



fighting for media freedom

16.03.12

I am sorry that this extra submission has been delayed. It includes some comment on evidence the inquiry has heard in Module 2 but I do not think it makes specific challenges to any witness about their evidence. It is largely historic rather than current. I hope it might offer some helpful background to the issues rather than direct evidence.

I am of course happy for it to be used in any way that the inquiry sees fit.

Yours sincerely

**Bob Satchwell,
Executive director
Society of Editors**

SoE evidence to Module 2 of the Leveson Inquiry

Preamble

The Society of Editors has more than 400 members in national, regional and local newspapers, magazines, broadcasting and digital media, journalism education and media law.

As the only cross media organisation representing editors and senior executives, the society and its predecessor organisation the Guild of Editors has long worked with the police and other authorities to encourage the flow of information to the public.

This has included contact with individual police forces and with the Association of Chief Police Officers' Media Advisory Group (now the Communications Advisory Group), and through the Home Office, later the Cabinet Office Media Emergencies Committee. The society and its officers have long had close and usually cordial professional relationships with police representative organisations. It has helped to write and revise police media guidelines. Officers of the society have shared conference and seminar platforms, emergency planning exercises and other meetings with police officers and police media officers.

Crime reporting has always played a large part in media coverage on all levels and in all delivery platforms. The role of the media is to act as a conduit between the police and the public who clearly have a right to know about - and indeed pay for - the work of the police, and about crime.

The relationship was perhaps best summed up by a former head of Scotland Yard's anti terrorism branch after the September 11 attacks in New York. Under the Auspices of the Media

Emergencies Forum, a joint working party of the emergency services, emergency planners and the media produced a report examining how the UK might prepare for a similar major incident.

The police/media relationship was described as follows:

As the emergency services head with siren blaring and blue light flashing towards an incident they should think of their three key tasks:

To protect the public.

To protect the scene of the crime or accident.

To inform the public through the media.

And it added that, crucially, these three tasks were not in priority order. They were of equal importance because the third is crucial to the other two vital functions, helping the police and other emergency services to achieve their objectives.

This was demonstrated when the '7/7' terrorism attacks occurred in London in the summer of 2005. The flow and speed of information to the media - and thus to the public - was remarkable on and after July 7. So much so that two weeks later the police and security services acknowledged the part played by the public, thanks to the media, in foiling further attacks and in providing information that led to arrests.

That experience provides vital pointers for the police, which can be applied to all other incidents like major natural or man-made disasters such as rail crashes and floods, and to police relationships with their communities down to the most local level.

While frequently the guidelines can and do work, it is important that the message - the value of a free flow of information to the media - is communicated regularly as new people join the police and other emergency services, and as officers attain senior leadership roles.

Sadly, all too often the messages are not updated. Many police officers remain suspicious of the media and fail to appreciate the important role that it can play, helping them to do their job.

Mutual trust is, of course, a matter for all sides in any relationship. However much trust has been built up as a result of working together on national committees and working parties, it will not translate into better working practices unless the media and police meet and communicate regularly and fully away from, and in advance of, incidents where tension created in the heat of investigations or public order activities will be likely to get in the way.

Nationally, editors and other senior journalists should have regular and appropriate contact with senior police officers at Scotland Yard and in ACPO. Locally and regionally, leading media figures should develop relationships with chief constables and area police commanders. The media need to understand the policies and thinking of police leaders, and editors, by necessity, can reflect the views of the public and the needs of the markets or communities they serve.

That is why informal communications and relationship are vital between the police and the media. They benefit from sensible levels of reciprocal entertainment that are central to the success of any relationship.

That must be recognised, as must the need that such contacts should be open, accountable and equitable. All participants should be guided by common sense and governed by a common need to serve the public, albeit in very different - occasionally conflicting - ways.

Finally, the police service in Britain has traditionally stood out as being both for the community and part of the community. Below are perhaps some of the reasons why that picture is changing. Effective relationships with the media, not policies of “controlling” or “managing” the media might help the police service restore its traditional reputation.

Responses to the inquiry’s detailed questions

The Inquiry is now looking at the relationship between the press and the police. We’re interested in hearing from professionals and the public with information and examples in response to the specific questions below. Your answers may be considered as potential evidence to the Inquiry and may be published in a redacted form as part of the Inquiry’s evidence.

Culture, practices and ethics:

1. The Inquiry needs to understand how the relationship between the press and the police currently operates. The Inquiry would be interested in the experiences of police officers, other police staff, and journalists as to how the relationship between the press and the police works in practice.

Despite the description of the importance of the police-media relationships outlined above and revised ACPO guidelines, the society has observed a steady increase in the number of problems arising between police forces and the media, especially at a local level. Every force now has a 'communications department', and their rising power and influence has all too often limited the flow of basic information from police to public via the media. One experienced crime reporter has even described this trend as: "the triumph of presentation over substance".

Now, in the 21st century, it is frequently impossible to speak to police officers directly involved in investigation of a particular case; instead, media enquiries are channeled through the carefully controlled filter of a press office or communications department, sometimes limited to taped or website messages.

In the past, police officers and journalists benefited greatly from working relationships built on trust, where information - some of it not intended for use in the public domain - was discussed. There is nothing inappropriate about this. The mutual gains are obvious: by giving a fuller picture to a trusted journalist, a police officer can be confident the

resulting report will be accurate, will address the most important issues, and will not stray into territory that could compromise a delicate operation. The journalist gets the scoop; the police officer apprehends the criminal.

It was also the case that any journalist transgressing the arrangement would subsequently be starved of their only meaningful currency - information. Any crime reporter robbed of background knowledge and a full understanding of the context of local policing is unable to function.

It was illuminating to see the level of police activity revealed when Greater Manchester police used Twitter to demonstrate their workload. There were in the region of 3,000 incidents in the force area in one day. The level of releases by usual methods would normally produce only a tiny fraction of that flow of information. Manchester has a big police force covering a large heavily-populated area but a similar exercise elsewhere would have produced similar contracting pictures.

Little wonder that local communities feel ill-informed about crime and indeed fear it when most communities are remarkably safe. It is also remarkable, particularly at a time when they claim that spending cuts are hitting them hard, that police forces do not appear to want to show the public just how much work they undertake.

2. The Inquiry would be interested in the experiences of police officers, other police staff, and journalists as to how the current Police Service policies and guidance in place to regulate the relationship between the press and the police work in practice.

One fundamental effect of the rise of the communications departments outlined in point 1 above, is that they are largely responsible for the creation and operation of a force's media relations policy. At best, this can mean a pragmatic, sensible, clear and well thought-out blueprint (see point 6 below). At worst, it can underpin a secretive, obstructive and defensive culture which starves local people of information and news they have a right to know via the media. As a result of the latter, journalists have had to resort to use of the Freedom of Information Act in order to obtain information which should have been released as a matter of course in the first place.

Clearly openness is a more effective policy in trying to gain the confidence and support of the communities the police seek to serve. The media has to serve those communities in order to build their audiences. There are mutual benefits in the police and the media working together and sometimes accepting criticism from one another. Relationships must be professional but not cosy. Common sense and mutual respect spotlight the necessary boundaries of such relationships.

3. The Inquiry would like to build up an overall picture of the nature and level of the interaction that currently exists between the police and the press. The Inquiry would therefore be interested to receive submissions on the type and frequency of contact which currently exists between police officers, other police staff, and the media (differentiating between local and national media contact), with examples where possible.

The society does not recognise the picture painted by Dame Elizabeth Filkin in her report, commissioned by the Metropolitan Police last year, in which she warned: "Late night

carousing, long sessions, yet another bottle of wine at lunch - these are longstanding media tactics to get you to spill the beans. Avoid."

That is not to say excessive socialising did not happen in the past and may occasionally occur now, but a whole range of social factors have changed the nature of relationships. In any case, in the review findings section of its report of December 2011, Her Majesty's Inspectorate of Constabulary stated: "We did not find evidence to support any contention of endemic corruption in police service relationships, either in relation to the media or more generally, with the majority of police officers and staff striving to act with integrity." For at least 15 years, the society's members have reported a steady deterioration in the quality of interaction between police officers and journalists. At one end of the scale, this has been characterised by what we see as an over-cautious approach; a reluctance to release anything other than the scantest information. This appears to have been driven by fear of internal consequences, rather than operational difficulties arising from any external publication.

The advent and expansion of communications departments has led to a still more remote relationship, where one exists at all.

With a few noble exceptions, journalists working on small local newspapers now seldom attend press briefings run by officers. This is either because their own title's resources have dwindled to the point where this is not operationally practical, still more worrying, or because the lack of information released does not merit making the trip. These local journalists may occasionally come into contact with police officers at incidents, but since these are tightly controlled, this does not represent an opportunity for building any kind of working relationship.

Police officers and journalists are not natural bedfellows. The reality on the ground is deterioration in relationships, not increasingly cosy ones. And that is without describing the increasing number of incidents where police officers of relatively junior rank exceed their powers and ignore the role of the media. We are grateful to ACPO and generally to chief constables and other senior officers who have responded robustly when officers have, for example, attempted to stop journalists doing their job and in some cases seized cameras in the erroneous perception that they have legal powers to prevent photographers taking pictures at road traffic accidents.

If that is how the police can treat journalists going about their lawful business, little wonder that citizens may feel alienated by inappropriate and excessive policing methods. The danger of recent events, and indeed the inquiry, is that it may inadvertently lead to a further deterioration in police media relationships.

4. The internet, 24 hour news and social media has brought new challenges for both the police and the press. The Inquiry would be interested in the experiences of police officers, other police staff, and journalists on how this may have altered the relationship, and whether the Police Service policies and guidance in place have kept pace with this changing environment, with examples where possible.

The advent of social media has proved to be an enormous help to journalists having to work in areas where relations have broken down with a local force. It has also had the effect of accelerating the pace of journalism overall. Local newspapers now have their own

websites, and the concept of weekly publication is almost dead - most newsrooms feed their websites round the clock, and that, in turn, has placed a greater demand for information on police. Some have risen to the challenge admirably. Others have not.

What is surprising, and depressing, is that some police officers seem incapable of appreciating the links between readers, listeners or viewers who have a loyalty to a paper or broadcaster. If they see police activity they will tell their favorite media. That is often the source of information, rather than inappropriate leaks from police officers.

Communities are now in the habit of tweeting what they see, or sending in comments directly to their local newspaper, and this can bypass police involvement altogether. For this reason, the society has striven to encourage close working relationships between journalists and police officers, so that both may keep pace with developments.

5. The Inquiry would be interested to receive views on the level of awareness and experience that exists within the Police Service of "media crime" (the unlawful interception of communications, bribery of officials by the media and harassment by paparazzi and journalists, for example), with examples where possible.

6. The Inquiry would be interested to receive views as to whether the Police Service governance arrangements, policies and guidance currently in place are sufficient to sustain a transparent and ethical relationship between the police and the press which at the same time upholds the confidentiality and rights of the victims of crime and the public more generally.

An environment where police officers seek to log and otherwise document every interaction with any journalist is, in our view, unrealistic, not to say sinister. Such a move could wipe out many trusted, long-established relationships between journalists and police officers. These are not inappropriate interactions; they oil the wheels by allowing a free flow of information in both directions, at the discretion of those involved. The decision as to how much information rests with the professionalism and seniority of the participants.

Provided common sense guidelines are followed (and as the HMIC confirms, there is no evidence that they are not) these human exchanges have enormous value, but if they become a formal part of an official process, they will wither and die. Journalists have a long-established duty to protect their sources; official logging of such meetings by one side or the other will kill a vital element of the press-police relationship to the detriment of the public interest.

The Media Relations Policy of the City of London Police, for example, acknowledges the balance to be struck between the media and the force, clearly stating what it sees as its responsibilities in this regard:

"We will tell the media things which:

- are in the public's interest to know about**
- help build public confidence in the City of London Police and the police service in general**
- help the public to better understand the way in which the police go about this work**
- promote good practice and the achievements of the City of London Police and its staff.**

We have a duty to let the media know things which should be in the public domain. These include witness appeals and crime prevention advice."

"Our media handling must not compromise or prejudice any live investigation or the principles of natural justice, including the Data Protection Act or the European Convention on Human Rights."

It pays particular attention to the concept of 'off the record' briefings:

"In order to build a better understanding and closer working relationships with journalists, there may be occasions when police officers wish to speak 'off the record' - dealing with matters not for public disclosure, explaining reasons for maintaining confidentiality and specifying what might be published. When doing so, officers must stick to the facts of the case and should not speculate or let their own personal views or prejudices influence the discussions.

Officers and staff should be very careful when speaking 'off the record' and should not do so unless they have a good working relationship with the journalist concerned. Officers meeting individual journalists for the first time should NEVER provide them with any information they would not be happy to see in the public domain. Officers and staff who talk off the record must be prepared to find themselves quoted as 'a police source', in some cases."

In our view, this is a clear, sensible policy. It acknowledges that officers may have a 'good working relationship' with a journalist, while giving appropriate cautionary advice.

7. The Inquiry would be interested to receive submissions on what Police Service training, governance and oversight arrangements exist, and views on whether it is sufficient, to ensure that acceptable boundaries exist between the police and press, with examples where possible.

8. The Inquiry would be interested in the experiences of journalists about whether you have ever felt under any pressure not to report a story involving a police officer or member of police staff (detailing where and from whom the pressure came), with examples where possible.

The society has no evidence of such occurrences but would not be surprised to learn of attempts to suppress reporting. The most likely reaction to such a request would be that it would lead to a report in itself.

9. The Inquiry would be interested to receive submissions from police officers, other police staff, and journalists on the extent to which formal and informal interaction between the press and the police is recorded for the purposes of transparency (are such records audited, and if so by whom, for example).

Journalists usually record any formal interaction with police officers or force press officers in the form of notes taken at the time, and a selection of these may be used when a story is written up. These notes could include names, contact phone numbers, and verbatim quotes taken down in shorthand. Newsroom best practice is for reporters' notebooks to be retained for at least three years, often longer.

For informal meetings, each individual journalist will have their own way of working. Some will not take any notes at all, others may write a few key points down as an aide

memoir. This is unlikely to form part of any formal newsroom policy, largely because it strays into the sensitive area of protection of journalistic sources and material. Please see a separate note from Bob Satchwell, executive director.

Information control and disclosure:

10. The Inquiry would be interested to receive submissions on the extent to which systems are in place (and an assessment of whether they are adequate) to identify, prevent, manage and investigate police data leaks and breaches.

11. The Inquiry would be interested in the experiences of the victims of crime and the public more generally, who feel that they have been adversely affected (perhaps through a data leak or breach, or through the reporting of a case) by the current relationship between the press and the police, with examples where possible. The Inquiry would also be interested to receive submissions in relation to this issue on whether it is felt that the current investigation and complaint regime are adequate to properly address instances of this type.

12. The Inquiry would welcome submissions on how the police and the media working together is and can be of benefit to the public, with examples where possible.

Please see the preamble to this submission. In addition there are countless examples of the media regularly supporting the police locally and nationally. Both print and broadcast media regularly accompany police on drugs raids and to other incidents. Broadcasters carry programmes ranging from BBC TV's Crimewatch to the many fly-on-the-wall documentaries spotlighting crime, anti-social behaviour and traffic offences. National papers have police bravery awards. Local papers have community service awards and support police campaigns on crime, drugs and drink driving. The media supports Neighbourhood Watch CrimeStoppers and in areas where this initiative was started and most actively supported the evidence of success was greatest.

Personal background - Bob Satchwell, executive director, Society of Editors:

I started work as a trainee journalist at the Lancashire Evening Post in Preston in 1970. The paper was then a major multi-edition regional daily newspaper with a circulation of more than 100,000 copies per day in the North West.

I became crime reporter, chief reporter, then news editor, assistant editor and associate editor of the paper before moving to the News of the World as an assistant editor in 1981. I returned to a regional newspaper, the Cambridge Evening News, as editor in 1984, a post I held until the end of 1998 when I took over my present role.

During my time based in Lancashire I had many and varied close contacts among police officers, local politicians up to the most senior levels and Members of Parliament. I met them regularly in formal professional circumstances and often informally and socially, at lunches, dinners, in pubs and at sporting events. Police and the media met informally near to the scenes of major crime investigations, as well as at formal press conferences. I sometimes had private one-to-one meetings with senior detectives.

I also had professional relationships with lawyers and members of the judiciary and the prison service, who I sometimes met socially, within the context of a regional newspaper's involvement with the community or my own personal contacts and friendships, some of which arose entirely separately from my role as a journalist, and, in some cases, pre-dated the start of my working career.

As a result of those extremely close contacts with senior police officers, there were naturally many news stories of local or regional significance that first appeared in the LEP. There were also frequent exclusive stories of much wider significance that started in my own paper and were followed up nationally and indeed internationally on occasions. Some of these related to Northern Ireland terrorism, and included the arrest of the suspected Birmingham bombers.

During that time socialising was common between police officers and journalists. By present day standards some of that socialising might well be considered excessive. In evidence to the inquiry there have been suggestions of "grooming" and even "flirting" by journalists in order to extract information. My experience was that these relationships were entirely mutual and often valuable on both sides. On occasion, however, the advantage lay with experienced and often senior police officers over young and inexperienced journalists.

Despite those close relationships, and indeed because of them, rumours arose of serious inappropriate behaviour and corruption on the part of the then chief constable of Lancashire. Officially, and among senior officers and local politicians who served on the police committee, this was kept extremely private and it seemed from the early days that attempts were being made cover up complaints that had been made by a detective sergeant during a routine HMI inspection. Even that fact was not made public at first, neither was the establishment of an inquiry by another chief constable – Sir Douglas Osmond, chief constable in Hampshire, who carried out his investigation with a small team.

Over many months some details of allegations against the chief constable were established but our knowledge of them was not sufficient to support publication. Eventually, I was able to see a copy of the Osmond report to the Lancashire Police committee. It was clear at that time that there were moves among politicians on the committee to deal with the report as quietly as possible and to allow the chief constable to continue in office.

Having seen and read the report it was decided to publish detailed extracts. After taking advice from specialist London solicitors who advised that it would not be an uninsurable risk under the terms of our libel insurance cover, reports were published over the front and four inside pages of the broadsheet newspaper. The front page story was headlined: "Why Lancs police chief must go".

Despite widespread attention nationally, including questions in Parliament, attempts to deal with the issues quietly continued. We continued to report the deliberations of the police committee, the chairman of which thought we had secretly recorded its meetings, and especially an attempt to allow the chief constable to take early retirement. An investigation was conducted to try to establish the identity of my sources. I do not know if that was official or unofficial, but I did know that mid-ranking officers were involved.

A formal tribunal was set up under an experienced QC with assessors, and it concluded the chief constable should be dismissed after being found guilty of a range of disciplinary offences. This was the last time that a chief constable has been dismissed.

The reaction among many police and other contacts was mixed. Some, including senior police officers, felt that we had betrayed our relationships with the police. Others, especially junior officers, had precisely the opposite view.

Following the chief's dismissal, major police inquiries based on information we had supplied, continued for some two years into corruption in local government in Lancashire. These were conducted by outside police forces and were finally headed by Peter Imbert (now Lord Imbert) who subsequently became Commissioner of the Metropolitan Police.

I went on to be involved in other media investigations into police corruption that was a major issue nationally at the time. After moving to the News of the World, I had many meetings formally and informally with senior officers at Scotland Yard and other police forces. It was entirely sensible and appropriate for a senior executive of a national newspaper and senior officers to discuss matters of policing policy. They were mutually beneficial. One of those senior officers was the deputy commissioner who had previously taken over as chief constable in Lancashire to replace the chief who had been dismissed. Having both come from Lancashire, we had some empathy after joining major London institutions from the provinces.

During that time I had continued with a personal policy I had initiated when I first became a crime reporter of making diary notes of meetings with police officers with a record of the story or possible story I was working on, and a record of any expenditure for reclaiming as expenses. That policy continued for the rest of my career whenever I met police officers.

After arriving at the Cambridge Evening News I naturally met the chief constable of Cambridgeshire and other senior officers both formally and informally. There was mutual entertaining from time to time. It was during this period that I met Lord Stephens who was for a time deputy chief constable. As we lived close to one another we sometimes met informally at the village pub, where our conversations might quite naturally include police policy matters as well as the weather. He has remained a friendly contact since. I met him at Scotland Yard and at other functions and conferences during his time as commissioner.

I had valuable contacts with other senior officers that I firmly believe were clearly in the interest of the community that both Cambridgeshire police and my newspaper served.

Both during that time and in my present role, I continue to maintain regular contacts with senior police officers through ACPO, conferences, seminars, the Media Emergencies Forum and other less frequent discussions. These have included general media relations topics, arrangements for the media accompanying police on operations, the working of the police-media kidnap agreements and the release of information from the police and the courts. All of this has been beneficial to the public through the media, and to the police. These are just some of the positive examples of the media working with the police and other authorities. Some of this, especially relating to anti-terrorism, has been revealed by former police commissioners in evidence to the inquiry. There are many other examples of informal co-operation locally and nationally.

That responsibility on the part of the media is typified by the Defence Press and Broadcasting Advisory committee, of which I am a member, and which to an extent involves the police in their anti-terrorism role. The Society of Editors also plays an important liaison role with government and other institutions, including the courts. The responsibility of the media and particularly newspapers is often questioned but rarely praised. There was recognition of that responsibility when the UK print and broadcast media did not report Prince Harry's deployment to Afghanistan until it was nearly over and revealed by a website in the USA. That was entirely voluntary as is the DPBAC and DA Notice System and indeed the PCC system to reduce the effect of media scrums and so-called "desist notices".

All of this shows that a voluntary system can and does work where the law and over-regulation would be a blunt and therefore ineffective instrument. Similarly, informal close relationships between the media and the police, and other groups, benefit the public interest. Naturally, there has to be a sensible amount of control, governance and transparency, but over-regulation, over-cautious and risk-averse formal policies must not overwhelm the common sense and integrity displayed by the vast majority of police officers and journalists.

I would also like to comment briefly on evidence given to the inquiry by serving and former police officers.

First, the level of detail about alleged illegal activities at the Sun newspaper given in evidence by DAC Sue Akers was surprising when suspects have been arrested and released on bail. It is perhaps ironic that some of her comments were not dissimilar to those that are frequently criticised when they appear in newspapers. In effect she provided an on-the-record briefing to the inquiry and therefore to the public of the kind that may be given off-the-record to the media. That sometimes may encourage the kind of reporting for which newspapers have been prosecuted under the Contempt of Court Act.

Second, some of the evidence given by very senior officers about how they found informal meetings with journalists inappropriate and even uncomfortable was illuminating. Putting aside the thought that senior officers ought to talk to journalists, not because they are journalists but because they are a vital conduit to the public, it is surprising that those who achieve such powerful positions should be inhibited in the presence of journalists, especially those who as part of their trade need to build up relationships of mutual trust with the police. I have to say that in

my experience I cannot remember any such displays of timidity or fear on the part of experienced police officers although some are less helpful and open themselves.