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Hacking affair is not over – but what would a second Leveson inquiry achieve?

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On we go. Ian Nicholson/PA

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In the latest episode in the long-running saga that is the phone hacking affair, Dan Evans, a former journalist at the News of the World and Sunday Mirror, has received a 10 month suspended sentence after being convicted of two counts of phone hacking, one of making illegal payments to officials, and one of perverting the course of justice.

Coming so soon after the conviction of Andy Coulson and the acquittal of Rebekah Brooks and others, one could be forgiven for assuming that the whole phone hacking business is now done and dusted.

Not a bit of it.

As Julian Petley has written: “Eleven more trials are due to take place involving 20 current or former Sun and News of the World journalists, who are accused variously of making illegal payments to public officials, conspiring to intercept voicemail and accessing data on stolen mobile phones.”

We also learned in June that Scotland Yard had officially told Rupert Murdoch of their intention to interview him as part of their inquiry into allegations of crime at his British newspapers. The Guardian revealed that Murdoch was first contacted in 2013, but the police ceded to his lawyers’ request that any interrogation should wait until the Coulson–Brooks trial had finished.

All of this seems to suggest that the long-mooted second part of the Leveson Inquiry will not take place.

Shot and chaser

It seems to have escaped the attention of most, but when the prime minister announced the official inquiry into phone hacking in July 2011, it was planned to be composed of two parts.

The first part of the report, looking at the culture, practices and ethics of the press, appeared in November 2012; it has, of course, been the subject of huge debate and controversy ever since.

The second part was meant to consider the extent of unlawful or improper conduct within News International and other media organisations. The plan was to also “examine the way in which any relevant police force investigated allegations relating to News International, and whether the police received corrupt payments or were otherwise complicit in misconduct.”



Suspended sentence: former Mirror and News International hacker, Dan Evans. Philip Toscano/PA Wire

The key obstacle in the path of this investigation is the stipulation that “Part 2 of the inquiry cannot commence until the current police investigations and any subsequent criminal proceedings have been completed.”

Indeed, in May 2012, Lord Leveson himself suggested that part 2 may never happen – and predicted, accurately as it turns out, that:

If there are [prosecutions for phone-hacking] it is likely that the process of pre-trial disclosure and trial will be lengthy so that part two of this inquiry will be delayed for very

many months, if not longer.

That inquiry will involve yet more enormous cost (both to the public purse and the participants); it will trawl over material then more years out of date and is likely to take longer than the present Inquiry which has not over focussed on individual conduct.

Misled and withheld

This view disappointed John Whittingdale, the Tory MP who chaired the Commons culture, media and sport select committee inquiry into hacking at the News of the World. His report in 2012 concluded that Rupert Murdoch was “not a fit person to exercise the stewardship of major international company”.

It also accused Les Hinton, former executive chairman of News Corporation, Colin Myler, the final editor of the News of the World, and Tom Crone, the newspaper’s head of legal affairs, of deliberately misleading and withholding truth from the parliamentary enquiry into phone hacking.

Speaking at the launch of the Free Speech Network in November 2012, Whittingdale said:

My real regret – one of the key things I wanted Lord Justice Leveson to look into – was how it was that the News of the World newsroom appeared to allow this to go on... but also how the police sat around for four years and did nothing. Those are two things which Lord Justice Leveson may never examine. Part two of the inquiry, I hear, may not ever be occurring. Therefore, it seems very strange that actually the most important questions surrounding the hacking scandal may never be properly looked into.

Like Whittingdale, one would think that the role of the Metropolitan police in the affair warranted close official examination. To be fair, Leveson did interview John Yates, the Met’s former assistant commissioner, and cleared him of any corruption – but allegations that senior staff in the police enjoyed a mutually beneficial relationship with the big players in News International have never gone away.



Andy Hayman: led investigation into wrongdoing at News, then joined up as columnist on The Times. PA/PA Wire

It is a fact, for instance, that **Andy Hayman**, the former assistant commissioner who oversaw Scotland Yard’s original 2005-06 phone-hacking investigation, was later employed as a columnist at The Times.

Meanwhile, in 2012, a little-remembered **independent report** by former parliamentary commissioner Elizabeth Filkin concluded that the police investigations into hacking were undermined by “cosy relationships”. It concluded that

The close relationship between some senior members of the Met and some sections of the media compromises the capacity of both those institutions to scrutinise the activities of the other.

But on the other hand, given the extent of public awareness about police practices and reservations about the costs and resources it would demand, perhaps there is rather less need for the second inquiry than was originally thought.

Moving on

The first Leveson report made it clear that police decisions concerning phone hacking between 2006-10 were wrong, and that a series of “poor decisions, poorly executed” had added to the notion that “closeness between the Met Police and News International made officers reluctant to fully investigate hacking”.

What's more, Leveson did not leave it there. He chastised the Met for not informing those who might have been victims of hacking; he criticised the “incredibly swift” dismissals of fresh allegations in 2009; he highlighted the champagne dinners enjoyed together by newspaper executives and senior policemen.

But in the final analysis, he concluded:

In reality, I am satisfied that I have seen no basis for challenging at any stage the integrity of the police, or that of the senior police officers concerned.

In light of all this, the point of Leveson part two – if it's ever going to happen – seems less clear than ever.

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