

<p>1 Wednesday, 28 March 2012                  2 (10.07 am)                  3 LORD JUSTICE LEVESON: Good morning.                  4 MR JAY: The first witness today, please, is                  5 Ms Jane Furniss.                  6 MS MARY JANE FURNISS (affirmed)                  7 Questions by MR JAY                  8 MR JAY: Your full name, please, Ms Furniss?                  9 <b>A. It's Mary Jane Furniss.</b>                  10 Q. You provided us with two witness statements, the first                  11 in your capacity as Chief Executive Officer and                  12 Accounting Officer of the IPCC, and it's dated and                  13 signed by you on 20 February. And the second covering                  14 press issues more specifically?                  15 <b>A. That's correct.</b>                  16 Q. Bearing the same date. Is this your formal evidence to                  17 the Inquiry, the truth of which you are content to                  18 attest to?                  19 <b>A. It is.</b>                  20 Q. Thank you. Dealing with your career first, you were                  21 appointed a CEO of the Independent Police Complaints                  22 Commission, the IPCC, in December 2006. Before that,                  23 you were a civil servant, initially in the Probation                  24 Service then subsequently in the Home Office,                  25 responsible for various aspects of criminal justice</p> <p style="text-align: center;">Page 1</p>	<p>1 <b>categories of misconduct by the police or incidents that</b>                  2 <b>have caused concern are required by statute to be</b>                  3 <b>referred to us. To illustrate the point, when someone</b>                  4 <b>dies as a result of police action or as a result of</b>                  5 <b>police inaction or allegedly so, they're required to</b>                  6 <b>refer it to us. Other serious misconduct. The police</b>                  7 <b>can also choose to refer matters to us if they believe</b>                  8 <b>it would be in the public interest to do so.</b>                  9 <b>That broadly covers the remit.</b>                  10 Q. Thank you very much. That's very clear. So when we                  11 look at the statistics which you've provided --                  12 LORD JUSTICE LEVESON: Just before we go on, could you just                  13 explain then what you do?                  14 <b>A. Of course.</b>                  15 LORD JUSTICE LEVESON: You've explained where your work                  16 comes from.                  17 <b>A. Yes.</b>                  18 LORD JUSTICE LEVESON: But how do you go about fulfilling                  19 the remit that's given to you?                  20 <b>A. In relation to complaints and appeals, our process is</b>                  21 <b>that a member of staff, suitably trained, will assess</b>                  22 <b>the matter that comes to our attention. In an appeal,</b>                  23 <b>they have the responsibility to determine -- there are</b>                  24 <b>different kinds of appeals, which makes it even more</b>                  25 <b>complicated to explain, but different kinds of appeals</b></p> <p style="text-align: center;">Page 3</p>
<p>1 policy, legislation and reform. Is that broadly                  2 speaking correct?                  3 <b>A. Yes, that's correct.</b>                  4 Q. Thank you very much. The IPCC, first of all. Most of                  5 us in this room are probably fully aware of what it is                  6 and what it does. The general public may be less aware.                  7 In your own terms, please, what is it and what is its                  8 role?                  9 <b>A. It is the body that provides oversight of the complaints</b>                  10 <b>system for the police. There are other organisations we</b>                  11 <b>also have responsibility for, but I think for the</b>                  12 <b>purposes of the Inquiry, I'll focus on the police.</b>                  13 <b>It's a slight misnomer, a name that Parliament gave</b>                  14 <b>us, which gives the impression, of course, that we deal</b>                  15 <b>with complaints against the police. In fact, we don't,</b>                  16 <b>largely. Matters come to us in three different ways.</b>                  17 <b>The public can seek our advice and assistance in making</b>                  18 <b>a complaint against the police, but those complaints are</b>                  19 <b>the responsibility of the Police Service to deal with.</b>                  20 <b>The public can then make -- they have a right of appeal</b>                  21 <b>to us if they're dissatisfied with how the police dealt</b>                  22 <b>with their complaint, and we get about 7,000 of those</b>                  23 <b>each year.</b>                  24 <b>Perhaps most importantly, the police are required</b>                  25 <b>under law to refer matters to the IPCC, so certain</b></p> <p style="text-align: center;">Page 2</p>	<p>1 <b>against, for example, the Police Service's decision not</b>                  2 <b>to record a complaint against how they've handled it and</b>                  3 <b>against the findings or outcome of how they've handled</b>                  4 <b>it, and what my staff do is review the evidence -- it's</b>                  5 <b>a paper exercise, the appeal. They would review how the</b>                  6 <b>matter had been dealt with and determine whether the</b>                  7 <b>police had actually come to the right decision based on</b>                  8 <b>the evidence, and as a result of that, we can require</b>                  9 <b>the police to take further action. We can uphold the</b>                  10 <b>appeal and require the service to reinvestigate, for</b>                  11 <b>example.</b>                  12 LORD JUSTICE LEVESON: So it's more than looking at process;                  13 it's also looking at outcome?                  14 <b>A. It can be both, yes.</b>                  15 LORD JUSTICE LEVESON: All right. So that's the appellant                  16 mechanism.                  17 <b>A. That's the appeals and complaints element.</b>                  18 LORD JUSTICE LEVESON: Yes.                  19 <b>A. The investigation element, one of the most important</b>                  20 <b>decisions that the Commission makes is the mode of</b>                  21 <b>investigation for a matter that's been referred to us.</b>                  22 <b>So a decision needs to be made as to how this matter</b>                  23 <b>should be investigated, and we have three options</b>                  24 <b>ourselves, and a fourth one that the IPCC can decide</b>                  25 <b>that the matter should be independently investigated by</b></p> <p style="text-align: center;">Page 4</p>

<p>1 our own staff, fully by our own staff. It can decide to</p> <p>2 manage the investigation under our direction and control</p> <p>3 but where most of the work will be done by local police</p> <p>4 staff and usually Professional Standards Department</p> <p>5 police officers.</p> <p>6 <b>Thirdly, we can supervise it, where the direction</b></p> <p>7 <b>and control is with the force, but the IPCC receives the</b></p> <p>8 <b>report at the end of it. Fourthly, we can decide that</b></p> <p>9 <b>it's perfectly capable of being investigated by the</b></p> <p>10 <b>police without our intervention.</b></p> <p>11 <b>It's quite a -- with hindsight, this is obviously</b></p> <p>12 <b>the decision that Parliament made back in 2002. With</b></p> <p>13 <b>hindsight, it is a rather bureaucratic system, which is</b></p> <p>14 <b>quite difficult to explain to lay people and to members</b></p> <p>15 <b>of the public.</b></p> <p>16 LORD JUSTICE LEVESON: Well, you're doing quite well.</p> <p>17 <b>A. Thank you.</b></p> <p>18 LORD JUSTICE LEVESON: Let me just ask one more question</p> <p>19 about that: if you decide to investigate independently,</p> <p>20 do you have your own, as it were, police staff, or</p> <p>21 ex-police staff?</p> <p>22 <b>A. We have our own investigators, about 150 staff, who</b></p> <p>23 <b>support the investigation work, and those staff are not</b></p> <p>24 <b>police officers, any of them. Some of them,</b></p> <p>25 <b>a proportion of them, have worked as police officers or</b></p> <p style="text-align: center;">Page 5</p>	<p>1 Q. Yes.</p> <p>2 <b>A. Because we weren't able to do that for the earlier</b></p> <p>3 <b>period because of the computer case management system.</b></p> <p>4 Q. The improper disclosure of information might be to the</p> <p>5 media, it might be to a private detective or it might be</p> <p>6 to someone else altogether, is that broadly speaking</p> <p>7 correct?</p> <p>8 <b>A. Yes, I think it's important to recognise that it's quite</b></p> <p>9 <b>a wide category. It may be something -- and I don't</b></p> <p>10 <b>mean to diminish its importance by describing it this</b></p> <p>11 <b>way -- it may be a curious police officer who's decided</b></p> <p>12 <b>to access the Police National Computer, for example, to</b></p> <p>13 <b>find out something about a celebrity. It may be someone</b></p> <p>14 <b>who's looking to see whether his daughter's new</b></p> <p>15 <b>boyfriend is a suitable young man. It could be a very</b></p> <p>16 <b>wide range of receiving information, getting information</b></p> <p>17 <b>to which they're not entitled, through to information</b></p> <p>18 <b>being sold to organised crime. It covers a very wide</b></p> <p>19 <b>range of activity under that particular label, and it's</b></p> <p>20 <b>not possible to break down, not without going to every</b></p> <p>21 <b>force and asking them to do that kind of analysis, to</b></p> <p>22 <b>know precisely how many fall into those different</b></p> <p>23 <b>categories.</b></p> <p>24 Q. Would it include therefore improper access to the Police</p> <p>25 National Computer?</p> <p style="text-align: center;">Page 7</p>
<p>1 police staff prior to coming to us, but the majority are</p> <p>2 people who we've recruited from all sorts of walks of</p> <p>3 life. There are some lawyers, there are some people who</p> <p>4 have been investigators in the financial services world,</p> <p>5 there are people who have done a wide range of jobs, and</p> <p>6 we have a training programme for those investigators.</p> <p>7 <b>The investigators have similar powers to constables.</b></p> <p>8 <b>They can arrest, they can interview under caution, and</b></p> <p>9 <b>we do on a very regular basis.</b></p> <p>10 LORD JUSTICE LEVESON: All right. Thank you.</p> <p>11 MR JAY: Thank you. The statistics then which you provided</p> <p>12 in your statement, page 08164.</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. This is looking at a five-year period, where the</p> <p>15 allegation has been improper disclosure of information.</p> <p>16 We can see over that five-year period there were 5,179</p> <p>17 such allegations, which are only a small proportion in</p> <p>18 percentage terms of all the allegations which come their</p> <p>19 way to you; is that broadly speaking right?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. If one looks at tab 4 in the bundle which you've been</p> <p>22 provided with, this is broken down in the last three</p> <p>23 years as between various forces being 44, 45 police</p> <p>24 forces in England, Wales and Northern Ireland.</p> <p>25 <b>A. Yes. The breakdown is only for the three years, Mr Jay.</b></p> <p style="text-align: center;">Page 6</p>	<p>1 <b>A. It would, yes, improper access in order to use the</b></p> <p>2 <b>information, yes, it would.</b></p> <p>3 Q. Yes, thank you. In terms of referrals, you make it</p> <p>4 clear at the bottom of this page of your statement,</p> <p>5 08164, that it's not possible to do an analysis breaking</p> <p>6 down the 15,000 referrals of all types between April</p> <p>7 2004 and 2011. But you have been asked by the Secretary</p> <p>8 of State in the summer of last year to prepare a report</p> <p>9 on your experience of investigating corruption in the</p> <p>10 Police Service?</p> <p>11 <b>A. That's correct.</b></p> <p>12 Q. That's the top of the next page. So this presumably was</p> <p>13 triggered by the events of last summer?</p> <p>14 <b>A. It was, yes, that's right.</b></p> <p>15 Q. And you're expecting to report imminently?</p> <p>16 <b>A. Indeed. The report is almost ready to go to the Home</b></p> <p>17 <b>Secretary. I think it will go in the next few days. As</b></p> <p>18 <b>I think I've explained, because she requested that under</b></p> <p>19 <b>the powers in the Police Reform Act, it's a report that</b></p> <p>20 <b>she will undoubtedly want to place before Parliament</b></p> <p>21 <b>before it's put in the public domain, so we will be</b></p> <p>22 <b>publishing it on the same day that she places it before</b></p> <p>23 <b>the house.</b></p> <p>24 <b>If it would be of help, I don't see any reason why</b></p> <p>25 <b>I shouldn't send it to you confidentially prior to that.</b></p> <p style="text-align: center;">Page 8</p>

<p>1 LORD JUSTICE LEVESON: I'd be very grateful, but you're in 2 a position to tell me whether you think it will be of 3 any help, because you've seen it and I haven't. 4 <b>A. It will be of help in the sense that it doesn't reveal 5 endemic corruption between police officers and 6 journalists. It's a much wider examination of 7 corruption.</b> 8 LORD JUSTICE LEVESON: Of course it is. So what it may do 9 is provide some context? 10 <b>A. It will provide quite a lot of context, yes.</b> 11 LORD JUSTICE LEVESON: That will be very valuable, and 12 presumably, or I'm sure you've seen the HMIC report and 13 indeed what Elizabeth Filkin did for the Met? 14 <b>A. Yes.</b> 15 LORD JUSTICE LEVESON: So if it provides another window on 16 that general topic, then I'd be very grateful. 17 <b>A. Yes. We deliberately ensured that it compared and 18 contrasted with those two reports and looks at it from 19 a rather different angle, and one of the things that it 20 does in some detail is report the public's view, because 21 we did some new primary research to gather the public's 22 view about the issue of police corruption.</b> 23 LORD JUSTICE LEVESON: That will be very valuable. I hope 24 that when it is public, there will be no difficulty 25 about my assuming it -- enclosing it within the record</p> <p style="text-align: center;">Page 9</p>	<p>1 <b>A. It certainly -- I'm sorry, I wouldn't be able to tell 2 you the detail, I'm not familiar enough with it. If it 3 would help, I can make sure that that's provided. There 4 is a public report on it. But my recollection is that 5 it did -- and this was before my time as chief exec, 6 I think it happened the summer before I was appointed, 7 but the -- there were no finding of misconduct, so that 8 leads me to believe that there wasn't any deliberate 9 leaking of information.</b> 10 Q. Thank you. And the fourth item relates to the 11 Ian Huntley case and the allegation there was that 12 police officers had leaked wedding photographs, which 13 found their way into three national newspapers. 14 <b>A. Yes.</b> 15 Q. There was an investigation by the local police, but it 16 concluded there was no evidence to support the 17 proposition that there had been leaks? 18 <b>A. I think that's correct. I think in fact the family 19 members who made the complaint accepted that what had 20 happened was not as a result of police action. It was 21 probably other people who had the photographs.</b> 22 Q. The last one is Surrey. The allegation there, a police 23 officer gave information to journalists during Operation 24 Ruby, but it was ascertained that again there was no 25 evidence to support the proposition there had been</p> <p style="text-align: center;">Page 11</p>
<p>1 of the Inquiry so that I can use any facts contained 2 within it for the purposes that I require. 3 <b>A. No, sir. I think I would have submitted it to you if it 4 had been a public document already, so I was suggesting 5 I send it to you in confidence now, or at least when the 6 Home Secretary has it, anyway, and that then after that 7 there's no reason at all why we shouldn't submit it to 8 you more formally.</b> 9 LORD JUSTICE LEVESON: Thank you. 10 MR JAY: The next section of your statement is dealing with 11 referrals covering the allegations of the type which may 12 be of interest to this Inquiry, namely improper or 13 unauthorised disclosure of information. Three years, 14 2008 to 2011. You provide some details of these, 15 I think, on page 08166; is that right? 16 <b>A. Yes.</b> 17 Q. We can examine some of these, but I don't think any have 18 been put in evidence yet before the Inquiry. 19 The first example was investigation by the 20 Metropolitan Police in 2006 with an allegation that 21 information about pornographic images of children found 22 during an investigation was leaked to the News of the 23 World. Can you help us somewhat more about this? Did 24 the investigation ascertain that there had been a leak 25 by a police officer to the News of the World?</p> <p style="text-align: center;">Page 10</p>	<p>1 leaks. What was the nature of the information there, do 2 you know? 3 <b>A. I'm sorry, I don't. I'd have to get others to tell you 4 that.</b> 5 Q. Okay. Then you give other examples, but they are 6 illustrative of the same point. 7 I move on to -- 8 <b>A. Mr Jay, could I just add --</b> 9 Q. Certainly. 10 <b>A. I think there are often times when people believe that 11 information has found its way into the press as a result 12 of leaking when actually it's the result of a number of 13 people, both in the police, in the IPCC, in public 14 bodies, having information and other members of 15 families, friends, individuals providing information, 16 and journalists, who are good at this, add it all 17 together and then it can look at if someone has leaked 18 information. Usually, or in many of these cases and in 19 others, it's a result of putting together small items 20 and not as a result of anyone putting the story in to 21 a journalist in an organised kind of way.</b> 22 Q. Thank you. Next, please, page 08170. Question 10. You 23 refer here to the IPCC code of conduct, which 24 establishes the principle that all media contact should 25 be referred to and channelled through your press office.</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 No other member of staff is ever authorised to issue 2 press statements. 3 Is the rationale behind this principle that as 4 you're dealing with matters of high policy, it would 5 never be appropriate for a member of staff to go off on 6 his or her own bat and speak to the press? 7 <b>A. It's really in recognition of the fact that almost 8 everything we do is serious and needs to be handled 9 carefully, and that we have a basic approach as an 10 organisation that we will make information available 11 unless there's a very good reason not to, rather than 12 the other way around, and it's a case of when, not 13 whether. The when is very important, so that a member 14 of staff choosing the time and choosing to talk to 15 a journalist in an informal kind of way will almost 16 certainly disrupt that plan and may, in fact, damage the 17 investigation if it's done in an unhelpful way.</b> 18 So it's deliberately -- we're a very small 19 organisation. There are only 420 people in it. 20 Therefore, we want to have an organisational approach to 21 these things where people aren't allowed to decide that 22 they know better than others as to when and how 23 information should be put in the public domain. It's 24 a very important principle, and the organisation abides 25 by it, by and large.</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. This ensures that all media contact is logged and the 2 type of information which is disseminated by you appears 3 halfway down page 08171. 4 <b>A. Yes.</b> 5 Q. You, in common with others, are now beginning to use 6 social media as a means of putting information out? 7 <b>A. We are. We have been doing for probably about 12 months 8 or more, yes.</b> 9 Q. As a facet of this, can I pick up question 16, that you 10 don't provide off-the-record briefings because as 11 a matter of principle there's no need to. Indeed, it 12 would be inappropriate to. 13 <b>A. Yes. I think there's been a -- I recognise in reading 14 the transcripts of earlier evidence that there's been 15 a debate about what the definition of "off the record" 16 means. What we meant, what the Commission meant when it 17 came to the decision that it wouldn't do it is giving 18 unauthorised, you know, "it's my personal view that" 19 kind of -- that isn't actually the statement of the 20 Commission.</b> 21 The Commission is a legal entity and the people in 22 it form that body, and so they've made a decision, but 23 prior to my time, that there would not be off the record 24 briefing of that kind, of that sort of "I'm expressing 25 my personal view and I disagree with the organisation's</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. Yes. 2 LORD JUSTICE LEVESON: Yes, this is very different from 3 a Police Service which might have issues at all sorts of 4 levels, whether it be neighbourhood policing or 5 community issues -- 6 <b>A. It is.</b> 7 LORD JUSTICE LEVESON: -- or local hot spots of crime. 8 <b>A. Yes.</b> 9 LORD JUSTICE LEVESON: You're dealing only with the most 10 sensitive and therefore likely to be the most newsworthy 11 concerns. 12 <b>A. That's correct. Very, very few of the matters that 13 we're dealing with won't appear ultimately in some kind 14 of public hearing, an inquest, criminal proceedings, 15 misconduct proceedings. And if they don't appear in any 16 of those, they certainly appear in the newspaper. So 17 it's very important that we're disciplined about it.</b> 18 MR JAY: Yes, and you in common with most, if not all, 19 police forces now have this software tool called 20 Spotlight. 21 <b>A. We do.</b> 22 Q. People have given it slightly different names. I think 23 Solcara has been -- 24 <b>A. I'm not sure, I think Solcara is the company that makes 25 it and Spotlight is its trade name. I don't know.</b></p> <p style="text-align: center;">Page 14</p>	<p>1 approach". What it doesn't mean is we don't on 2 occasions give journalists information which is not yet 3 for publication. It's still formal, it's still the 4 Commission's view or facts, but we're saying, "Please 5 don't report this yet", but we're providing explanations 6 as to why that would be, and all of that is recorded on 7 Spotlight. So we know what press officers or members of 8 staff have said to journalists in those circumstances. 9 In that way, it's not -- it isn't off the record. 10 LORD JUSTICE LEVESON: But that's a quite different meaning 11 for "off the record" than the ones that we've been 12 discussing. So you may very well say, "This is context 13 or background" -- 14 <b>A. I think the press office call it "guidance".</b> 15 LORD JUSTICE LEVESON: -- "guidance for what will come, and 16 this is why it's not in the public interest for you to 17 make a big fuss now." 18 <b>A. That's correct.</b> 19 LORD JUSTICE LEVESON: And that's acceptable? 20 <b>A. Yes. I have to say it generally works. We've not found 21 that to be abused by journalists. And because I think 22 they trust us that we will tell them as much as we can 23 when we can, I think they do actually trust us to do 24 that, they respect the fact that my staff will sometimes 25 say to them, "This is to help you plan, but not yet".</b></p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 MR JAY: You deal with the role of the press office in 2 questions 18 and 19 and in your second statement, and 3 record the fact that generally speaking the media are 4 satisfied, indeed more than satisfied, with the work of 5 your press office.</p> <p>6 <b>A. Yes. We did a piece of research, small piece of 7 research, asking about 20 or so journalists from both 8 national newspapers and local, and I think there were 9 a couple of broadcast journalists as well, asking them 10 what they thought, in order to improve the service we 11 provide, and it was very, very positive. And I think it 12 actually slightly counters the views of some of the 13 journalists earlier in these hearings who were saying if 14 journalists can't have access directly to individual 15 members of staff, they don't get the stories, the colour 16 and the detail, because actually what they said to us, 17 despite the fact we're very rigid about this, is that 18 they do get the information and they believe that we 19 tell them as much as we possibly can.</b></p> <p>20 Q. That may have something to do with the nature of the 21 information you're giving out.</p> <p>22 <b>A. I think that's probably right, yes.</b></p> <p>23 Q. It may be on occasions quite sophisticated. I'm not 24 saying the police forces don't put out sophisticated 25 information, but very often it's more of an operational</p> <p style="text-align: center;">Page 17</p>	<p>1 <b>organisation we're rather puritanical about this. We 2 don't buy alcohol. I don't think the public purse 3 should fund alcohol. I don't think alcohol and work 4 mix, generally, and certainly not when you're dealing 5 with very sensitive issues. So we're -- we are perhaps 6 unusually rigid about that kind of thing and the 7 hospitality budget wouldn't support it anyway. There 8 isn't a hospitality budget, I think it would be fairer 9 to say.</b></p> <p>10 Q. In terms of the receipt of hospitality as opposed to the 11 giving of it, the same austere principle applies, does 12 it?</p> <p>13 <b>A. Pretty well. I mean, I think again our view would be -- 14 my view would be and our organisational view would be 15 that we shouldn't be in receipt of gifts or hospitality. 16 People don't ask us to go out for drinks or give us 17 gifts because they like us; they do it because of our 18 role and they do it because they want to get some 19 benefit from doing so. So we do on occasions accept 20 gifts. We get a lot of foreign visitors coming to see 21 the IPCC and learn about it, so we do get gifts. We 22 give them all to charity or we auction them off in aid 23 of charity. People aren't -- they're allowed to buy 24 them if they wish to keep them, but it's a very clear 25 policy and it works very effectively, I think. It</b></p> <p style="text-align: center;">Page 19</p>
<p>1 nature. Because of the nature of the information you're 2 giving out, the journalists will generally prefer to 3 hear it from a press officer than a member of staff. 4 Maybe that's the --</p> <p>5 <b>A. That may be right. As I say, we didn't ask them that 6 question in the research. We didn't ask them whether 7 they would prefer to be able to ring individual members 8 of staff, because frankly I wasn't terribly interested 9 in the answer because I wasn't going to be prepared to 10 let that happen so we didn't ask them, but I think 11 you're right, that the nature of our business means that 12 organising it in the way we do is both easier for us and 13 works effectively.</b></p> <p>14 Q. I touch on the issue of hospitality. Your code of 15 conduct suggests that hospitality is appropriate, 16 provided its not frequent, regular or lavish?</p> <p>17 <b>A. That's correct.</b></p> <p>18 Q. These are the guiding principles?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. In practice, do you have any difficulty in applying 21 those general principles?</p> <p>22 <b>A. You're asking at the moment about our provision of it 23 rather than receipt of it?</b></p> <p>24 Q. Yes.</p> <p>25 <b>A. No, not at all. I think it's fair to say that as an</b></p> <p style="text-align: center;">Page 18</p>	<p>1 <b>avoids the problem of people misunderstanding why we're 2 doing things.</b></p> <p>3 <b>It's probably largely perception, because it's 4 unlikely that someone is going to risk their career for 5 the odd drink by misconducting themselves, but the 6 perception can be that somehow bias or interest has been 7 influenced.</b></p> <p>8 Q. We may come back to that issue at the end of your 9 evidence. I'm now going to ask you some questions about 10 leaks. That's covered, first of all, in question 26 but 11 it's probably appropriate now that I introduce some 12 questions another core participant has wanted me to ask 13 of you --</p> <p>14 <b>A. Yes, of course.</b></p> <p>15 Q. -- which I have raised with you in advance, although the 16 fine detail of the three cases I'm going to mention you 17 may not be aware of, but the general picture you are.</p> <p>18 First of all, the tragic case of de Menezes on 19 I think it was 22 July 2005.</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. At the start, claims were made that he was wearing 22 a bulky jacket and had vaulted the ticket barrier to 23 Stockwell station before descending to the platform. 24 How did those claims arise, to your knowledge?</p> <p>25 <b>A. It would be fair to say, Mr Jay, that I wasn't working</b></p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 for the IPCC in 2005, so my knowledge of that particular 2 case and the detail at that time is limited to what 3 I learnt subsequently. But as I understand it -- and we 4 have published a report about the misinformation that 5 was put out, what was referred to as Stockwell Two -- my 6 understanding is that members of the public who 7 witnessed the events at Stockwell were asked by 8 journalists what they'd seen, naturally, and some 9 reported that they had seen a man vaulting the barrier 10 and running down the stairs. Someone at least, 11 I think -- I think this is correct -- reported that 12 a man was wearing a bulky jacket.</p> <p>13 This was added up by both the press and I think was 14 then repeated by senior police officers as being fact. 15 What I believe the public had seen was a police officer 16 vaulting the barrier, running down the tube steps after 17 Mr de Menezes, so it was a natural mistake by the 18 witnesses, and it was a serious mistake by those 19 speaking on behalf of the police to repeat it as fact 20 when it wasn't actually verified. But perhaps not 21 surprising in the circumstances, because, as we know, 22 the thirst for information is greatest when we all know 23 least, and people are inclined to answer questions which 24 they might better be not answering at that point.</p> <p>25 Q. Do you think that the IPCC should have corrected what</p> <p style="text-align: center;">Page 21</p>	<p>1 share information I think with the family and press 2 about the circumstances and she did that because she 3 clearly believed it was in their interests, and it did 4 do considerable damage at the time to the organisation 5 and has continued to do so, because it's one of those 6 things that people can find and repeat as an error that 7 was made.</p> <p>8 She was identified very early on, immediately, as 9 the source, admitted that she was. She was suspended 10 and if she hadn't resigned, I have no doubt she would 11 have been subject to a gross misconduct process.</p> <p>12 Q. This is the case you're referring to in paragraphs 26 13 and 29 of your statement?</p> <p>14 A. It is.</p> <p>15 Q. Is that right?</p> <p>16 A. It is.</p> <p>17 Q. Thank you. The next matter, if I could take it 18 reasonably briefly, is the Ian Tomlinson case. The 19 police version of events was that this man died through 20 natural causes, and the suggestion is you failed to 21 correct that erroneous version of events. Could you 22 assist us, please, in relation to that?</p> <p>23 A. I don't believe it was the police version. I think it 24 was the version as a result of the first post-mortem, so 25 it was the pathologist who indicated that Mr Tomlinson's</p> <p style="text-align: center;">Page 23</p>
<p>1 the police was saying at an earlier stage?</p> <p>2 A. I don't think the IP -- from what I know, the IPCC 3 wouldn't have been in a position to do so, because it 4 wouldn't have known any better than anyone else what the 5 facts were. As I say, I don't know at what point it 6 became evident that the facts were incorrect. I think 7 that probably is detailed in our report, but I have to 8 say I'm not on top of the detail of that.</p> <p>9 Q. This is Stockwell Two?</p> <p>10 A. Yes.</p> <p>11 Q. The report which was published I think two years later. 12 Lord Blair made a point, it's not really relevant to our 13 Inquiry, that it took rather a long time but I don't 14 think it's necessary that you address that because it's 15 outside our terms of reference.</p> <p>16 But I think there had been a leak to the ITN about 17 the fact that Mr de Menezes was not wearing this bulky 18 jacket and did not leap over the barrier. Is that bit 19 correct?</p> <p>20 A. This is a leak by the IPCC?</p> <p>21 Q. Indeed.</p> <p>22 A. Yes, indeed. As I understand it, again this is based on 23 what I was told some two years later, probably, 18 24 months or two years later, a member of staff working as 25 a part of the investigation team in the IPCC decided to</p> <p style="text-align: center;">Page 22</p>	<p>1 death was as a result of natural causes. Subsequent 2 post-mortems questioned that. I think there were two 3 further post-mortems that came to slightly different 4 conclusions. Well, one significantly different and 5 a slight variation in the third one.</p> <p>6 Q. I think it's also said, but this is a point of detail 7 that I'm not sure you're in a position to deal with 8 today, that on 1 April 2009 your London regional 9 director agreed an MPS press release that misleadingly 10 failed to mention that there had been police contact 11 with Mr Tomlinson before his death. Do you know 12 anything about that?</p> <p>13 A. I wouldn't have the detail of that, no. I would have 14 to -- if you need me to, I could check.</p> <p>15 Q. Okay. The last point which I'm asked to put to you 16 relates to the death of Mark Duggan, who was shot by 17 police on 4 August of last year. The issue there is 18 whether there had been exchange of fire between 19 Mr Duggan and armed police officers.</p> <p>20 A. Yes.</p> <p>21 Q. And again an erroneous version of events put out by the 22 Metropolitan Police and by the IPCC. Do you know 23 anything about that matter?</p> <p>24 A. Yes, I do. And I think this is good example of the 25 press wanting information at a point when there isn't --</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

1 there aren't hard facts.  
 2 In the hours after -- literally it was the hours  
 3 after Mr Duggan died, the report was that a man had  
 4 died, there had been a police firearms operation, a man  
 5 had died and a police officer had been taken to hospital  
 6 injured, and the injury was as a result of a bullet.  
 7 There was certainly an assumption made by some people  
 8 that that had been as a result of the man who had died  
 9 firing a gun, which proved absolutely not to be the  
 10 case.  
 11 On the evening of 4 August, one of my press officers  
 12 indicated to a journalist as a result of a question that  
 13 it appeared that there had been an exchange of fire. He  
 14 shouldn't have done that. He did it verbally. He  
 15 shouldn't have done it. Once we realised that that had  
 16 happened and that it was definitely incorrect, we put  
 17 out an apology and we've apologised for it I think on  
 18 almost a weekly basis for the last period.  
 19 It was a very serious error, it shouldn't have  
 20 happened.  
 21 LORD JUSTICE LEVESON: It's a terrible problem, isn't it?  
 22 Because on the one hand you want to be as upfront as you  
 23 can; on the other, you have to be very careful that  
 24 assumptions aren't being made and that there isn't some  
 25 element of Chinese whispers about what is being put out.

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1 But if you do delay, then you're going to be criticised  
 2 for delaying. So there's a very difficult balance to  
 3 strike, isn't there?  
 4 A. There is, sir. I think you have put it very well.  
 5 Forgive me, because I'm probably going to be criticised  
 6 for criticising the press, but they want --  
 7 LORD JUSTICE LEVESON: I'm spending my life doing that, so  
 8 don't worry about it, I'll take the flak.  
 9 A. The press naturally want to get the scoop, they want to  
 10 ask the questions and to get answers quickly and they  
 11 want to do it before their rivals. That's all part of  
 12 their business. So they will continually ask questions,  
 13 and on that particular evening an on-duty press  
 14 officer -- there is only one for the IPCC overnight --  
 15 was asked all sorts of questions about a situation he  
 16 knew nothing about. He shouldn't have answered it. The  
 17 wise thing to do in those circumstances is to continue  
 18 to say, "We don't know yet, we don't know yet", and it's  
 19 a very good reason why I wouldn't want lots of staff  
 20 having -- journalists having lots of access to staff,  
 21 because it's inevitable that someone will want to be  
 22 helpful. That's what happened.  
 23 The bit that I do feel the press need to reflect on  
 24 is that they ask us the questions, they want the  
 25 information, and they're very quick to criticise us when

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1 we put out the wrong information. They're very, very  
 2 unforgiving when we get it wrong. So it is a challenge.  
 3 I'm not complaining about that, it's part of our  
 4 business, it's the nature of the business we work in,  
 5 but it does make life quite a challenge.  
 6 MR JAY: You tell us about three other allegations that  
 7 information had been leaked to the media and you cover  
 8 those at page 08177.  
 9 A. Yes.  
 10 Q. It's probably unnecessary to go into the detail of  
 11 these.  
 12 A. Yes, I don't think there's anything to add particularly.  
 13 Q. No.  
 14 A. I think there probably have been -- there has been at  
 15 least one other example since I submitted this where it  
 16 appears that information held by us and by other bodies,  
 17 police force, have found their way into the media and  
 18 there's been a question about who is the source, but  
 19 similarly I'm satisfied insofar as I can be that it  
 20 wasn't us.  
 21 It is something we take -- as you can hear me say --  
 22 it is something we take very, very seriously.  
 23 Q. Notwithstanding that, do you feel that this is  
 24 a significant problem in terms of its prevalence within  
 25 your organisation?

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1 A. Oh, not at all. I think absolutely the opposite. And  
 2 I think we're helped by -- we're certainly helped by the  
 3 code and our set of values, which mean that staff don't  
 4 want to do those sorts of things, but we're helped by  
 5 our systems. We do restrict quite severely access to  
 6 information to those who need to know, and we also have  
 7 quite good audit systems. So if something does get out,  
 8 then we can check who had access and why and at what  
 9 time of day and when and so on, so it's relatively easy  
 10 in retrospect to discover.  
 11 Q. Thank you. Looking ahead to the future as it were,  
 12 Ms Furniss, you, probably quite rightly, didn't engage  
 13 with the opinion questions we asked you towards the end  
 14 of your statement at page 08183. You may have some  
 15 views which you could offer, as it were, in a personal  
 16 capacity rather than speaking for your organisation  
 17 based on your experience and what you've observed, both  
 18 in relation to the HMICs and Elizabeth Filkin reports  
 19 and the issues concerning this Inquiry, and striving  
 20 always to find the right balance between the competing  
 21 interests you in part have identified in your evidence,  
 22 which the Inquiry is fully aware of.  
 23 First of all, HMIC and Filkin, your reaction to  
 24 that. Are those recommendations helpful or not?  
 25 A. Obviously they tackle slightly different things. I have

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<p>1 to say I think it's rather surprising that some of the                  2 recommendations are necessary in the HMIC report,                  3 because I think some of the things that Sir Denis has                  4 said ought to have been fairly obvious, actually, about                  5 relationships and the proper management of potential                  6 conflict. But given that it clearly has been necessary,                  7 then I think they will be very helpful, actually.                  8 I'm very aware of the debate that's been had about                  9 Elizabeth Filkin's recommendations in relation to                  10 keeping a record, but as you've heard me say, I think                  11 that is common sense, actually. And of course there's                  12 a huge difference, as Lord Justice Leveson himself                  13 referred to earlier, between a local neighbourhood                  14 police officer talking to journalists about their                  15 campaign against whatever, graffiti or anti-social                  16 behaviour, as against someone talking to the press about                  17 a highly confidential investigation or what they think                  18 about the top management of their organisation and its                  19 decisions.                  20 There's clearly got to be a system for the exposure                  21 of wrongdoing in public bodies, but for that to work                  22 effectively, there's a proper expectation that staff                  23 will have first raised the problem through the                  24 appropriate channels. They can't simply go to                  25 a journalist and say, "Do you want to hear about the                  Page 29</p>	<p>1 develop and you can't -- one wouldn't want to restrict                  2 that, but being very clear about the boundaries. As                  3 I said earlier, I don't think journalists wine and dine                  4 senior public officials because they like them. They do                  5 it because they want something. They want to influence                  6 decisions.                  7 As I said earlier, alcohol in those circumstances                  8 makes that even riskier, because the risk is that all of                  9 us become more indiscreet, more relaxed in those                  10 circumstances. The biggest problem about alcohol is it                  11 impairs your judgment and it leads you to believe your                  12 judgment isn't impaired, so it makes it doubly risky,                  13 doesn't it? So in my -- from my point of view, those                  14 are -- this is something you do when you're with                  15 friends, not something you do when you're at work, and                  16 the perception is a really important part of it because                  17 public confidence in bodies like mine and in the police                  18 is based on the belief that we are doing our job in the                  19 public interest, with integrity and without any bias.                  20 Those are really important principles that we should all                  21 feel very strongly that we should protect.                  22 Q. You were a senior civil servant in the Home Office. You                  23 may have observed socialising between politicians and                  24 journalists. Are the issues the same, though, or are                  25 they different?                  Page 31</p>
<p>1 scandal in my organisation?" They have a proper                  2 responsibility, particularly if they're going to be                  3 protected by the public interest disclosure legislation,                  4 they have to use the channels that exist, and certainly                  5 my organisation -- and I am assuming every Police                  6 Service -- has a process that can do that, and if that                  7 doesn't work and there really is wrongdoing to be                  8 exposed, then of course it's proper that that is -- that                  9 the whistle-blowing legislation protects people from                  10 doing so.                  11 But we shouldn't expect as a society that newspapers                  12 are the best place to decide that something in an                  13 organisation is wrong. That's what people are paid to                  14 do. So I think that's part of the answer to your                  15 question about how do we police the relationships                  16 between the police and the press.                  17 Q. The issue of overly close relationships, or perhaps more                  18 the perception of such --                  19 A. Yes.                  20 Q. -- excessive proximity, do you have a view about that,                  21 in particular the associated issue of hospitality and                  22 the consumption of alcohol?                  23 A. Well, I do, and I do think it's very unwise to develop                  24 social relationships between people who have                  25 a professional relationship. Of course friendships                  Page 30</p>	<p>1 A. Mr Jay, I think I'd hesitate to comment on the                  2 relationships --                  3 LORD JUSTICE LEVESON: That's a very fast ball, Mr Jay.                  4 A. I think it was, rather, wasn't it. I think that was                  5 definitely a googly hand.                  6 MR JAY: Then I'll put it back in my pocket.                  7 A. No, I think the rules for politicians are slightly                  8 different than for public servants. I think there is                  9 a difference there. I feel more confident on the                  10 grounds of public servants than politicians.                  11 Q. Yes. Are there any other insights you'd be prepared to                  12 share with us on the questions we've asked in this last                  13 section of your evidence? Do you feel you've covered                  14 the ground of what you'd like to tell us?                  15 A. I think I have. I think -- I mean, I'm a newspaper                  16 junkie, I read through three a day, and so I have                  17 a great interest in newspapers telling the public what's                  18 going on. I learned something a long, long time ago,                  19 which is that you open a newspaper and read a story                  20 about an organisation you know nothing about and you                  21 say, "What a scandal", and you turn a page and read                  22 about your own organisation and say, "That's scandalous                  23 journalism". So I read every newspaper with scepticism                  24 because the story will only be part of the story, won't                  25 it, that's the nature of it, and told in a way to                  Page 32</p>



<p>1 <b>capture the public's imagination and interest.</b></p> <p>2 <b>But it's a really important -- it is very important</b></p> <p>3 <b>that we have a robust free press that actually shines</b></p> <p>4 <b>a light on what's going on, and how we get that right in</b></p> <p>5 <b>the world in which we work I think is a -- well, it's</b></p> <p>6 <b>part of this Inquiry's challenge, isn't it? I'm not</b></p> <p>7 <b>sure whether I've helped you with that or not.</b></p> <p>8 LORD JUSTICE LEVESON: But you articulate the problem very</p> <p>9 clearly, which is not to discourage or impede the proper</p> <p>10 illumination --</p> <p>11 <b>A. Yes.</b></p> <p>12 LORD JUSTICE LEVESON: -- of the way in which we conduct</p> <p>13 oversight of the government or of the judiciary, and</p> <p>14 indeed to be able to comment on all that while at the</p> <p>15 same time identifying the legitimate boundaries beyond</p> <p>16 which investigation is a breach of other people's</p> <p>17 rights, or intrusive, or just wrong.</p> <p>18 <b>A. Yes.</b></p> <p>19 LORD JUSTICE LEVESON: Whether it's because of the way that</p> <p>20 it's done or because of what you're trying to expose,</p> <p>21 which isn't in the public interest at all, but merely</p> <p>22 likely to sell newspapers. I'm not suggesting that</p> <p>23 selling newspapers isn't an entirely laudable aim, but</p> <p>24 there has to be something more, and that's the problem,</p> <p>25 isn't it?</p> <p style="text-align: center;">Page 33</p>	<p>1 organisation has, and indeed that sometimes the police</p> <p>2 have and the members of the public who are bound up by</p> <p>3 it, is that if the story is sufficiently important,</p> <p>4 there is a risk that the normal rules within which the</p> <p>5 press work go out of the window.</p> <p>6 <b>A. Yes.</b></p> <p>7 LORD JUSTICE LEVESON: And I've said that in different ways</p> <p>8 over the course of the months, but it was neatly</p> <p>9 summarised in a letter which Mr Morgan wrote:</p> <p>10 "Fame and crime send most of the usual rules out of</p> <p>11 the window."</p> <p>12 <b>A. Yes.</b></p> <p>13 LORD JUSTICE LEVESON: And coping with that creates its own</p> <p>14 problems.</p> <p>15 <b>A. Indeed.</b></p> <p>16 MR JAY: Yes, thank you very much, Ms Furniss.</p> <p>17 <b>A. Thank you.</b></p> <p>18 LORD JUSTICE LEVESON: Thank you very much indeed. And</p> <p>19 thank you for sharing with me your various reports and</p> <p>20 for continuing to do so.</p> <p>21 MR JAY: We're having a technical problem with one of the</p> <p>22 screens. May we just break shortly to see if we can fix</p> <p>23 it.</p> <p>24 (10.58 am)</p> <p>25 (A short break)</p> <p style="text-align: center;">Page 35</p>
<p>1 <b>A. It is, yes. And I think add to that the -- for me it's</b></p> <p>2 <b>often the when rather than whether. Your point about</b></p> <p>3 <b>the story getting out, it's not -- it's rarely about it</b></p> <p>4 <b>being -- that we're never going to tell the story, it's</b></p> <p>5 <b>about the fact that we don't yet know what the story is</b></p> <p>6 <b>and we haven't yet decided that it's appropriate to tell</b></p> <p>7 <b>it, and it may -- telling it now may prevent the proper</b></p> <p>8 <b>administration of justice, whether that's coronial</b></p> <p>9 <b>justice or criminal justice or civil justice. Some</b></p> <p>10 <b>aspect of that needs to be protected.</b></p> <p>11 <b>I think the other point is that if you add into that</b></p> <p>12 <b>the exchange of benefits, whether it's cash or other</b></p> <p>13 <b>kinds of benefits, so using an example outside of my</b></p> <p>14 <b>responsibilities, and I know only what I've read in the</b></p> <p>15 <b>newspapers, the exposure of the story about the MPs'</b></p> <p>16 <b>expenses. Was it right that it was told in the way it</b></p> <p>17 <b>was? As I understand it from reading the newspapers,</b></p> <p>18 <b>the public official who gave the information to the</b></p> <p>19 <b>Daily Telegraph was paid for it, so he or she wasn't</b></p> <p>20 <b>just exposing a wrongdoing, they were gaining some</b></p> <p>21 <b>benefit, and it does seem to me that that then calls</b></p> <p>22 <b>into question the propriety of sharing the information.</b></p> <p>23 <b>If that's correct. I don't know that it is. I only</b></p> <p>24 <b>know what I've read.</b></p> <p>25 LORD JUSTICE LEVESON: Yes. The problem that your</p> <p style="text-align: center;">Page 34</p>	<p>1 (11.04 am)</p> <p>2 LORD JUSTICE LEVESON: For the avoidance of doubt, I wasn't</p> <p>3 suggesting that I was spending my life criticising the</p> <p>4 press, but rather being criticised by the press. I'm</p> <p>5 not complaining, but neither am I making a point.</p> <p>6 Right.</p> <p>7 MR JAY: We're going to call the next two witnesses</p> <p>8 together, Mr Trotter and Ms Bird, please.</p> <p>9 MR ANDREW TROTTER (sworn)</p> <p>10 MS JOANNE DENISE BIRD (sworn)</p> <p>11 Questions by MR JAY</p> <p>12 MR JAY: Please sit down. I'm going to invite each of you</p> <p>13 to provide the Inquiry with your full names and confirm</p> <p>14 your witness statements. First of all you, Mr Trotter.</p> <p>15 MR TROTTER: I'm Andrew Trotter, Chief Constable of British</p> <p>16 Transport Police.</p> <p>17 Q. Thank you. You've kindly provided us with a witness</p> <p>18 statement dated 13 February this year, signed and dated</p> <p>19 by you under the standard statement of truth. This is</p> <p>20 your formal evidence to the Inquiry; is that right?</p> <p>21 MR TROTTER: Yes, sir.</p> <p>22 Q. And Ms Bird, you, please. Your full name?</p> <p>23 MS BIRD: My full name is Joanne Denise Bird.</p> <p>24 Q. Thank you. Your statement is dated 28 February, again</p> <p>25 the standard statement of truth. Is this your formal</p> <p style="text-align: center;">Page 36</p>

<p>1 evidence to the Inquiry?  2 MS BIRD: It is.  3 Q. Mr Trotter, first of all, your career. You're  4 currently, as you've told us, Chief Constable of the  5 British Transport Police, and you are also chair of  6 ACPO's Communication Advisory Group, CAG; is that right?  7 MR TROTTER: That's correct.  8 Q. In terms of your previous career, or it's probably all  9 part of the same career, you joined the Metropolitan  10 Police in 1970 and you worked your way up the ranks.  11 You were Deputy Assistant Commissioner in the MPS in  12 1998, you've gained relevant experience and you'll tell  13 us about that in relation to the Ladbroke Grove train  14 crash in 1999. You joined the British Transport Police  15 as deputy in 2004 and were appointed Chief Constable in  16 2009, is that broadly speaking right?  17 MR TROTTER: Yes, sir.  18 Q. Ms Bird, you are the head of media and marketing of the  19 British Transport Police. You started with a career in  20 local journalism then as a press officer, you were head  21 of media at BAA Heathrow in 2005 and moved to the  22 British Transport Police in 2007. Is that broadly  23 speaking right?  24 MS BIRD: Yes, sir.  25 Q. Mr Trotter, if I can deal with some of the introductory  Page 37</p>	<p>1 also to formulate policy, which we then circulate to  2 forces around the country.  3 Q. Thank you. You make it clear in section 3.1 of your  4 statement, page 02708, that you act as the professional  5 lead for media relations and in that capacity represent  6 the views of the Police Service to media organisations,  7 bodies such as the Society of Editors, Newspaper Society  8 and the NUJ; is that right?  9 MR TROTTER: That's correct.  10 Q. May we understand the relationship between ACPO in terms  11 of the setting of policy and the guidance it implements  12 and what is happening in the 44, 45 individual police  13 services of England, Wales and Northern Ireland? We  14 understand that ACPO is comprised or comprises I think  15 340 chief officers, that's to say from commander level  16 and above within the Metropolitan Police Service, and  17 assistant constable level and above within the regional  18 forces. Each force has its own media policy, we know  19 that, we've seen that, but ACPO as well has a role.  20 What is the relationship between what ACPO does and what  21 the regional forces are expected to do?  22 MR TROTTER: ACPO will agree the over-arching policy. That  23 will be agreed through the chief officers, through ACPO  24 cabinet and ACPO council who will agree that policy.  25 There may be some local variation for a particular  Page 39</p>
<p>1 points you make, the experience you gained from the  2 Ladbroke Grove incident in 1999 insofar as is relevant  3 to our Inquiry, could you help us with that, please?  4 MR TROTTER: Certainly. I went to the scene of the train  5 crash to find the operation to deal with it was going  6 very well, but the handling of the media was not. There  7 were at the time I think at least three different press  8 interviews being given by different people. Clearly we  9 weren't in possession of the full facts at the time, so  10 I stopped everyone talking to the press, took over as  11 press spokesman, and then subsequently became the press  12 spokesperson for the remainder of that incident. The  13 subsequent debriefs with both police officers and with  14 the media pointed to that being a very good process of  15 having a senior police officer as the dedicated  16 spokesperson, who was not in direct command of the  17 operation, to allow the operational commander to get on  18 with their job.  19 Q. Thank you. You as head of the Communications Advisory  20 Group of ACPO, what is the role of that entity, please?  21 MR TROTTER: That is to bring together the heads of  22 communications for the various police forces, England,  23 Wales and Northern Ireland, plus others who come along  24 as observers from time to time, to discuss recent best  25 practice, discuss recent incidents, debrief matters,  Page 38</p>	<p>1 reason by various forces, but the guidance is there to  2 bring some consistency to our practice. In particular,  3 newspapers will complain about, for example, the release  4 of images to the media and having a different policy in  5 each force, so the policy put together in conjunction  6 with all the forces just brings some commonality of  7 approach to the way that each force will deal with that  8 particular issue.  9 Q. Might it be said that each -- rather than have  10 a separate media policy for each force with minor  11 variations, and we've seen those and some the policies  12 are expressed in slightly different ways, why not have  13 an over-arching policy which covers all the forces?  14 MR TROTTER: The policy that we have is signed up to by all  15 forces. There will be some local variation, and perhaps  16 for a particular reason. An example might be the  17 Metropolitan Police will allow inspectors and above to  18 talk to the media without reference to the press office.  19 In my force, the British Transport Police will allow any  20 member of staff who has legitimate reason to talk to the  21 press to do so. Much of that is to do with our  22 geography and the fact that we won't have an inspector  23 on every location from Inverness to Truro perhaps in the  24 middle of the night, so a lot will depend on local  25 circumstance.  Page 40</p>

<p>1 LORD JUSTICE LEVESON: But is it a good idea that different 2 forces -- it's not just in relation to communications, 3 it might be on gifts and hospitality or anything -- 4 actually generate and to some extent, perhaps using the 5 blueprint of what a wheel looks like that ACPO provides, 6 then chisel out their own wheel?</p> <p>7 MR TROTTER: I think that's a very good point, sir. As 8 a result of HMI's report, ACPO is now bringing together 9 a national policy on things such as hospitality in our 10 response to HMI's report. There are some things where 11 there must be commonality: firearms policy, public 12 order, where interoperability between forces is 13 paramount and there's public safety at risk if we don't. 14 There are other matters perhaps less so. We can give 15 guidance to chief officers. Chief officers are still in 16 command of their forces, and there may be some 17 legitimate reason for variation.</p> <p>18 We try and deal with those unnecessary variations, 19 usually by discussion and negotiation, but from time to 20 time there may be some reason why a force wants to do 21 something different.</p> <p>22 MR JAY: Some of the guidance we'll look at now. It's under 23 paragraph 4.1 of your statement, our page 02708. Some 24 quite succinct guidance went out as a result of the 25 events of last summer. It's in your bundle there at</p> <p style="text-align: center;">Page 41</p>	<p>1 page the hospitality register should fully record any 2 hospitality received. There may have been a perception 3 then that it wasn't always faithfully filled in; is that 4 correct?</p> <p>5 MR TROTTER: The hospitality register should include all 6 hospitality they received depending upon the policy that 7 applies to each force and, as I said, that will be now 8 a national policy following the HMI report, and it's to 9 ensure that there is a match between the diaries and the 10 hospitality register to ensure there is a coherence 11 between the two and that there is a transparent 12 on-record record of what's happened.</p> <p>13 Q. You obviously wrote this, it says that you did. Do you 14 consult with ACPO generally before this is promulgated 15 or was this your fairly swift response to the fairly 16 dramatic events of July of last year?</p> <p>17 MR TROTTER: I will have discussed with colleagues around 18 the country, discussed with the ACPO office itself, and 19 got a very quick consensus on that something needed to 20 be put out fairly swiftly at that time and, having done 21 so, put that out as guidance from myself.</p> <p>22 LORD JUSTICE LEVESON: Is this just a page and a half, 23 Mr Trotter?</p> <p>24 MR TROTTER: That's correct.</p> <p>25 LORD JUSTICE LEVESON: So it doesn't deal with junior staff</p> <p style="text-align: center;">Page 43</p>
<p>1 tab 14. Our page 02132. Can you give us the background 2 to it? We can see the date is 2 August 2011, 3 Mr Trotter.</p> <p>4 The message went out at 1.1, the importance of 5 a healthy relationship. 1.2, we must be careful not to 6 let recent events impact on proper professional 7 relationships with media. In one sense, though, they 8 have in the sense that some police forces have closed 9 down a bit. Is that your experience or your perception?</p> <p>10 MR TROTTER: Certainly the journalists that I speak to have 11 said that is the case.</p> <p>12 Q. And then the advice, the various bullet points under 13 2.1:</p> <p>14 "Ensure that a record is made of any interviews with 15 the media. A brief note should be taken of what was 16 discussed and the outcome. All meetings with 17 journalists should be a matter of record of taking 18 place."</p> <p>19 So that means, does it, that if the meeting with 20 a journalist or the discussion is off the record, 21 nonetheless the fact that it's taken place should be 22 recorded; have I correctly understood it?</p> <p>23 MR TROTTER: All meetings with journalists should be 24 recorded.</p> <p>25 Q. We can then see the other points, including on the next</p> <p style="text-align: center;">Page 42</p>	<p>1 at all?</p> <p>2 MR TROTTER: This was -- no, this is aimed at everyone, sir.</p> <p>3 LORD JUSTICE LEVESON: Well, the advice is to ACPO officers 4 and senior staff.</p> <p>5 MR TROTTER: Yes, that's true. It was really in relation to 6 the incident -- the events of last summer.</p> <p>7 LORD JUSTICE LEVESON: I see.</p> <p>8 MR TROTTER: The advice that we are putting together now, 9 the draft guidance which builds upon this, will apply 10 and does apply to everyone in the Police Service.</p> <p>11 LORD JUSTICE LEVESON: Because your 1.1 is clearly general.</p> <p>12 MR TROTTER: Yes, that's true.</p> <p>13 LORD JUSTICE LEVESON: That's making it clear, senior 14 officers on the strategic stuff, but operationally, 15 local police to solve crime or perhaps provide details 16 about community incidents or the most basic borough 17 issues or issues perhaps at individual train stations 18 for you, but it doesn't go on to deal with anybody other 19 than the most senior.</p> <p>20 MR TROTTER: That's correct. Because of the problems of 21 last summer, and the issues have been dealt with by the 22 Filkin report, I felt it was necessary that to put 23 something out to ACPO colleagues to ensure that we have 24 at least a holding position prior to putting out some 25 further rather more in-depth guidance.</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 LORD JUSTICE LEVESON: How far advanced is that in 2 preparation? 3 MR TROTTER: We have circulated the guidance to colleagues 4 around the country for their observations and back to 5 HMI as well and we'll be presenting that to ACPO council 6 in April for adoption swiftly after that. 7 LORD JUSTICE LEVESON: It's not impossible that I'll have 8 something to say about the subject, but I won't be 9 saying it in time for that. 10 MR TROTTER: Again, sir, the guidance is part of our 11 response to Filkin and HMI. HMI requires a response by 12 late April. 13 LORD JUSTICE LEVESON: Yes. 14 MR TROTTER: I'm very conscious that there may well be 15 observations from yourself, which will require me to 16 flesh out much more guidance in due course. 17 LORD JUSTICE LEVESON: All right. I'm not trying to make 18 work for you, Mr Trotter. Right. 19 MR JAY: That was a swift response, as you've said, to the 20 events of July of last year. The current guidance, is 21 this right, is the October 2010 CAG guidance, which is 22 under tab 10? 23 MR TROTTER: Yes, that's correct. 24 Q. Which covers the sort of general topics which we see 25 manifested in individual policies; is that correct?</p> <p style="text-align: center;">Page 45</p>	<p>1 There is no law on this matter, but my personal view 2 is that we shouldn't be naming people who have been 3 arrested and perhaps nor should the media. 4 Q. You say no law. There's certainly no criminal law on 5 the matter. The relevant law will be in Article 8 of 6 the Convention. Or might be. 7 MR TROTTER: It may well be. As I said, sir, others have 8 a different view and tend to challenge that position, 9 but I think that if we have a clear position that people 10 are not to be named, unless there are some other 11 pressing reasons, perhaps to clarify some confusion over 12 what has happened, but I think the general position 13 should be that we should not name people who have been 14 arrested. 15 Q. Or delineate a category in a manner which would enable 16 the press to start playing the guessing game, is that 17 your evidence? So giving the gender, giving the age, 18 for example, and giving the town? 19 MR TROTTER: The point that you made so far with 20 Mr Jefferies already points out the frailties of that 21 particular position, and we do have a lot of problems in 22 various forces around the country where people have been 23 identified, there may well be campaigns against them, 24 both physical campaigns in the street or on Facebook and 25 things such as that. I think the least information</p> <p style="text-align: center;">Page 47</p>
<p>1 MR TROTTER: Yes, that's correct. 2 Q. I've been asked to raise with you some points by another 3 core participant. First of all on section 4, 4 page 02026. This deals with the issue of identifying 5 suspects. If I can put it in quite general terms. 6 I can give you time to find the text. Sorry, it's under 7 tab 10. 8 Two points, really. The practice of putting out the 9 details of the suspect in quite general terms but in 10 a manner which in certain circumstances might enable the 11 suspect to be identified. You give the case, the 12 example in 4.3 of a 27-year-old Brighton man. That may 13 be sufficiently wide not to identify an individual, but 14 we've had the case of the 65-year-old man in Bristol, 15 Mr Jefferies, who one could identify from that 16 description. Do you have a view about the desirability 17 of that state of affairs? 18 MR TROTTER: I think we shouldn't be identifying people who 19 have been arrested. There are others who have different 20 views. Things have evolved from that expression of 21 a person helping us with our inquiries, which had no 22 legal basis, and that has evolved into this practice of 23 identifying someone by gender and by age. It does lead 24 media to often play a guessing game with us to try and 25 work out who's been arrested.</p> <p style="text-align: center;">Page 46</p>	<p>1 that's released in the first instance would ensure that 2 those things didn't happen. 3 LORD JUSTICE LEVESON: So that certainly extends to the 4 leakage of information where celebrity or publicly known 5 figures have either been arrested or otherwise helping 6 the police with their inquiries, then get mobbed as they 7 emerge from the police station by a whole gang of 8 reporters and photographers. 9 MR TROTTER: Yes, sir. We should not be, nor should anyone 10 else, in my opinion, be releasing those details. 11 MR JAY: There's a second point on clause 4.8, Mr Trotter. 12 This is the case of dropping charges. You say: 13 "The responsibility for accurate reporting lies 14 ultimately with the media." 15 What is that getting at? 16 MR TROTTER: Whilst it's the responsibility of the police to 17 ensure that factual information is released, getting 18 things right and redressing perhaps something that's 19 been put out before lays with the media to ensure that 20 they do redress something they may have said about 21 someone's previous arrest or something such as that. In 22 the public mind, someone being arrested could well be 23 tantamount to the fact that there is some guilt, and if 24 that's not to be the case, there must be some obligation 25 on the media to redress that position.</p> <p style="text-align: center;">Page 48</p>

12 (Pages 45 to 48)

<p>1 Q. I think the point which I've been asked to put to you 2 has this sting in it: why isn't there a correlative 3 obligation in the police as well? You've arrested 4 someone, that carries with it a stigma at the very 5 lowest. If you decide not to bring charges, shouldn't 6 you be saying more, that you're not bringing charges? 7 MR TROTTER: If we're asked that question, then we'll answer 8 that as appropriate, but if we haven't announced the 9 arrest of someone, it would be rather odd for us to 10 announce the fact that we're not charging that person. 11 I don't think that's an obligation for the police so to 12 do. In cases where it is in the public domain, we may 13 well say, "Someone has been released without charge", 14 but we could also be drawing attention to something that 15 isn't yet in the public domain, which could cause 16 further problems for the people concerned. 17 LORD JUSTICE LEVESON: It's rather more complex than that, 18 isn't it, because if you've decided not to charge 19 somebody and are required to say something, if you don't 20 say it, because you're not deciding not to charge them, 21 you're still inquiring, you're creating a suspicion that 22 there's still something going on. So if you're going to 23 say, "He has been eliminated from our inquiries", that's 24 one thing, but then if you don't say it, people think 25 "Ah, well, he's not been eliminated from your Page 49</p>	<p>1 the media to make sure that if they have publicised the 2 arrest of someone, then they should publicise the fact 3 that, you know, if it's the case, that we're not 4 pursuing any further charges. 5 MR JAY: The other general point, if I can address this with 6 you, 4.27, page 02028, the issue of taking the media on 7 police operations. The policy set out here does find 8 its way into local policies. We've seen that, 9 Mr Trotter. The general point is the whole concept of 10 taking the media on police operations may be an 11 inappropriate way to showcase the achievements of the 12 police, because it will inevitably lead to insufficient 13 regard being paid to the private rights of individuals. 14 Do you accept that or not? 15 MR TROTTER: I think there's a balance to be struck between 16 the rights of individuals and the genuine public 17 interest in showing that we are dealing rigorously with 18 certain crime types to reassure the public and also to 19 encourage the public to come forward if they have 20 further information and to discourage people who may be 21 involved in crime. 22 As long as there is a proper examination of each 23 case on its merits and due regard is taken for the 24 privacy of the individuals concerned, and for the case 25 making sure that there's no impact upon any subsequent Page 51</p>
<p>1 inquiries." 2 MR TROTTER: Also that we are continuing to examine all 3 possibilities and someone for the moment we may not be 4 charging of course we may come to rearrest or deal with 5 them again at some later stage. On some of these 6 matters the least said I think at the first instance the 7 better, but when these matters are in the public domain, 8 there may be an argument as to us to clarify the 9 situation when we are dropping charges in order that 10 continuing suspicion doesn't -- isn't associated with 11 somebody, but these are complex matters, as you rightly 12 say. 13 LORD JUSTICE LEVESON: I'm sure that's right. If you've 14 kept the name out, then it would be self-defeating to 15 name him and say, "We're not pursuing, we're not looking 16 at this person any longer". The problem is if it's got 17 out because of the nature of the crime and the intense 18 public attention or for any other reason, then the 19 police have to do their very best to minimise the harm 20 consequent upon the reputational damage done to the 21 person who has swept in and then been pushed out of an 22 inquiry. 23 MR TROTTER: That's correct, sir, and then of course getting 24 the media to report upon that release, of course, is 25 a matter that then I do think there's an obligation on Page 50</p>	<p>1 trial, particularly in relation to identification 2 issues, and I think if it's in the public interest and 3 if there are those other criteria satisfied, then 4 I think it's quite reasonable on certain occasions to 5 have the media come along on police activity, subject to 6 the restrictions that we place upon them. 7 Q. Okay. I have been asked to raise points on some of the 8 other policies, but there simply isn't going to be time 9 to address those. You may be asked questions in writing 10 upon them, if you don't mind. 11 The policy which is currently in draft and which is 12 going to be published I think next month and which you 13 mentioned to Lord Justice Leveson already, that is going 14 to cover issues such as leaks, abuse of hospitality with 15 the media, some of the wider questions with which this 16 Inquiry is interested and which were generated or which 17 entered the public mind starkly by the events of July of 18 last year. Is that broadly speaking right? 19 MR TROTTER: Yes. 20 Q. And you touch on that at section 4A(ii) at 02709. The 21 ACPO press office now, that's section 5, it's there to 22 provide assistance to individual forces. How does it 23 work in relation to the press offices of individual 24 forces, Mr Trotter? 25 MR TROTTER: The ACPO press office is a very small office Page 52</p>

<p>1 but it will provide coordination for matters that go 2 beyond the boundaries of a particular force, whether 3 that be a cross-force activity or some particular issue 4 that has impact upon the wider police community. So the 5 ACPO press office will assist with the particular ACPO 6 leads for the various portfolios, will deal with 7 national requests for interviews on various things and 8 will help to co-ordinate things which go beyond the 9 responsibilities or capabilities of our local police 10 press office.</p> <p>11 Q. You make the point at the bottom of page 02710, you say 12 you: 13 "... occasionally receive complaints from forces 14 about the conduct of the media at major incidents or 15 about particular stories and we will discuss possible 16 steps to take."</p> <p>17 And then you give certain examples there which we've 18 heard direct evidence about. Have you ever advised or 19 does the ACPO press office ever advise that complaints 20 be made to the PCC?</p> <p>21 MR TROTTER: Yes. I have made contact with the PCC to 22 discuss some recent concerns about the behaviour of the 23 media. I think it would be fair to say we haven't 24 perhaps made sufficient use of them in the past, but 25 both PCC and Ofcom have wanted us to engage with them</p> <p style="text-align: center;">Page 53</p>	<p>1 national press as it were descends on that community 2 these concerns arise, or is it your evidence these 3 concerns arise only occasionally?</p> <p>4 MR TROTTER: They only arise occasionally. I get feedback 5 both from journalists and police officers about 6 particular events, and sometimes I get very positive 7 comments from both journalists and police about the way 8 some matter was handled. Others I get considerable 9 concerns about the conduct of the media. To be fair, 10 I get complaints from journalists sometimes about the 11 way the local force may have dealt with a particular 12 issue.</p> <p>13 LORD JUSTICE LEVESON: Does this tend to involve the highest 14 profile cases, so the ones where the national media get 15 involved, or does it also extend to less high-profile 16 cases?</p> <p>17 MR TROTTER: It's primarily the high-profile cases. Forces 18 that have regular -- all forces have regular contact 19 with their regional and local media and I have very, 20 very few complaints about that relationship. They have 21 an enduring relationship and generally speaking the 22 regionals and the locals have a real connection with 23 their community and want to get things right. One can't 24 always say that about the national media when they 25 descend upon a community.</p> <p style="text-align: center;">Page 55</p>
<p>1 when we have concerns, and the PCC have some good 2 examples where they've contacted the media as a result 3 of concerns from police forces, for example to stop the 4 press besieging someone's house or something of that 5 nature.</p> <p>6 I think it would be fair to say I don't think we've 7 made sufficient use of them in the past.</p> <p>8 Q. You mention the concerns: intrusive behaviour, besieging 9 someone's house. Speaking generally now, what other 10 sorts of concern come to your attention?</p> <p>11 MR TROTTER: The sheer volume of the national media 12 descending upon a small community can have quite an 13 impact in all sorts of ways. The pursuing of witnesses, 14 the pursuing of suspects, casting doubt on the ability 15 of the local force to cope with this particular 16 challenge. Casting doubt on the ability of the senior 17 investigating officer. Putting up the long-retired 18 police officers and other experts to comment upon 19 a police investigation. There are a range of concerns 20 raised by colleagues around the country about the 21 conduct of the press in various major investigations and 22 operations over the last couple of years.</p> <p>23 Q. I will just explore that a little bit more you 24 Mr Trotter. Is it your view that each time a major 25 event occurs particularly in a local community and the</p> <p style="text-align: center;">Page 54</p>	<p>1 LORD JUSTICE LEVESON: That's a very polite way of putting 2 it.</p> <p>3 MR JAY: You mentioned as well the pursuing of witnesses and 4 suspects. How often does that happen, speaking 5 generally?</p> <p>6 MR TROTTER: Infrequently, but it will happen in some of 7 these significant cases, and my personal knowledge of 8 a high profile murder case some years ago that I was in 9 overall command of, finding journalists trying to track 10 down suspects before we'd got to them. We knew where 11 these people were, they were just a list of suspects, we 12 were working our way through. It's deeply unhelpful for 13 journalist to think that part of their job or in some 14 way this was in the public interest for them to speak to 15 them before we did.</p> <p>16 Q. It may be a manifestation of one of the bullet points 17 you've set out in paragraph 6.3 of your statement at the 18 top of page 02712 when you refer to the media biased 19 perception of the public interest. Is that the sort of 20 case you're intending to be brought within that 21 category?</p> <p>22 <b>A. Very, very much so. Many journalists are under intense 23 pressure, and now with websites for all newspapers, this 24 desire to get some news and get it now is probably more 25 intense than ever, and as a result this sort of pursuit</b></p> <p style="text-align: center;">Page 56</p>

<p>1 <b>of "one must have the story" I don't believe is in the</b>  2 <b>public interest and it's not in the public interest for</b>  3 <b>them to attempt to investigate the case on our behalf.</b>  4 Q. Moving on through your statement, paragraph 7.2,  5 page 02713, you're providing there a preview really of  6 the sort of matters, of issues which are going to be  7 covered in your revised guidance. Is that correct?  8 MR TROTTER: Yes, sir.  9 Q. I've been asked by one core participant to ask you this,  10 but is the revised guidance going to include further or  11 revised guidance on the issues we looked at in the CAG  12 October 2010 guidance, namely identification of suspects  13 and taking media on operations?  14 MR TROTTER: The guidance that will be coming out in April  15 won't be addressing those matters. But the complete  16 guidance in its broader sense will be rewritten as  17 a result of the matters coming from this Inquiry.  18 Q. So that may be an issue which is taken up at a later  19 point, may it?  20 MR TROTTER: Yes.  21 Q. Thank you.  22 Section 8, the culture within the Police Service as  23 a whole in relation to its dealings with the media, and  24 you make the point that it's generally positive and  25 open, although you do point to -- apart from the</p> <p style="text-align: center;">Page 57</p>	<p>1 occurrences occur from time to time. Have I broadly got  2 it right at least in terms of your evidence?  3 MR TROTTER: Yes, sir.  4 Q. You say in 10.2:  5 "It is easy to attribute a leak to the police and it  6 is a very difficult allegation to disprove."  7 There are a couple of points there. I suppose one  8 of the points is that if it is a leak, it's difficult to  9 prove who did it, and the second point is it's -- or  10 maybe it's the anterior point, that the allegation that  11 it's a leak may be in fact correct but difficult to  12 disprove in the sense that the information has come from  13 elsewhere rather than from within the Police Service.  14 Are those two points broadly speaking right?  15 MR TROTTER: Yes.  16 Q. Can I ask you, please, to develop one point you make  17 under 11.1 at the top of page 02716, a variety of  18 reasons why people might leak, and one of them is "too  19 close a relationship with a journalist". What  20 recommendations if any are you going to make regarding  21 that issue?  22 MR TROTTER: That people should not have a close  23 relationship with journalists. And if they do, then  24 they should declare it.  25 Q. So in terms of the manifestations of too close</p> <p style="text-align: center;">Page 59</p>
<p>1 difficulties you've referred to earlier, at the top of  2 page 02714, you say:  3 "Front line officers can find journalists and  4 photographers a nuisance when dealing with incidents.  5 These problems will be avoided by having a dedicated  6 media spokesperson and by having a clear understanding  7 [of what can be done]."  8 How often does that sort of problem occur?  9 MR TROTTER: Quite frequently when we have a major incident,  10 the journalists, the photographers will appear quite  11 rapidly, but I think it's a duty of the force dealing to  12 ensure they have a media strategy in place, that they  13 understand the legitimate requirements of the media and  14 put in place facilities for them to discharge their  15 functions as well. Front line officers aren't  16 necessarily the best people to be dealing, when they're  17 dealing with an incident, to be coping with the media so  18 therefore providing proper access and also having  19 someone speak to them on -- particularly at  20 a significantly senior level, depending on the incident,  21 I think is the best way of dealing with those particular  22 problems.  23 Q. Thank you. Questions 10 and 11 deal with the issue of  24 leaks, 02715. Your assessment is, to paraphrase, that  25 this isn't an endemic problem within police forces but</p> <p style="text-align: center;">Page 58</p>	<p>1 a relationship and how you would therefore prevent it  2 occurring, what ideas are the draft guidance or this new  3 guidance going to include, if any, Mr Trotter?  4 MR TROTTER: By keeping a record of all meetings with  5 journalists and particularly for senior officers, one of  6 my considerations is that these meetings perhaps should  7 be on the Internet so that people can have a public view  8 of who's meeting. That hasn't yet been approved by my  9 colleagues, but it's one of the suggestions we're  10 considering. That there is regular oversight of  11 meetings with journalists by other people, by other  12 senior people or by review by the appropriate Police  13 Authority, to ensure that any pattern of regular  14 meetings with journalists is clear for everyone to see.  15 Q. Have you heard it put to you by journalists that the  16 recording of these contacts would or does have  17 a chilling effect?  18 MR TROTTER: I have had journalists raise that with me.  19 I don't see why that should. We are -- we encourage our  20 officers and our staff to be open with the media. And  21 as Filkin said, we should be doing more -- for the  22 Metropolitan Police -- we should be doing more rather  23 than less contact with the media, but primarily those  24 contacts should be on the record from a named source.  25 I see no contradiction between being open and having</p> <p style="text-align: center;">Page 60</p>

15 (Pages 57 to 60)

<p>1 regular contact with the media and not -- and having 2 these matters on record.</p> <p>3 Q. Yes. It's the issue of the off the record unauthorised 4 contact where the point has greater force, but then it's 5 said, well, in relation to those contacts, if they're 6 unauthorised, you wouldn't expect them to be recorded in 7 any event because the police officer would be more 8 careful, so that point goes round in a circle.</p> <p>9 LORD JUSTICE LEVESON: Not quite, because if he hasn't 10 recorded it, then an inference might be drawn if it then 11 comes out.</p> <p>12 MR TROTTER: That's correct, sir. We can't of course know 13 the detail of what was discussed, but at least we'll 14 have a record which will identify the frequency of those 15 meetings and any apparent disproportionate number of 16 meetings should become obvious.</p> <p>17 MR JAY: Thank you. Your observations on the HMIC report, 18 section 14 of your evidence, page 02717, you feel that 19 the central point is integrity and everything flows from 20 that, or its opposite, the lack of integrity, that 21 contact with the media, excessive hospitality, are just 22 manifestations of the same central issue. Is that 23 correct?</p> <p>24 MR TROTTER: That's correct.</p> <p>25 Q. Can I ask you -- I'm not going to cover all the points</p> <p style="text-align: center;">Page 61</p>	<p>1 MR TROTTER: As I said, primarily matters should be on the 2 record from a named source, but I think there are 3 circumstances where background briefings can be given to 4 give a context of a crime type or a particular issue. 5 Still a matter of record, of course, and records should 6 be kept of those briefings, but to inform a journalist 7 about a particular challenge and to give them a greater 8 understanding of what the issues may be. Many 9 journalists are not specialists in crime matters any 10 more and it can be quite helpful to give them a broader 11 understanding of the issues to hopefully bring them to 12 a more balanced article.</p> <p>13 Q. Is it your personal experience that crime reporters, 14 whether or not they're members of the Crime Reporters 15 Association, tend to get things right more frequently 16 than the generalists or is that a bad point?</p> <p>17 MR TROTTER: Generally speaking in my experience I've found 18 them to be accurate in what they report. They will 19 nevertheless reflect the particular standpoint of the 20 organisations that they work for, but I've found the 21 more experienced crime reporters generally speaking to 22 be quite responsible.</p> <p>23 Q. The final question in your capacity of wearing your ACPO 24 hat before we look at the British Transport Police, and 25 I'm going to be bringing in your colleague as well, you</p> <p style="text-align: center;">Page 63</p>
<p>1 you make in your statement, we're going to take some of 2 them as read -- any particular challenges which are 3 created by an increased use of social media and 4 occasional poor judgments which are made by police 5 officers in that domain? Could you help us with that, 6 please?</p> <p>7 MR TROTTER: HMI has identified some of those, but my view 8 is we have an opportunity here to use social media 9 responsibly and properly to communicate with the public, 10 to put out messages from the police, but also to receive 11 information from the public. And we have a generation 12 of police officers and police staff who will be very 13 used to using this and with appropriate guidance this is 14 an excellent opportunity for us to communicate more 15 directly with the public rather than going through the 16 filtering process of the more traditional media.</p> <p>17 Q. There's one further point in relation to on the record 18 and off the record and indeed you pick this up at 17.3 19 of your statement at page 02721. We've heard it's your 20 preference that all interactions with the media are on 21 the record and attributable, but there's still the issue 22 of background briefings which can be useful to provide 23 context, textual colour, those journalistic terms. Do 24 you have a view about that and whether that is 25 inappropriate?</p> <p style="text-align: center;">Page 62</p>	<p>1 mentioned we've covered the August 2011 policy, which 2 was the fairly rapid response to the events of last 3 summer. Was there an ACPO consensus expressed to you 4 about, putting it in general terms, the events of last 5 summer and some of the matters which came out then and 6 which were reinforced by evidence this Inquiry heard 7 particularly in the first week about allegedly excessive 8 hospitality and over-close relationships with some 9 journalists?</p> <p>10 MR TROTTER: Primarily these matters have been associated 11 with the Metropolitan Police. There are some concerns 12 from my colleagues that we might overreact to some of 13 those concerns, but nevertheless I think we should have 14 universal policies that apply throughout ACPO and as 15 long as they're not excessively restrictive, then 16 I think it's quite appropriate that we have one way of 17 dealing with these matters.</p> <p>18 LORD JUSTICE LEVESON: I entirely agree that one doesn't 19 want to overreact, but maybe this isn't your ACPO brief. 20 If it is, then all the better. But in any event do you 21 believe that I should be concerned about that which 22 I learnt in the first two weeks of this part of the 23 Inquiry?</p> <p>24 MR TROTTER: Yes.</p> <p>25 MR JAY: Thank you. May we move on now to the British</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



1 Transport Police, Mr Trotter, and Ms Bird as well. Your  
 2 statement makes it clear that there was a bit of  
 3 a culture shift between the Metropolitan Police Service  
 4 and British Transport Police. Reasons for that are  
 5 probably obvious but in your own words the nature of the  
 6 culture shift, please.

7 MR TROTTER: In the Metropolitan Police there is intense  
 8 media scrutiny. The national newspapers have a constant  
 9 interest in the Met and, as I said in my statement,  
 10 almost daily there would be a senior police officer  
 11 outside New Scotland Yard dealing with one of the major  
 12 issues of the day, be they riots or demonstrations or  
 13 royal or state defence. It is our capital and there's  
 14 an intense media scrutiny of the Met, which I think the  
 15 Met generally speaking handles supremely well.  
 16 I undertook some of those roles for the Met when I was  
 17 there.

18 Going to British Transport Police, at the time we  
 19 only had one press officer and there was some interest  
 20 from the rail trade press, little else, on my arrival in  
 21 that position.

22 Q. The press office has expanded and if I can ask Ms Bird  
 23 about that, you're the head of it. It's called the head  
 24 of media and marketing, not press office, I think, but  
 25 how large is the office now?

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1 MS BIRD: The team is approximately 16 people. Within that  
 2 we have, based in London, a press desk which deals with  
 3 the bulk of the calls. Out of London we have a single  
 4 media marketing manager base to deal with areas, so we  
 5 have one person for the whole of Scotland, two for  
 6 Wales, the West Midlands and the whole of the West  
 7 Country, one in the North East and one in the North  
 8 West.

9 Q. You explain in paragraph 3.1 of your statement, Ms Bird,  
 10 page 10587, you take direction from the strategic  
 11 command team and you develop communication strategies to  
 12 support the operational priorities of the force. Could  
 13 you develop that somewhat for us? The strategic command  
 14 team, first of all, and secondly how do these  
 15 communication strategies work in terms of the  
 16 operational priorities of the force?

17 MS BIRD: The strategic crime team is the chief constable,  
 18 the deputy chief constable, our assistant  
 19 chief constables and the director of corporate  
 20 resources. They will set the overall priorities for the  
 21 force in terms of the policing priorities as well as the  
 22 budgetary priorities and everything else.

23 From an operational point of view, something that is  
 24 a priority for us as a police force may be something  
 25 like metal theft. That has a huge impact on the running

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1 of the rail network, and in an attempt to assist with  
 2 the operational tackling of that issue, there will be  
 3 a communications plan that sits alongside that to assist  
 4 the policing priority.

5 Q. Because this is an area which is extremely important to  
 6 the British Transport Police but it's also an area where  
 7 the public can be of assistance in bringing offenders to  
 8 justice, whether it's people being recognised on CCTV  
 9 presumably or if the copper, the metal ends up in  
 10 a scrapyard where, as it were, dodgy transactions are  
 11 occurring, it may be the public can assist at that point  
 12 as well. Is that the philosophy, if I can ask both of  
 13 you that?

14 MS BIRD: It is very much the philosophy and the rail  
 15 network we're very fortunate is very CCTV rich which  
 16 means that when we do have an incident, very often we  
 17 have images that we can put out via the media and  
 18 Twitter to say do you recognise this person, can you be  
 19 of assistance in helping us to solve this particular  
 20 incident, and we get a very high level of feedback from  
 21 that to enable us to resolve crime.

22 MR TROTTER: One of the reasons we have such a high  
 23 detection rate is because of the use of the media in  
 24 putting those images out swiftly and getting those  
 25 responses. So it's a vital part of what we do.

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1 Q. Yes. And so much of the network, whether it be station  
 2 platforms or the trains themselves, are covered by CCTV  
 3 now, which presumably makes your task just a little bit  
 4 easier, is that right?

5 MR TROTTER: Yes, that's correct.

6 Q. Can I look more broadly now at your level of contact  
 7 with journalists, Mr Trotter, and the purpose behind  
 8 them. You make it clear in your statement,  
 9 paragraph 22.3, that you do have contact with  
 10 journalists but it's fairly sporadic, it will rarely  
 11 encompass a lunch or dinner; is that correct?

12 MR TROTTER: Very infrequently.

13 Q. Yes. Can I ask you this: why have contact over lunch or  
 14 dinner at all?

15 MR TROTTER: I think if there's a legitimate policing  
 16 purpose to meet a journalist and discuss matters,  
 17 I think it's perfectly reasonable to have that  
 18 discussion with them in order to discuss current issues.  
 19 Many journalists are not particularly knowledgeable  
 20 about some police matters. I think the chance to expand  
 21 upon those and develop their understanding is often  
 22 quite useful, but I think they should be rare occasions  
 23 rather than too frequent.

24 Q. You also make the point, 23.3, page 02725, that there's  
 25 in your estimation too great an emphasis on bad news

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<p>1 stories particularly generated in or by the national 2 press rather than aspects of good policing which you see 3 more in the local and regional press. Is that a general 4 theme you wish the Inquiry to hear, as it were? 5 MR TROTTER: Yes, I do. I think whilst good news stories 6 are rarely popular in the media, I think that the 7 persistent imbalance of stories has a corrosive effect 8 upon the public's view of crime and upon police officers 9 as well. And I think that persistent highlighting of 10 particular problems while not balancing those with 11 successful prosecutions, with the fact that crime is at 12 one of its lowest levels now for many years, with high 13 detection rates and full prisons, it's quite clear the 14 Police Service is, I think, doing a lot better than one 15 would understand from some of the popular press. 16 Q. Ms Bird, you have some experience of discussing more 17 complex cases with journalists and you give rather 18 a good example in your statement at paragraph 10.2, our 19 page 10591, where you say you do occasionally meet 20 journalists to discuss more complex cases, generally in 21 your office, occasionally in a cafe over a coffee. And 22 then you deal with one example where a senior police 23 officer met the crime correspondent of the Daily Mail. 24 Could you tell us some more about that case please? 25 MS BIRD: This was a gang of Romanian pickpockets who had</p> <p style="text-align: center;">Page 69</p>	<p>1 check that it's okay that they speak to them, or that 2 they will tell us that they have referred them to us and 3 could we please deal with it when it comes through, or 4 that they've had a brief conversation and tell us what 5 that was. 6 Q. Do you find there's any difficulty or issues in relation 7 to the operation of that, that it's as it were an 8 unnecessary burden, further bureaucratic burden on 9 police officers who are already extremely busy? 10 MS BIRD: No, I think generally our officers are very 11 pleased to have the assistance of the press office and 12 most of the time they'll refer journalists to the press 13 office. 14 Q. Do you have a view on that, Mr Trotter? 15 MR TROTTER: I think the value of the press office is very 16 clear to me, the coordination of activity, ensuring that 17 there's a record of what has been said so that if there 18 are further inquiries from other media sources we can 19 pass those stories on as well, and whilst we encourage 20 the front line officers to speak to the media they will, 21 if in doubt, refer back to the press office for 22 guidance. 23 Q. Ms Bird, your evidence deals with one issue which is 24 that of ensuring that information is disseminated widely 25 and fairly by you to journalists and you cover this in</p> <p style="text-align: center;">Page 71</p>
<p>1 operated on the rail network. Following their 2 conviction but before their sentencing we met with the 3 Daily Mail at their request. They were intent on going 4 out to Romania to find where the money that they had 5 gained from these crimes was spent, and in fact the 6 journalist went out to Romania, found some very large 7 houses which they themselves described as palaces, built 8 or half built in Romania, and created a page spread on 9 that, including as part of that the investigation that 10 had taken place that led to their conviction. 11 Q. So this was an example of reporting which was in the 12 public interest? 13 MS BIRD: Yes. 14 Q. And which you assisted? 15 MS BIRD: Yes. 16 Q. Was it Mr Wright who was involved in that? 17 MS BIRD: No, Ms Camber. 18 Q. Your office, in common with virtually everybody else 19 now, has this software system which we've heard about 20 and it amounts to this: that all contact is recorded and 21 that if police officers have direct contact with 22 journalists, then they're expected to revert to you so 23 that the record can be made. Is that right? 24 MS BIRD: Generally we find that if an officer has been 25 approached directly, either they will contact us to</p> <p style="text-align: center;">Page 70</p>	<p>1 questions 12 and 13. To summarise it, you're sensitive 2 to journalistic deadlines. It's not your intention or 3 policy to favour people in particular. Indeed, you have 4 distribution lists for different areas of media 5 interests. So does that mean that information which is 6 disseminated electronically can go out to the people, 7 those sections of the media who would be most interested 8 in it, because you know from past experience that that's 9 the sort of material they would be wishing to receive; 10 is that right? 11 MS BIRD: That's exactly what happens. Generally they're 12 geographically bound rather than anything else, but that 13 is how it happens. 14 Q. One point of friction, though, and this is something 15 we've heard from many others, complaints occasionally 16 made that information is not being disseminated speedily 17 enough. This is 17.1 of your statement, 10595, but it's 18 the balance there of ensuring that the information is 19 accurate, is probably known to you before it can 20 properly be disseminated, but understanding that the 21 press would like that information as fast as possible. 22 Is that the position? 23 MS BIRD: That is the position, yes, and what we often find 24 sometimes with fatalities, which are a fairly common 25 occurrence on the rail network, is that an individual</p> <p style="text-align: center;">Page 72</p>

<p>1 may have been named by witnesses or by friends, 2 particularly younger people on social networking sites, 3 which journalists can get hold of before we've had an 4 opportunity to perhaps notify the family, or the coroner 5 is in fact formally opening the inquest where we would 6 name the individual concerned.</p> <p>7 Q. Thank you. May I move on to the question of 8 hospitality. Mr Trotter, this is section 46 of your 9 statement page 02730. You feel that your standard 10 operating procedure is capable of being improved. And 11 presumably therefore it's under review, is it?</p> <p>12 MR TROTTER: Yes. It will be reviewed in the light of the 13 HMI report as well and we await the national guidance 14 which will be submitted to HMI at the same time as my 15 media response, so we'll be complying with the national 16 requirements for that to make sure there is a national 17 way of dealing with these matters and that there is 18 proper oversight at all levels.</p> <p>19 LORD JUSTICE LEVESON: That's not your brief?</p> <p>20 MR TROTTER: No, sir.</p> <p>21 LORD JUSTICE LEVESON: Whose brief is it?</p> <p>22 MR TROTTER: That's Mike Cunningham, Chief Constable of 23 Derbyshire.</p> <p>24 MR JAY: He's coming tomorrow.</p> <p>25 MR TROTTER: We're working together ensuring the coherence</p> <p style="text-align: center;">Page 73</p>	<p>1 operational airport and therefore there was an 2 operational requirement for you to be not having lunches 3 over alcohol and it would not be appropriate in case you 4 needed to be on the aprons of the runways. It's 5 entirely appropriate in the public sector and as a 6 police force that there is not that level of 7 hospitality.</p> <p>8 MR JAY: But in the private sector, I'm not saying 9 everything goes, but different standards apply because 10 people are doing business. That's right, isn't it?</p> <p>11 MS BIRD: That is right.</p> <p>12 Q. Can I ask you about your view of off the record contact? 13 Is it the position that you're happy to give background 14 guidance to enable a journalist to write a story, proper 15 context and to correct misapprehensions; have 16 I correctly understood the position?</p> <p>17 MS BIRD: Yes, you have, that's correct. We would perhaps 18 give guidance that a non-suspicious fatality to 19 a journalist who would ask if it was suicide, clearly 20 that's not a matter for the press office to determine, 21 it's a matter for the coroner, but we would indicate 22 that we were not looking for anybody else in relation to 23 that incident.</p> <p>24 LORD JUSTICE LEVESON: So you may very well say, "It will 25 all come out, but there isn't really a story here"?</p> <p style="text-align: center;">Page 75</p>
<p>1 of our submissions.</p> <p>2 Q. The concern which you really have relates more to 3 checking and auditing diaries and registers. You give 4 us that at the top of page 02731. Have I correctly 5 understood where you're coming from on this issue?</p> <p>6 MR TROTTER: Yes. It's to ensure that there is oversight 7 and coherence between the documents to ensure that there 8 is one clear and accurate record which is available for 9 inspection and oversight by the Police Authority and by 10 the public.</p> <p>11 Q. Thank you. Your insight into this, Ms Bird. You do 12 tell us, and this is no doubt a fair point, section 13 24.3, page 10597, you've "come from the private sector 14 where hospitality is an endemic part of the business 15 relationship. There's no culture of hospitality within 16 BTP", so you're really wishing us to see this in 17 context, that the police enjoy far less hospitality, 18 really perhaps orders of magnitude less, than the sort 19 of thing you've seen in an earlier life; is that right?</p> <p>20 MS BIRD: Yes, I would say that's accurate.</p> <p>21 LORD JUSTICE LEVESON: But is it appropriate? Or are we 22 just getting far too excited about it at all?</p> <p>23 MS BIRD: No, I think it's entirely appropriate that they're 24 different. Certainly my previous role at Heathrow there 25 was considerable less hospitality because it was an</p> <p style="text-align: center;">Page 74</p>	<p>1 MS BIRD: Yes. We would be more likely to say -- it's more 2 likely when you have an occasion where somebody 3 presumes, for example, a fatality was a suicide whereas 4 actually you may be treating it as non-suspicious but 5 there may be a suspicion it was accidental, and clearly 6 that would be a matter for a coroner to decide whether 7 or not it was -- which one of those it was, but we would 8 want to avoid a newspaper reporting it as an act of 9 suicide when that has yet to be determined.</p> <p>10 LORD JUSTICE LEVESON: (Nods head).</p> <p>11 MR JAY: The final point really, that although one shouldn't 12 be complacent, leaks aren't really a problem in your 13 organisation as far as you perceive the position to be?</p> <p>14 MR TROTTER: That's correct.</p> <p>15 Q. The general points though you've made about leaks, the 16 motives behind them and the difficulties in 17 investigating them you've told us about wearing your 18 ACPO hat, haven't you?</p> <p>19 MR TROTTER: That's correct.</p> <p>20 MR JAY: I think everything else we'll be content to take as 21 read. I've drawn out a number of themes from your 22 evidence, but both statements are extremely detailed and 23 helpful and clear, so it's probably as far as I need go 24 with you.</p> <p>25 LORD JUSTICE LEVESON: Mr Trotter, one other question, or</p> <p style="text-align: center;">Page 76</p>

<p>1 indeed Ms Bird. Is there anything about the very  2 different jurisdiction that you have within the British  3 Transport Police, where you don't have a force area but  4 you're all over the country in everybody else's area,  5 that you think would be worth bringing out in any of the  6 aspects of this Inquiry that I am conducting?  7 MR TROTTER: The operational impact of our jurisdiction is  8 that we do have to deal with every police force in  9 England, Wales and Scotland. We deal with the different  10 jurisdictions in England, Wales and in Scotland, and it  11 means we have to be very conscious of everybody else's  12 needs, both political and police, in those different  13 areas. So we have an alertness and awareness of where  14 we are working and the impact on the local community,  15 even if something is within our jurisdiction.  16 So therefore I think we have an understanding of  17 different cultures, different communities and different  18 places. Working in the Metropolitan Police is different  19 from working in some of the smaller areas, and I think  20 that gives us a sensitivity to the needs of local  21 communities, and trying to ensure that the policy in my  22 ACPO role reflects the differences, the very different  23 relationships that can quite genuinely exist in  24 different places between more settled communities and  25 the more transient places is part of trying to ensure</p> <p style="text-align: center;">Page 77</p>	<p>1 functions extremely well. But it is very different and  2 it isn't really replicated anywhere else throughout the  3 country.  4 LORD JUSTICE LEVESON: Clarity of approach would presumably  5 be valuable for you if you have to deal with each force  6 individually and there is some calamity on the railways,  7 as there have been in very different parts of the  8 country, which require you to fit in with different  9 forces in different working environments.  10 MR TROTTER: Yes. We have experience of dealing with forces  11 like Cumbria and Suffolk as well as the Met when it  12 comes to those disasters. We will take command of the  13 scene and we will take command of the media  14 relationships quite swiftly from the local force who  15 often get there first and do a sterling job in the first  16 place, but we will decide how things go from there in  17 conjunction with the coroner, if that's appropriate, and  18 with the local community as well.  19 We find by having an approach which is very open, by  20 my staff getting to the scene very swiftly, and they do  21 all over the country, and making sure the media's needs,  22 their legitimate needs, are looked after, I get a lot of  23 very positive feedback from national and local media  24 about the way that my officers and my press department  25 deal with their concerns.</p> <p style="text-align: center;">Page 79</p>
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<p>1 that whilst there is a need for overall guidance it  2 won't be one size fits all. There will be a difference  3 in the way that forces operate because of those local  4 community differences.  5 I think it's ensuring -- certainly my  6 responsibility -- that I answer all the concerns, and,  7 sir, I'd obviously take into account what you tell us at  8 the end of this and incorporate that into our guidance,  9 whilst not inhibiting quite proper and decent  10 relationships with the media which exist very properly  11 all over the country.  12 LORD JUSTICE LEVESON: They are clearly very different, but  13 is it Metropolitan urban? Is, for example, some of the  14 concern that you might have arising in Birmingham or  15 Greater Manchester nearer to the Met than  16 Gloucestershire and Wiltshire? So is it urban and rural  17 and does that impact on your work at all?  18 MR TROTTER: I think the difference is primarily between  19 London and the rest of the country. Even the other big  20 cities are quite different from London. Talking to the  21 chief constables of those forces and their relationships  22 with the media, they are very different. London is  23 a particularly unique and tough challenge for the  24 Metropolitan Police, and I think so from the Department  25 of Public Affairs, I think they discharge those</p> <p style="text-align: center;">Page 78</p>	<p>1 I think that's -- what I would not want to see come  2 from some of these matters we've heard about is that we  3 do have a shutting down. We do have a story to tell,  4 there is a right for the public to know and there is  5 a genuine public interest in much of what we do, and  6 part of my encouragement to my colleagues is to remain  7 open, to tell them the good and the bad news and to  8 ensure that the public can see what we do, because I'm  9 very proud of what we do.  10 LORD JUSTICE LEVESON: I think, with respect, that that's  11 entirely right. The advantages to be obtained from  12 providing more information, the phrases of the day being  13 open and transparent disclosure of everything, warts and  14 all to such extent as it is not inappropriate for  15 operational reasons, must be right. The trick is to get  16 the balance right so that the strategic command  17 understands what is going out and has -- I won't use the  18 word control, because that suggests I want to clamp down  19 on what goes out, but some overall appreciation and  20 oversight so that steps can be taken to ensure  21 consistency, accuracy and the overall propriety of  22 what's being said. Would that fairly reflect precisely  23 what you've just said to me?  24 MR TROTTER: Yes, sir.  25 LORD JUSTICE LEVESON: Thank you. Thank you both very much.</p> <p style="text-align: center;">Page 80</p>
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<p>1 MR TROTTER: Thank you.</p> <p>2 MR JAY: Would you like a very short break?</p> <p>3 LORD JUSTICE LEVESON: Yes, we didn't have a 11.30 break but</p> <p>4 we had one slightly beforehand so we'll have another one</p> <p>5 now. Thank you.</p> <p>6 (12.16 pm)</p> <p>7 (A short break)</p> <p>8 (12.23 pm)</p> <p>9 MR JAY: The next witness, please, is Sir Hugh Orde.</p> <p>10 LORD JUSTICE LEVESON: Thank you.</p> <p>11 SIR HUGH STEPHEN RODEN ORDE (sworn)</p> <p>12 Questions by MR JAY</p> <p>13 MR JAY: Your full name, please, Sir Hugh?</p> <p>14 <b>A. Hugh Stephen Roden Orde.</b></p> <p>15 Q. Thank you. You provided the Inquiry with a witness</p> <p>16 statement which covers two capacities, first as</p> <p>17 President of ACPO and secondly formerly as</p> <p>18 Chief Constable of the Police Service in Northern</p> <p>19 Ireland. The statement is dated 17 February of this</p> <p>20 year and signed by you. This is your formal evidence to</p> <p>21 the Inquiry?</p> <p>22 <b>A. It is, sir, yes.</b></p> <p>23 Q. Thank you. In terms of your career, Sir Hugh, you</p> <p>24 joined the Metropolitan Police in the late 1970s. You</p> <p>25 worked your way up the ranks and became Deputy Assistant</p> <p style="text-align: center;">Page 81</p>	<p>1 <b>office of president is also enshrined in primary</b></p> <p>2 <b>legislation in the Police Act 2002 but apart from that</b></p> <p>3 <b>we have no statutory basis.</b></p> <p>4 Q. In terms of ACPO's national role, again I touched on</p> <p>5 this with Mr Trotter, you say in paragraph 4.1 of your</p> <p>6 statement, at 05357, that ACPO provides a national voice</p> <p>7 for the policing service to explain, inform and defend</p> <p>8 the operational work of the Police Service. In terms of</p> <p>9 media relations, how do you see ACPO's role?</p> <p>10 <b>A. It's very much providing a facility that enables the</b></p> <p>11 <b>national media to go one point of -- to a single point</b></p> <p>12 <b>of contact on matters that are of national interest, so</b></p> <p>13 <b>in that sense we try and support the local forces where</b></p> <p>14 <b>necessary. ACPO itself I describe very much as almost</b></p> <p>15 <b>a band of volunteers. The business area work which is</b></p> <p>16 <b>undertaken by chief constables such as Andy Trotter who</b></p> <p>17 <b>you've heard today he does in addition to his day job,</b></p> <p>18 <b>which is to try and provide continuity, consistency and</b></p> <p>19 <b>at the top end of our business, operational end of our</b></p> <p>20 <b>business, a consistent approach to the serious threats</b></p> <p>21 <b>this country faces, be it terrorism, international</b></p> <p>22 <b>crime, public order, those sorts of issues, where you</b></p> <p>23 <b>have to have a consistent approach.</b></p> <p>24 LORD JUSTICE LEVESON: Could you help me, Sir Hugh. You</p> <p>25 were elected President of ACPO in 2009. For how long do</p> <p style="text-align: center;">Page 83</p>
<p>1 Commissioner in 1999, when you were given responsibility</p> <p>2 for aspects of the Stevens Inquiry into citizens in</p> <p>3 Northern Ireland. In September 2002 you were appointed</p> <p>4 Chief Constable of the Police Service in Northern</p> <p>5 Ireland where you served for seven years, and in 2009,</p> <p>6 at the end of that period, you were elected the</p> <p>7 President of the Association of Chief Police Officers?</p> <p>8 <b>A. That is correct, yes.</b></p> <p>9 Q. It's right to recall this in paragraph 1.5 of your</p> <p>10 statement at the bottom of page 05355: you received an</p> <p>11 OBE in 2001, you were knighted in 2005, Queen's Police</p> <p>12 Medal in 2010 and you hold an honorary doctorate in law</p> <p>13 from two universities, one in Kent and the other in</p> <p>14 Ulster?</p> <p>15 <b>A. That's correct.</b></p> <p>16 Q. First of all, ACPO, because that's the sequence of your</p> <p>17 evidence in your statement. I've dealt with what ACPO</p> <p>18 is with the previous witness. It does have some</p> <p>19 statutory recognition under the Police and Justice Act</p> <p>20 of 2006 as a consultee, but it's not a legal person on</p> <p>21 my understanding. Is that broadly speaking the</p> <p>22 position?</p> <p>23 <b>A. Yes, that is correct. We are a company limited by</b></p> <p>24 <b>guarantee. We had to have some legal position so we can</b></p> <p>25 <b>employ people and rent buildings, for example, but the</b></p> <p style="text-align: center;">Page 82</p>	<p>1 you serve in that capacity?</p> <p>2 <b>A. It's for four years, sir, and you can't be reelected.</b></p> <p>3 LORD JUSTICE LEVESON: So the focal point during that period</p> <p>4 therefore comes very much down on to you.</p> <p>5 <b>A. Indeed, sir, yes.</b></p> <p>6 LORD JUSTICE LEVESON: Ultimately for policing within the</p> <p>7 UK. Have you a different responsibility to the</p> <p>8 Metropolitan Police Commissioner?</p> <p>9 <b>A. Indeed I have no operational responsibility or indeed</b></p> <p>10 <b>authority at all. My job is to really bring together</b></p> <p>11 <b>and through negotiation, as Andy described, get</b></p> <p>12 <b>consistent national policies through what we call the</b></p> <p>13 <b>Chief Constables' Council, which meets four times</b></p> <p>14 <b>a year. So the policies you've heard about today and</b></p> <p>15 <b>you'll hear about tomorrow from Mike Cunningham, the</b></p> <p>16 <b>Chief Constable of Staffordshire, I think Andy sent him</b></p> <p>17 <b>to Derbyshire, he's a Staffordshire chief, will come to</b></p> <p>18 <b>Chief Constables' Council, will be properly debated and</b></p> <p>19 <b>the chief officers will all, we hope, sign up to deliver</b></p> <p>20 <b>that policy in their piece of geography.</b></p> <p>21 LORD JUSTICE LEVESON: So to understand the role that you</p> <p>22 have, you have no operational responsibilities at all</p> <p>23 now?</p> <p>24 <b>A. My only technical operational responsibility, for</b></p> <p>25 <b>example, if the fuel strike comes off, I will be</b></p> <p style="text-align: center;">Page 84</p>

1 **responsible for making sure government is fully informed**  
 2 **through Cobra and the Cabinet Office briefing room and**  
 3 **my office will be responsible for co-ordinating any**  
 4 **necessary movements of police officers around the**  
 5 **country, as happened in the serious disturbances in**  
 6 **August and as will happen in the pre-planned events**  
 7 **around the Olympics. We co-ordinate the movement but**  
 8 **the movement is given permission or authority by**  
 9 **individual chief constables.**  
 10 LORD JUSTICE LEVESON: I think it's quite interesting, this.  
 11 So it's a full-time job for you.  
 12 **A. Mm-hm.**  
 13 LORD JUSTICE LEVESON: And you operate through all the  
 14 individual chief constables, but essentially to  
 15 co-ordinate and ensure that reaction is balanced and  
 16 appropriately managed so that people aren't having to  
 17 deal with it themselves?  
 18 **A. Indeed, sir, and of course I have to advise government,**  
 19 **I sit on many -- the Home Office committee, for example,**  
 20 **the police reform programme, and we are a statutory**  
 21 **consultee, so government would consult us on all these**  
 22 **programmes. It's a full-time job in that sense,**  
 23 **absolutely.**  
 24 LORD JUSTICE LEVESON: Thank you. I'm not sure that I'd  
 25 appreciated the overarching responsibilities that you

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1 have operationally in the way that you've just described  
 2 them. Thank you.  
 3 MR JAY: Sir Hugh, you were asked to provide us with your  
 4 impression of the culture of the Police Service as  
 5 a whole. This is section 5 of your statement,  
 6 page 05358. You made three points, broadly speaking.  
 7 First of all, in your view, culture is generally  
 8 a positive and open one. Secondly, there are certain  
 9 matters of policy, particularly at a complex strategic  
 10 level, which cannot be explained in routine contact with  
 11 journalists and therefore benefit from more focused  
 12 meetings and discussions at a high level and you  
 13 yourself will participate in those. Thirdly you say the  
 14 culture within the MPS is very different from that of  
 15 other police forces.  
 16 Most of those points are self-explanatory and  
 17 clearly expressed but can I ask you, please, in relation  
 18 to the MPS, is it your view that the MPS, as some  
 19 journalists have said, is far more defensive than other  
 20 police forces?  
 21 **A. I worked in the Metropolitan Police service for 26 years**  
 22 **of my total career, sir, and I think it's a very**  
 23 **different relationship because the sheer intensity and**  
 24 **pressure and interest in what's going on in London is**  
 25 **fundamentally different even to the Police Service in**

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1 **Norther Ireland which is pretty busy.**  
 2 **I think there was a hierarchy where we tended to**  
 3 **rely more on the department of media and public affairs**  
 4 **rather than take it into our own hands. So we would**  
 5 **generally seek advice rather than speak directly to the**  
 6 **media in the routine of our working day. But that**  
 7 **having been said, when I was involved, for example, on**  
 8 **Operation Trident, those sorts of sensitive enquiries,**  
 9 **the relationship with the media was critical,**  
 10 **well-informed and worked very well. So I think it's**  
 11 **different basically because the sheer intensity and**  
 12 **scale means you need someone to support you more in the**  
 13 **routine of your day than perhaps other forces do.**  
 14 Q. ACPO have its own press office, it's very small, only  
 15 four -- how many people occupy the press office?  
 16 **A. It flexes a bit because of for example things like**  
 17 **maternity leave, but overall about six officers. You'll**  
 18 **be hearing from my head of media straight after me,**  
 19 **I think.**  
 20 Q. In terms of the work it does, given that we're talking  
 21 about high level matters of strategy and policy, the  
 22 role of the press office will either be to put out  
 23 standard declarations of policy or to ensure there's  
 24 contact with the relevant officer within ACPO; is that  
 25 broadly speaking what its role is?

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1 **A. It's very important that I'm very keen that the**  
 2 **president of ACPO, whoever holds this position, doesn't**  
 3 **speak on all policing matters, we simply don't have the**  
 4 **capacity to have a detailed knowledge. But what we do**  
 5 **have for example are 14 business areas, for example**  
 6 **crime is run currently by the chief constable of**  
 7 **Merseyside, uniform operations matters is run by the**  
 8 **chief constable of Norfolk. So if there was a matter**  
 9 **pertaining to their specialism I would defer or my press**  
 10 **officer would certainly make sure that someone from that**  
 11 **business area was available to the national media to**  
 12 **speak with authority on behalf of the association but**  
 13 **with the depth of knowledge that's required to give**  
 14 **a proper and informed answer.**  
 15 Q. Thank you. You make it clear in paragraph 10.2 of your  
 16 statement that the press office is a necessary body, it  
 17 performs an integral and specialist function. You've  
 18 explained the nature of its function in your oral  
 19 evidence. Can I ask you, please, about section 11,  
 20 page 05362, which is the issue of media crime. You say:  
 21 "Levels of awareness of media crime will vary  
 22 between police forces and there's no central recording  
 23 of such data."  
 24 The question I've been asked to put to you is this:  
 25 do you not think that there should be a central

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<p>1 recording of media crime by the police?</p> <p>2 <b>A. Well, most media crime falls into specific criminal</b></p> <p>3 <b>categories and is captured in the generality of crime</b></p> <p>4 <b>statistics. My sense would be, to try to distil it out,</b></p> <p>5 <b>that there is no criminal offence of media crime, as you</b></p> <p>6 <b>fully understand, it's a matter of crimes against</b></p> <p>7 <b>specific statutes. So it would fall into the general</b></p> <p>8 <b>crime recording rules which are not in our gift, they're</b></p> <p>9 <b>defined and we are obliged to record crime under certain</b></p> <p>10 <b>rather complicated, I have to say, categories. It is</b></p> <p>11 <b>entirely feasible you could do it, it would require</b></p> <p>12 <b>a certain bureaucracy to manage it on a 44 force basis.</b></p> <p>13 <b>Q. I think particular problems may arise in relation to</b></p> <p>14 <b>accessing the Police National Computer unlawfully and</b></p> <p>15 <b>passing information on to newspapers. It's whether that</b></p> <p>16 <b>is sufficiently catered for in existing procedures of</b></p> <p>17 <b>recording and auditing. Do you feel -- it's a broad</b></p> <p>18 <b>question, I appreciate.</b></p> <p>19 <b>A. To be perfectly honest I haven't given it a huge amount</b></p> <p>20 <b>of thought. My sense is certainly, if I draw from my</b></p> <p>21 <b>previous operational experience, it was an issue, it was</b></p> <p>22 <b>not an issue that I ever saw as a key strategic threat</b></p> <p>23 <b>to my organisation but it was something we took very</b></p> <p>24 <b>seriously and of course was investigated by routinely</b></p> <p>25 <b>the police -- you know, the internal complaints</b></p> <p style="text-align: center;">Page 89</p>	<p>1 <b>bespoke style of policing and localism and driving down</b></p> <p>2 <b>responsibility and there's always that tension between</b></p> <p>3 <b>local agendas, local policies, local procedures, and the</b></p> <p>4 <b>national central agenda. So it's always a robust</b></p> <p>5 <b>debate. I think certainly within the Police Service</b></p> <p>6 <b>there's common agreement, it makes absolute sense that</b></p> <p>7 <b>you can have one consistent approach, for example in</b></p> <p>8 <b>relation to gifts and hospitality. The public will not</b></p> <p>9 <b>understand why the standards are different across the</b></p> <p>10 <b>country and that's what will be delivered hopefully on</b></p> <p>11 <b>the 19th of next month.</b></p> <p>12 <b>Q. The context of Elizabeth Filkin's report you draw on the</b></p> <p>13 <b>PSNI code of ethics which you have attached under our</b></p> <p>14 <b>tab 35. I think I'm right in saying we don't see</b></p> <p>15 <b>a similar code of ethics in police forces in England and</b></p> <p>16 <b>Wales. Is that right or not?</b></p> <p>17 <b>A. Yes, that is correct. There is a statement of common</b></p> <p>18 <b>purpose and values which covers the country, and again</b></p> <p>19 <b>that is a matter that currently has just been reviewed</b></p> <p>20 <b>and will be slightly modified, led by Adrian Lee, the</b></p> <p>21 <b>Chief Constable of Northamptonshire, who I think may be</b></p> <p>22 <b>giving evidence as well. Adrian leads on ethical issues</b></p> <p>23 <b>in policing.</b></p> <p>24 <b>I think the great strength of a code of ethics is</b></p> <p>25 <b>firstly it sets a standard of behaviour for every member</b></p> <p style="text-align: center;">Page 91</p>
<p>1 <b>department. Certainly in Northern Ireland that was the</b></p> <p>2 <b>case.</b></p> <p>3 <b>Q. You were asked then in your statement to deal with the</b></p> <p>4 <b>HMIC report and the Elizabeth Filkin report. You're</b></p> <p>5 <b>making it clear that, as we've heard from a previous</b></p> <p>6 <b>witness, that this is under direct consideration by</b></p> <p>7 <b>ACPO. Are there any preliminary insights which you feel</b></p> <p>8 <b>able to offer us now? Or shall we wait for the formal</b></p> <p>9 <b>publication?</b></p> <p>10 <b>A. My sense is I've had the reports work quite well</b></p> <p>11 <b>together, there's a lot of commonality between what</b></p> <p>12 <b>Elizabeth Filkin said specifically in relation to the</b></p> <p>13 <b>Met that is transferable to the national policy from</b></p> <p>14 <b>which you've heard from Andrew Trotter.</b></p> <p>15 <b>In terms of HMI's recommendations, they are</b></p> <p>16 <b>accepted. You will be hearing from Chief Constable</b></p> <p>17 <b>Cunningham tomorrow and, as Andrew has already said, the</b></p> <p>18 <b>proposed solution will be presented to Chief Constables'</b></p> <p>19 <b>Council on the 19th of the next month. So ACPO can</b></p> <p>20 <b>mobilise quite quickly in response to HMI, for example,</b></p> <p>21 <b>when it's seen as critical to delivering a new policy,</b></p> <p>22 <b>a new consistent policy which is important in terms of</b></p> <p>23 <b>public confidence as well as national consistency.</b></p> <p>24 <b>There's always a tension between, you know, the</b></p> <p>25 <b>clear steer of the current government towards a local</b></p> <p style="text-align: center;">Page 90</p>	<p>1 <b>of police staff, of every police officer, sworn officer.</b></p> <p>2 <b>Although it's not binding on police staff in Northern</b></p> <p>3 <b>Ireland, they are trained in it and they're expected to</b></p> <p>4 <b>adopt the same principles. So it's more than just</b></p> <p>5 <b>a code around the media, it's a code about how you</b></p> <p>6 <b>behave and it is linked to the police discipline code in</b></p> <p>7 <b>Northern Ireland. So if you breach the code of ethics,</b></p> <p>8 <b>you technically commit a disciplinary offence, so it's a</b></p> <p>9 <b>far more widely drawn disciplinary code than we have in</b></p> <p>10 <b>the rest of the United Kingdom.</b></p> <p>11 <b>It also requires officers have to be trained in it,</b></p> <p>12 <b>every officer is trained in it, including myself, for</b></p> <p>13 <b>two days under Lord Patten's review, and indeed whilst</b></p> <p>14 <b>we're drifting into PSNI work, the fairly recent report</b></p> <p>15 <b>from the policing board human rights advisers, who are</b></p> <p>16 <b>independent of us of course entirely, was it was</b></p> <p>17 <b>revisited, and it was, and it was reworked, and what you</b></p> <p>18 <b>see there is the new code which I think came out in</b></p> <p>19 <b>2008/2009.</b></p> <p>20 <b>Q. Yes, and it's very clear and comprehensive. I'm looking</b></p> <p>21 <b>for a date, but I think your -- it was 2008 or 2009.</b></p> <p>22 <b>A. The original code was 2002/2003. The board had employed</b></p> <p>23 <b>its own human rights advisers in the form of</b></p> <p>24 <b>Keir Starmer, who is now a DPP, and Jane Gordon and they</b></p> <p>25 <b>did a human rights audit of the whole Police Service and</b></p> <p style="text-align: center;">Page 92</p>

<p>1 <b>made additional recommendations including to revisit it</b>                  2 <b>to make sure it was current and up to date.</b>                  3 Q. As you say, it doesn't cover specifically contact with                  4 the media, but it sets out standards which may be                  5 relevant to such contact.                  6 <b>A. It does. Under section 3 it cross-references to an</b>                  7 <b>obligation on all officers to comply with the S9 Media</b>                  8 <b>Code, so there is an connection but it's wider than</b>                  9 <b>that and, frankly, if you complied with the code of</b>                  10 <b>ethics, you would, by definition, be complying pretty</b>                  11 <b>much with the Media Code.</b>                  12 Q. Thank you. Can I ask you, please, to develop the point                  13 you make at paragraph 15.2, at page 05364. You say your                  14 own view of the need for clear boundaries and standards                  15 is that, if additional guidance is produced, then it                  16 should support and reinforce the understanding of                  17 integrity that all police officers and staff must have                  18 and must demonstrate through their daily decisions. So                  19 are you saying there that there shouldn't be too much                  20 rules, that one should never lose sight of the                  21 underlying principle, or are you saying something                  22 different?                  23 <b>A. That's exactly what I'm saying. I think, in fairness to</b>                  24 <b>front line officers, who have a huge amount to do and we</b>                  25 <b>do ask an awful lot of them, to make very difficult</b>                  Page 93</p>	<p>1 <b>A. I think we're looking at a fundamental change in police</b>                  2 <b>governance and the introduction of a removal of</b>                  3 <b>a structure whereby 17, or in Northern Ireland 19,</b>                  4 <b>people held the chief to account, drawn from a sort of</b>                  5 <b>wider base, to one person who will, inevitably in the</b>                  6 <b>majority of areas, be elected on a political ticket,</b>                  7 <b>they will be supported by parties. I think, in terms of</b>                  8 <b>impartiality, it is absolutely critical that the</b>                  9 <b>operational independence of chiefs is articulated by</b>                  10 <b>people under the control of a chief constable rather</b>                  11 <b>than someone who is under the control of the person</b>                  12 <b>charged with holding that individual to account.</b>                  13 <b>I think they are different roles and, in fairness to</b>                  14 <b>both parties, we need to be in a position to articulate</b>                  15 <b>what we do and why we do it in our own way. That is not</b>                  16 <b>to say, of course, it will be entirely proper for</b>                  17 <b>a Police and Crime Commissioner to have a media</b>                  18 <b>capability to deliver their own messages. They may</b>                  19 <b>well, on occasions, be very critical of the Police</b>                  20 <b>Service and rightly so. If we've got something wrong,</b>                  21 <b>that's the purpose of accountability. But I don't</b>                  22 <b>see -- you're going to have one media department to</b>                  23 <b>cover both positions.</b>                  24 LORD JUSTICE LEVESON: Is there a risk that issues of                  25 strategy and direction will then be played out in the                  Page 95</p>
<p>1 <b>decisions with very limited information on occasions,</b>                  2 <b>they need a basic operating principle against which to</b>                  3 <b>operate in the routine of their working day. If we</b>                  4 <b>overcomplicate it, I think it makes it difficult for</b>                  5 <b>them to stick to -- have a very clear and almost simple</b>                  6 <b>understanding of what it is they're there to do and</b>                  7 <b>certainly the police national decision-making model,</b>                  8 <b>again sounds a bit of a mouthful, about how we should</b>                  9 <b>reach decisions, has at its heart basically the clear</b>                  10 <b>sort of ethical code against which we should operate.</b>                  11 Q. Ask you please to touch on paragraph 17 of your                  12 evidence, page 05365. The political landscape is going                  13 to change in November of this year and, as you say, that                  14 will alter the fundamental structure of policing. The                  15 full impact of this change will only become clear as the                  16 new structures come into operation. Well, that must be                  17 right. Then you say in 17.3:                  18 "In my view it will be in public interest to ensure                  19 the media and communications resources of police forces                  20 remain directed to supporting the operational policing                  21 objectives of the force and are therefore clearly                  22 separated from those resources which, following                  23 November, are placed at the disposal of the Police and                  24 Crime Commissioner."                  25 What point are you driving at there?                  Page 94</p>	<p>1 public arena, where they might better be served by                  2 rather more measured analysis?                  3 <b>A. I think that's -- that is entirely foreseeable, sir. Of</b>                  4 <b>course we don't know quite how it's going to work.</b>                  5 <b>I think the first indication will be when the campaigns,</b>                  6 <b>for want of a better description, get under way before</b>                  7 <b>November as individuals declare and are elected by their</b>                  8 <b>parties or, indeed, independents, who can quite properly</b>                  9 <b>stand themselves. I think then we may start to see how</b>                  10 <b>it plays out in the media, but it will put chief</b>                  11 <b>constables in a very different position, of course, than</b>                  12 <b>the one they currently have.</b>                  13 LORD JUSTICE LEVESON: From your perspective, which is not                  14 merely one step but two or three steps removed from the                  15 Metropolitan Police, could you perceive any risks of                  16 what I ought to be aware from this, particularly given                  17 the fact that in London it's already happening?                  18 <b>A. Yes, although it is different. In London, whilst the</b>                  19 <b>Mayor is obviously in overall command, the Mayor has</b>                  20 <b>a huge range of responsibilities to deliver and has</b>                  21 <b>a Deputy Mayor to deliver -- or day to day, for example,</b>                  22 <b>on policing force, that individual is not directly</b>                  23 <b>elected in the same way as the Police and Crime</b>                  24 <b>Commissioner will do, so I'm not sure what parallels we</b>                  25 <b>can safely draw, but certainly that the media operation</b>                  Page 96</p>



<p>1 <b>that the Metropolitan Police has is an independent media</b>  2 <b>operation that is run by the Commissioner's office, or</b>  3 <b>it's under the control of the Commissioner, I think</b>  4 <b>that's important. That is not to say we would not want</b>  5 <b>to be criticised, quite properly, if the oversight,</b>  6 <b>whichever structure is in --</b></p> <p>7 LORD JUSTICE LEVESON: Yes. My question may be confusing  8 because I was actually picking up on the idea that there  9 was something nearer that relationship in the Met  10 already. I appreciate that Mr Malthouse is not elected  11 to the office of Police and Crime Commissioner, but acts  12 as the elected representative, that is, the Mayor's  13 representative in this area, but do you see anything  14 from what has happened there that causes you to think  15 I ought to be concerned that matters will be played out  16 in public which perhaps are better served by rather more  17 quiet discussion?</p> <p>18 <b>A. Nothing that springs to mind, sir, no.</b></p> <p>19 MR JAY: Sir Hugh, you asked a question, question 19, at the  20 bottom of page 05366, about intrusive media attention  21 towards yourself. One infers from your answer that this  22 isn't something you would particularly wish to go into  23 today, is that right, although you do touch on it under  24 general terms under paragraph 19.2, the next page, but  25 you have resorted to litigation. I think the Inquiry</p> <p style="text-align: center;">Page 97</p>	<p>1 <b>was seek some form of response in the paper, which we</b>  2 <b>achieved the following week on page 99 or 91,</b>  3 <b>a four-line letter correction, but of course this was on</b>  4 <b>the Internet, et cetera, et cetera. My sense was that</b>  5 <b>whilst this was not something one would get overly</b>  6 <b>excited on in the routine, it was just an example of</b>  7 <b>whereby the current system of redress did not do</b>  8 <b>anything satisfactory in terms of getting the story</b>  9 <b>withdrawn or, indeed, any sort of apology issued. My</b>  10 <b>sense was the Commission didn't really have the powers</b>  11 <b>that would have influenced an editor in a way to change</b>  12 <b>the story. My sense was one of a rather</b>  13 <b>powerful/powerless relationship.</b></p> <p>14 Q. Thank you. Paragraph 19.3 should probably be regarded  15 as commentary on evidence this Inquiry has received,  16 should it?</p> <p>17 <b>A. Indeed so, yes.</b></p> <p>18 Q. Thank you. Can we move on -- or indeed it's backward in  19 time but on forwards into your statement --</p> <p>20 LORD JUSTICE LEVESON: Before you go on to Northern Ireland,  21 let's just deal with one other general issue. As  22 president of ACPO, you have an over-arching  23 responsibility, which you've explained, and I entirely  24 accept your loyalty to the Police Service which you have  25 served for so many years. But I am interested to know</p> <p style="text-align: center;">Page 99</p>
<p>1 would be assisted if you were able to assist with the  2 last sentence of 19.2, page 05367:  3 "Recent experience of the Press Complaints  4 Commission does not give me confidence."  5 Is that an observation which is really commentary on  6 some of the evidence this Inquiry may have received or  7 does it relate to your own experience?</p> <p>8 <b>A. No, this is my own experience. I'm happy to comment in</b>  9 <b>broad terms. Obviously you would not expect me to</b>  10 <b>repeat libels and malicious comments in public again,</b>  11 <b>which is the issue that I was forced to resort to the</b>  12 <b>legal route. But more recently a specific case came up</b>  13 <b>where a story was -- in a way a rather silly story,</b>  14 <b>a defamatory story around I'd invented my own uniform</b>  15 <b>and designed my own plastic cap badge in the corner of</b>  16 <b>my own house or something, which followed from the riots</b>  17 <b>where, of course, my profile by definition was fairly</b>  18 <b>high, and attempts to give a sensible and factual</b>  19 <b>response to that particular paper to resolve the issue,</b>  20 <b>which would have resulted of course in the story not</b>  21 <b>being printed because it was entirely invented, took us</b>  22 <b>nowhere, and, sadly, advice from the Press Complaints</b>  23 <b>Commission was not that powerful.</b></p> <p>24 <b>My sense was -- and my head of media, who you'll</b>  25 <b>hear from later, did the negotiation, was that -- one</b></p> <p style="text-align: center;">Page 98</p>	<p>1 whether anything that you have heard emanating from this  2 Inquiry has caused you concern. I'd like to know  3 whether anything has surprised you. The contrary is  4 that it hasn't and that this concern is overexaggerated,  5 but I'm just keen to get your sense, as an extremely  6 experienced officer who has this oversight generally, of  7 what I've heard and how I should be considering it.</p> <p>8 <b>A. My sense frankly, sir, is that -- not just me, the</b>  9 <b>service has been surprised by some of the quite close</b>  10 <b>relationships between individual chiefs and certain</b>  11 <b>media outlets. I think that's without question. You've</b>  12 <b>heard a number of officers express that surprise. I'm</b>  13 <b>no different to those officers in that sense and I think</b>  14 <b>you should be concerned because it goes to the heart of</b>  15 <b>the reputation of the service generally, so it is an</b>  16 <b>important factor.</b></p> <p>17 <b>I think, hopefully, some of the evidence you've also</b>  18 <b>heard has reassured you that steps are in place to</b>  19 <b>provide far greater clarity on what is and what is not</b>  20 <b>acceptable in the routine of policing, and my sense is</b>  21 <b>whilst we considered -- many people have said the Met is</b>  22 <b>different in so many ways, my sense is there is common</b>  23 <b>cause and I wouldn't want to speak for the Commissioner</b>  24 <b>but I think he's been very clear himself that the</b>  25 <b>standards should apply across the service and not be</b></p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 <b>bespoke to individual forces.</b></p> <p>2 LORD JUSTICE LEVESON: Yes. The reason I've asked so many</p> <p>3 officers this question is because I am very conscious of</p> <p>4 the criticism that can be levelled that I am not</p> <p>5 a police officer, in the same way that I am not an</p> <p>6 editor or a journalist, and therefore I may be seeking</p> <p>7 to impose views which are doubtless sincerely felt --</p> <p>8 I hope nobody will think that I won't go there -- but</p> <p>9 ill-informed by reason of lack of experience, and that's</p> <p>10 why I've asked you the questions and others as well, not</p> <p>11 for any other reason. Not to try and rub anybody's nose</p> <p>12 in what I've heard, but to calibrate my own sense of</p> <p>13 what's right. That's the point.</p> <p>14 <b>A. My sense, sir, is hopefully the evidence that you've</b></p> <p>15 <b>heard from Andy Trotter this morning and others around</b></p> <p>16 <b>and you will hear, I'm sure, tomorrow and the service</b></p> <p>17 <b>sorting this problem out, I hope you will see some hard</b></p> <p>18 <b>evidence that there is a plan to deal with -- to get</b></p> <p>19 <b>greater clarity on what is and is not appropriate across</b></p> <p>20 <b>the country, be it in relation to the media or</b></p> <p>21 <b>hospitality generally and I think that does hopefully</b></p> <p>22 <b>provide -- will provide some reassurance there is a plan</b></p> <p>23 <b>already in place which also indicates, by definition,</b></p> <p>24 <b>there is sufficient concern in the service to do</b></p> <p>25 <b>something to provide that greater clarity.</b></p> <p style="text-align: center;">Page 101</p>	<p>1 course, used by the Royal Ulster Constabulary and</p> <p>2 I think that ceased to exist just before you arrived in</p> <p>3 2001, possibly 2002. Have I understood it, this was the</p> <p>4 result of recommendations in the report by Lord Patten?</p> <p>5 <b>A. That is correct, yes.</b></p> <p>6 <b>Q. So there's a new entity, the Police Service of Northern</b></p> <p>7 <b>Ireland, you say, set up against an immensely</b></p> <p>8 <b>challenging policing and political backdrop. We can</b></p> <p>9 <b>understand that, I'm sure. You draw attention to</b></p> <p>10 <b>paragraph 5.16 of the Patten Report where there's</b></p> <p>11 <b>commentary on the past and the need now for a greater</b></p> <p>12 <b>culture of openness and transparency. In relation to</b></p> <p>13 <b>the past, perhaps understandably, there was a culture of</b></p> <p>14 <b>defensiveness and perhaps lack of transparency, putting</b></p> <p>15 <b>it appropriately in guarded terms, was there?</b></p> <p>16 <b>A. Yes. I think that was -- certainly that's what Lord</b></p> <p>17 <b>Patten found. I had been in Northern Ireland for two</b></p> <p>18 <b>years previously on Lord Stevens' inquiry into collusion</b></p> <p>19 <b>and a specific murder and it was a very formal</b></p> <p>20 <b>structure. Now, my -- in fairness, in a sense of</b></p> <p>21 <b>balance, we had to operate, even at the beginning of my</b></p> <p>22 <b>time, in a fairly strict way across the routine of the</b></p> <p>23 <b>policing day to make sure officers were safe so they</b></p> <p>24 <b>could then deliver effective policing against what was</b></p> <p>25 <b>still quite a volatile backdrop, so I think standard</b></p> <p style="text-align: center;">Page 103</p>
<p>1 <b>That having been said, I do think there is a -- we</b></p> <p>2 <b>need to be careful not to become so rigid and so bound</b></p> <p>3 <b>by very strict rules that we actually spoil what is</b></p> <p>4 <b>a critical relationship with the media and that officers</b></p> <p>5 <b>do not feel too fettered in having sensible professional</b></p> <p>6 <b>conversations across all ranks, which is why I was very</b></p> <p>7 <b>comfortable with a code of ethics approach, which was</b></p> <p>8 <b>Lord Patten's whole idea about changing the style of</b></p> <p>9 <b>policing in Northern Ireland, so it gave them broad</b></p> <p>10 <b>parameters around general police -- how you operated as</b></p> <p>11 <b>a police officer on and off duty, and bespoke slightly</b></p> <p>12 <b>around the media, so it was almost a permissive policy</b></p> <p>13 <b>not a restrictive one. We need to be very careful about</b></p> <p>14 <b>that.</b></p> <p>15 LORD JUSTICE LEVESON: I think you've heard me say,</p> <p>16 certainly this morning and also on previous days, that</p> <p>17 I think it's very important that there is a very open</p> <p>18 and full relationship between the press and the police.</p> <p>19 The trick is going to be to ensure that there is</p> <p>20 appropriate -- I don't like using the word "control",</p> <p>21 but oversight.</p> <p>22 <b>A. Indeed.</b></p> <p>23 LORD JUSTICE LEVESON: Thank you. Northern Ireland.</p> <p>24 MR JAY: Northern Ireland. The political and policy</p> <p>25 backdrop when you arrived, the Police Service there, of</p> <p style="text-align: center;">Page 102</p>	<p>1 <b>operating procedures became the default position, and my</b></p> <p>2 <b>task was to create a more empowered service that did</b></p> <p>3 <b>feel comfortable dealing with things in a different way</b></p> <p>4 <b>from its history.</b></p> <p>5 <b>Q. The PSNI has a corporate communications department, like</b></p> <p>6 <b>all other forces, and you discuss that subsequently in</b></p> <p>7 <b>your statement. Can I deal with the particular</b></p> <p>8 <b>challenges around counter-terrorism. It's</b></p> <p>9 <b>paragraph 21.3, page 05368. You refer to the importance</b></p> <p>10 <b>of a constant and steady relationship with the media,</b></p> <p>11 <b>communicating and disclosing as much information as</b></p> <p>12 <b>possible, notwithstanding, and I paraphrase, obvious</b></p> <p>13 <b>operational sensitivities around the whole</b></p> <p>14 <b>counter-terrorist operation. Did circumstances arise</b></p> <p>15 <b>when there were frictions or rubbing points about how</b></p> <p>16 <b>much could be disclosed?</b></p> <p>17 <b>A. Not specifically in relation to counter-terrorism during</b></p> <p>18 <b>my time there. In 2002, most major media sources had</b></p> <p>19 <b>embedded dedicated journalists or reporters in Northern</b></p> <p>20 <b>Ireland. That changed -- and who had a great</b></p> <p>21 <b>understanding of the history and actually knew the</b></p> <p>22 <b>territory fairly well. That changed as the time went on</b></p> <p>23 <b>and more and more as Northern Ireland became less</b></p> <p>24 <b>interesting in media terms in the routine, they withdrew</b></p> <p>25 <b>and we were then left with a less experienced group of</b></p> <p style="text-align: center;">Page 104</p>

1 media reporters where it sometimes did become somewhat  
 2 more tense.  
 3 That having been said, the most critical events in  
 4 my time would have been the murders of Sappers Azimkar  
 5 and Quinsey in 2009 and Constable Stephen Carroll on  
 6 9 March 2009, and the relationship with the media then  
 7 I would only describe as professional and responsible.  
 8 Q. You make it clear in section 22 of your evidence you had  
 9 many informal meetings with journalists -- this is  
 10 22.3 -- really to deepen understanding. There were  
 11 one-to-one conversations, on occasion two. Did those  
 12 include editors?  
 13 A. Yes, I did meet editors and I used to meet the embedded  
 14 reporters who had a great understanding of Northern  
 15 Ireland, indeed had -- many had written some of the most  
 16 definitive books on the history of Northern Ireland,  
 17 which of course were very important for me to  
 18 understand, so it was much as actually for my benefit of  
 19 understanding their perspective on where policing was  
 20 going. They were -- because of the nature of Northern  
 21 Ireland they were very closely embedded to their  
 22 communities and they had a wealth of information which  
 23 I could benefit from, so in a way it was a rather  
 24 parasitic relationship at the beginning, where  
 25 I benefited far more from their information than they

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1 did from anything I had to say to them, although it was  
 2 critical to get the mission of policing out, to get  
 3 absolute clarity that the Patten Report was going to be  
 4 implemented, including the most difficult and challenges  
 5 bits, 50/50 recruiting being one of them, where we had  
 6 to recruit 50 per cent Catholic and 50 per cent  
 7 Protestant recruits to the service, and, of course,  
 8 losing hundreds of experienced officers to make that  
 9 happen, and it's very important that my message got out  
 10 loud and clear about what my determination was for my  
 11 service.  
 12 LORD JUSTICE LEVESON: It's a very, very different exercise,  
 13 that. Here you're starting a new service in an area  
 14 which has a history of difficulty, which somebody coming  
 15 in from the outside would want to understand, and then  
 16 you have to convey the new ideas and ensure there's  
 17 enthusiasm for them and a willingness to take them on.  
 18 That's rather different from any of the problems faced  
 19 here, isn't it?  
 20 A. Although the principles, sir, I think are the same,  
 21 which is one of engagement, one of being comfortable,  
 22 having a conversation with people who are in the media  
 23 world without feeling vulnerable to compromise, being  
 24 very clear in your own mind what your purpose is.  
 25 I think one has to have -- I think there are some

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1 parallels about how one does business and being very  
 2 clear this is a relationship that is a professional  
 3 relationship, it's not around being friends with each  
 4 other, it's around sharing information, but actually  
 5 it's, if you like, the grey area, it's about getting  
 6 a better understanding of what it is they need from us  
 7 as much as what we want to tell them and how you can  
 8 become more effective in that communication without any  
 9 deals. I think the risk is when it goes into this sort  
 10 of grey area where it becomes -- or perception is this  
 11 is a cosy relationship with specific people.  
 12 That having been said, I absolutely focused on the  
 13 journalists who I saw as competent, professional,  
 14 capable of delivering, and whilst in those more targeted  
 15 conversations I would choose who I was speaking to in  
 16 the routine, in relation to the Police Service generally  
 17 of course we would speak to any journalist that wanted  
 18 to engage with us, and media releases, press releases,  
 19 press conferences were not restricted in any way, shape  
 20 or form.  
 21 MR JAY: Were these meetings both on the record and off the  
 22 record?  
 23 A. I think there's a huge difficulty in reading about what  
 24 is on the record and what is off the record. I prefer  
 25 the term "background briefings" to set context, as Chief

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1 Constable Trotter touched on earlier, and I was more  
 2 than happy to go on the record -- to have on-the-record  
 3 meetings with any journalist that sought an  
 4 on-the-record interview. That would be quite properly  
 5 through my press office and would be recorded and would  
 6 normally take place in my office or another police  
 7 building.  
 8 MR JAY: Sir, is that a convenient moment to take our  
 9 lunchbreak?  
 10 LORD JUSTICE LEVESON: Yes. Thank you. 2 o'clock.  
 11 (1.01 pm)  
 12 (The luncheon adjournment)

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