

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

Witness: Sue Akers

Statement No: 4

Exhibits Referred to: None

Date Statement Made: 31 October 2012

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

Witness: Sue Akers

Occupation: Deputy Assistant Commissioner

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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 a further update regarding victims of phone hacking.
3. This statement should be read in conjunction with my previous statements dated 11 November 2011, 24 February 2012 and 20 July 2012 and the evidence I gave to this Inquiry on 6 February, 27 February 2012 and 23 July 2012.

Conduct of the Investigation

4. I have led and been responsible for all of the Operations which arose out of the phone hacking events. However, on 31 October 2012 I will be retiring from the MPS and will be handing over responsibility for Operations Weeting, Elveden, Tuleta and all related investigations to DAC Stephen Kavanagh.
5. We have continued 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.

Operation Weeting

6. To date Operation Weeting has arrested a total of 25 individuals, 15 of whom are current or former journalists and ten are non-journalists. The offences for which these individuals have been arrested and the stage reached is as follows: -
7. 17 individuals have been arrested for conspiring to intercept communications and/or the actual interception of communications. From those 17 arrests, seven former News of the World employees have been charged with an overarching offence of conspiracy to intercept communications between 3 October 2000 and 9 August 2006. Those seven, together with an additional former News of the World employee,

have also been charged with a number of date-specific offences of conspiracy to intercept communications relating to particular named persons who have been the victims of individual intercepts. The indictment lists a total of 19 charges. On 26 September 2012, at a preliminary hearing held at the Central Criminal Court, the eight Defendants were informed that a provisional trial date had been set for 9 September 2013. The Defendants are currently on court bail.

8. Of the 17 arrested, six individuals have been released from police bail with no further action being taken. The remaining three individuals remain on police bail until November and December 2012. All three are on bail for offences relating to conspiracy to intercept communications.
9. Eight individuals have been arrested for perverting the course of justice. This operation has been named Operation Sacha. Seven of these individuals have been charged with conspiring to pervert the course of justice and have been sent to the Crown Court for trial. A hearing for defendants' applications to dismiss is scheduled for 12 and 13 December 2012. The eighth individual arrested has been released from police bail with no further action being taken.
10. Two individuals have been arrested for money laundering. Both individuals are non-journalists and have been placed on police bail. A preliminary file has been submitted to the CPS for advice in respect of this matter. One of these individuals has recently been charged with

offences relating to the interception of communications, as referred to at paragraph 7 above.

Operation Weeting Victims

11. The process of notifying victims and potential victims of phone hacking, whose details can be identified from the documents in the possession of Operation Weeting, as I described in my last statement, has been lengthy and has involved considerable resources.

12. Every effort has been made to contact those we believe to have been likely victims (i.e. in addition to cases where we have a phone number, there are notes of PIN numbers, UVNs, or some other material to indicate that a hacking could have, or did take place) and all those potential victims (i.e. every person named in the material with an associated phone number). This does not preclude further individuals being identified as a result of victims reviewing material, which is an ongoing process, or new material coming to light. The investigation is still live and very much ongoing.

13. I would take this opportunity to make two further points. First, the task of informing victims has made, and continues to make, very significant demands on our resources. At one stage 40 police officers were engaged full time on contacting individuals and notifying them of the information we held about them. Even now 12 police officers are employed full time on this task. As we move into the prosecution phase of this operation we have assumed an ongoing responsibility to keep

those who feature in the indictment updated and supported as to their status in the proceedings. Secondly, it has proved impossible to provide a definitive number of "victim" numbers. In fact even the term "victim" remains difficult to define. Numbers have to be continually revised, because on further investigation new victims are identified and others eliminated. But what I can say is that we have contacted in the region of 2500 individuals who we believe potentially to be victims.

Operation Elveden

14. As stated in my statement of 20 July 2012, 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.
15. To date, Operation Elveden has conducted 52 arrests consisting of 27 current or former journalists, six police officers, 12 current or former public officials and seven individuals who acted as conduits for corrupt payments. Files have been submitted to the CPS to advise on appropriate charges for three public officials and four journalists (current and former). One police officer has been charged with misconduct in public office and an offence under the Official Secrets Act 1989. Police files are being prepared in respect of the remaining individuals, with a view to submitting them to the CPS in due course.
16. The CPS continues to provide Operation Elveden with advice as to potential charges and the offences which are currently being considered

are: - 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. Operation Elveden also continues to consider, in conjunction with the CPS, the public interest in investigating and prosecuting such offences, as documented in the recently published CPS guidance dated 13 September 2012. The investigative strategy has been to focus on cases in which there is evidence of financial payment.

17. We have made it clear from the very outset of our investigations that the MPS will follow the evidence where it leads. Our ongoing investigation has 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, including the Daily Mirror, Sunday Mirror, Daily Star and the Sunday Star.
18. On 11 July 2012, following the arrests of one employee of Trinity Mirror Plc and one employee of Express Newsgroup, letters were served on the Head of Legal for both of those newspapers requesting specific evidential material believed to be in their possession and control and likely to be of substantial value to the ongoing investigation.
19. Mirror Group Newspapers (MGN), acting for Trinity Mirror Plc, responded to our request by asking that we obtain a Production Order,

which they confirmed would be uncontested. A Production Order was subsequently obtained on 1 August 2012 and relevant documentation was disclosed by MGN in accordance with the court order. It is likely that further Production Orders will have to be applied for, if the police are to progress their investigation.

20. MGN have cooperated and disclosed documents in relation to the court process of obtaining and disclosing documentation via a Production Order. However, MGN were also asked to confirm the nature of the cooperation they would be willing to provide Operation Elveden. Specifically, they were asked, if they identified any material that revealed criminality, whether they would be prepared to confirm its existence to the police investigation, to enable it to be assessed and an application for a Production Order to be considered. MGN indicated at a meeting on 19 July 2012 that the level of cooperation they would be prepared to provide Operation Elveden would ultimately be a matter for their board to decide upon. This issue of wider cooperation was raised with MGN again by letter in August and October 2012. The most recent response from MGN solicitors dated 22 October 2012 sets out their position as follows *“As you will recall, while I was not in a position to give an indication of what MGN’s position might ultimately be, I made it clear that the issue continued to be actively considered at the very highest level within the company. Further, I informed you that the timing of a substantive reply was likely to be no more than about three weeks away”*. It remains the case that MGN's preference is that all requests for the production of confidential material should be sought through a formal

court order. This will be difficult to achieve without their cooperation in identifying relevant material.

21. Express Newspapers responded to our request for material in their possession by agreeing to a voluntary protocol which, as I said in my evidence to the Inquiry on 23 July 2012, is more akin to how we have received cooperation from NI.
22. A voluntary protocol was drafted and agreed and relevant material has been provided to Operation Elveden. On reviewing this material from an investigative perspective, a request was made for further material and this has also been received.
23. Express Newsgroup were also asked the nature of the cooperation they would be willing to provide Operation Elveden and if, during the course of searching for material they came across any documentation, which was outside the request being made, but nevertheless revealed criminality, whether they would be willing to confirm whether or not the material existed and the approach they would take in the event of such material being found. Express Newsgroup indicated that they would make any evidence of criminality available to Operation Elveden and have confirmed that, to date, no such evidence has been found.

Operation Tuleta

24. Operation Tuleta which began on 2 August 2011 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.

25. Currently Operation Tuleta is conducting an assessment of 142 complaints of data intrusion, including allegations of phone hacking, computer hacking and improper access to banking, medical and other personal records.

26. 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. As previously stated, a vast quantity of data across 70 storage devices is being searched for evidence to support or contradict allegations made. In addition to this stored material, additional documentation has been seized during arrests/searches made during this operation which will also be examined. This is a very substantial amount of documentation and data. MPS counter corruption databases and relevant HOLMES databases are also being searched.

27. It is anticipated, barring any unforeseen change in circumstances, that the examination of this material will be completed by the end of January 2013 and those making allegations informed of the results of our searches soon thereafter.

28. To date, 17 arrests have been made and one person interviewed under caution after voluntary attendance at a police station for offences under the Computer Misuse Act and/or in respect of handling stolen goods, and perverting the course of justice. All these individuals are on police bail pending completion of the arrest phase and CPS advice on charging.

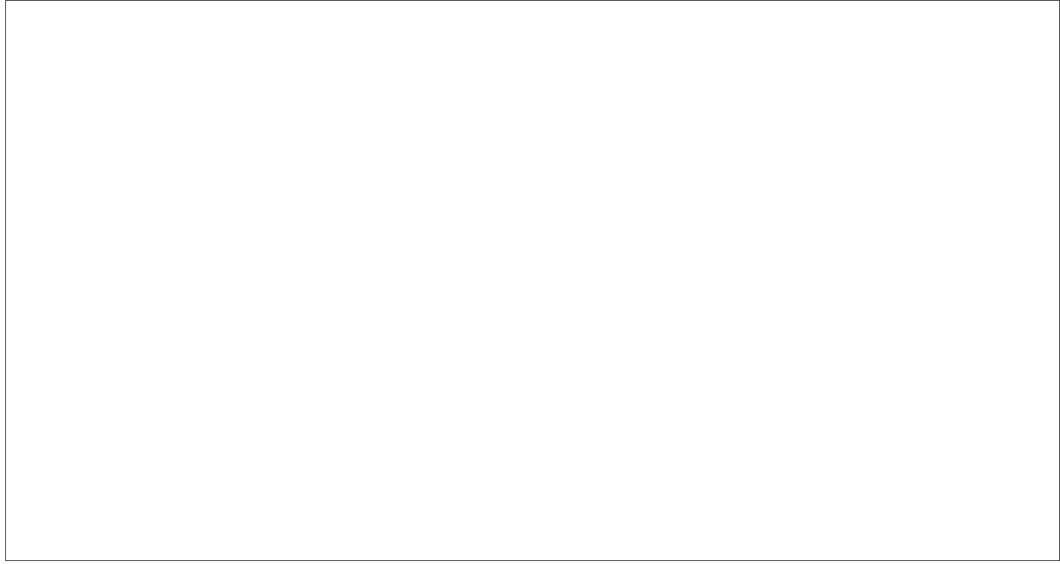
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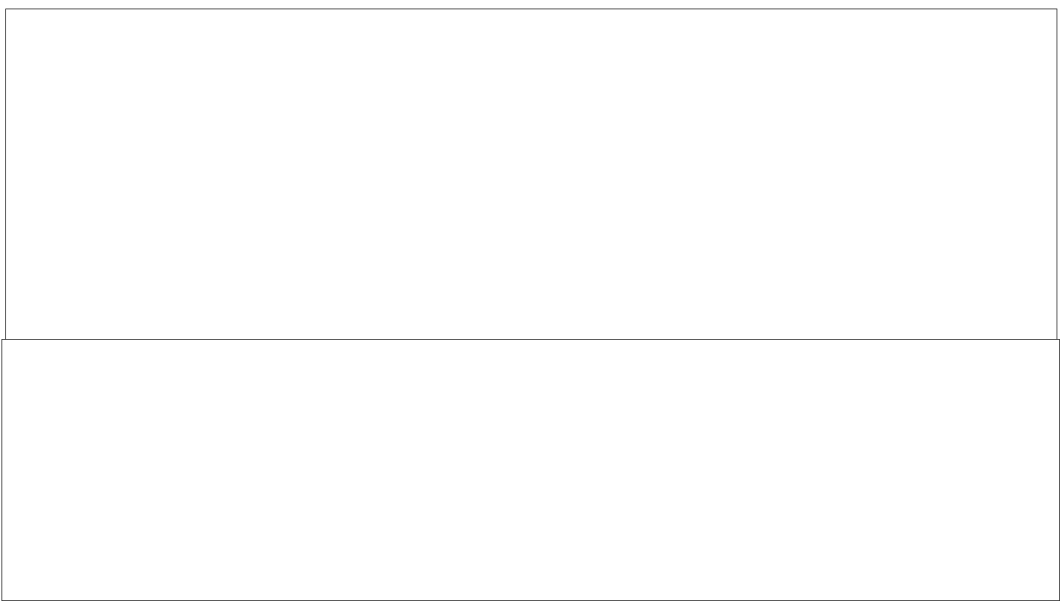
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I believe the facts stated in this witness statement are true

Signed.....

Dated.....

31.10.12