collected by the police as part of your investigation. We would be grateful for:

- a. a log of that material and in particular information on the material which you described to us as "sensitive, unused material" (Question 1892.)
- b. a log of the tape recordings of Mulcaire and to whom he was speaking and a transcript of any conversation with someone called Ryan.

- c. further information as to how and why you have reason to believe the Princes' phones had been directly accessed; whether this was disclosed to the News of the World during the investigation; and why no prosecutions were pursued in this respect.
- d. a log of the evidence supplied to Gordon Taylor in his civil action.

Answer

7a. The "logs" of material being requested are extensive, include material not relevant to the prosecution of Mulcaire and Goodman and sensitive material e.g. it might reveal investigative techniques or tactics or personal details of individuals. It is difficult to see how disclosure of this material can assist the Committee in their inquiry. Additionally as outlined in my answer to Q1, 4 & 5 above consideration needs to be given to individuals' right to respect for their private and family lives, which much of this material consists of.

By way of assurance, the CPS examined all of these disclosure lists at the time and more recently. As part of that process, you will be aware that Keir Starmer, Director of Public Prosecutions has confirmed that he is satisfied that in the cases of Mulcaire and Goodman, the CPS was properly involved in providing advice both before and after charge; that the MPS provided the CPS with all the information and evidence and that the prosecution approach in charging and prosecuting was proper and appropriate.

7b. Police hold no tape recording involving someone called Ryan.

7c. In line with my opening comments in relation to seeking to preserve individual rights to privacy we are unable to provide any further information in respect of the Princes.

In terms of the witnesses who agreed to be part of the prosecution I would draw you to DPP Keir Starmer's comments, *'from a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select 5 or 6 potential victims (in addition to the 3 Royal Household ones (Private Secretaries and Press)) would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.'*

7d. The 'log' of material provided to Gordon Taylor was provided pursuant to a court order and it contains material relevant to the proceedings he brought against the NoTW. If relevant to the Committee the consent of Gordon Taylor should be obtained to disclose the terms of the order.

Question 8 . You provided to us a schedule of intercepts which showed "potential intercepts" by both Clive Goodman and Glenn Mulcaire on Helen Asprey from February 2005. Please clarify the evidence that you have in relation to this, and why the charge period was shortened from January 2005 - August 2006 to start instead from November 2005.

Answer

The final charges were a matter for the CPS.

It is our understanding that the reason Count 1 changed from January 2005 to read 1st November 2005 was primarily to ensure that the 'best evidence' could be adduced to demonstrate Mulcaire and Goodman were working together as part of a 'conspiracy,' (one of the key points to prove for count 1 was the period from November 2005 onwards.) This directly supported 'a prosecution point of view - what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire' and was therefore the optimum means of securing a conviction to 'ensure that the court had adequate sentencing powers.'

Public statements by MPS

Question 2. Please would you provide a copy of all statements issued by the Metropolitan Police on this matter following the Guardian's article.

Answer - Two statements have been issued by the MPS following the Guardian's article and they are attached as Appendix 'A'.

We have endeavoured to answer the Committee's questions as fully as possible, whilst recognizing our duty to balance individual's rights to privacy. However, if the Committee feels we can assist further please do let me know.

John Yates
Assistant Commissioner
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