

Lord Justice Leveson's Inquiry

Statement of Derek Barnett, President of the
Police Superintendents' Association of England & Wales (PSAEW)

1. Who you are and a brief summary of your career history.

1.1. I am Chief Superintendent Derek Barnett, President of the Police Superintendents' Association of England and Wales. I make this statement in response to a request made of me under Section 21(2) of the Inquiries Act 2005 by Lord Justice Leveson (Chairman of the Inquiry).

1.2. In making this statement I have referred to the following documents.

- ACPO Communication Advisory Group Guidance 2010
- HMIC Review of Police Relationships (Without Fear or Favour) 2011
- Elizabeth Filkin Advice to the Commissioner of Police of the Metropolis and his Management Board (The Ethical Issues Arising From The Relationship Between Police and Media). 2012
- Police Service Statement of Purpose and Common Values
- Oath of Attestation taken by all police officers on recruitment

1.3 I joined the Cheshire Constabulary in 1978 and served as a uniformed officer, CID, Special Branch and HQ in all ranks from Constable to Chief Inspector. In 1997 on promotion to Superintendent I served as a BCU Commander in Macclesfield which is the Eastern area of Cheshire and thereafter as the Head of Uniform Operations for the County of Cheshire before leading the Constabulary on Police reform.

1.4 In March 2007 I was elected as the Vice President of the PSAEW becoming on further election in 2010, President of the Association. A position I have held to present.

2. What is the role/what are the functions of the Police Superintendents' Association?

2.1 The PSAEW is a staff Association that represents the interests of all police officers in the rank of superintendent and chief superintendent in the forty three Home Office Police Forces in England and Wales, British Transport Police, Civil Nuclear Constabulary and the Isle of Man Constabulary. Our members are recognised as the senior operational leaders of the police service

2.2 The PSAEW has three objectives:

- To negotiate in matters of pay and conditions of service for members, and to provide support and advice to members regarding health & welfare or those 'at risk' in relation to conduct issues
- To lead and develop the police service to improve standards of policing
- To actively contribute to help shape future policing policy and practice at the national and strategic levels

3. Who is eligible to be a member of the Association?

3.1 All police officers serving in the police forces referred to in Question 2 above who have attained the rank of superintendent or chief superintendent in a temporary or substantive capacity are considered to be members of the PSAEW. However, only those who subscribe to the Association by paying a monthly subscription are eligible to be covered by legal insurance and representation and support in matters of discipline and conduct.

4. How many members are there?

4.1 There are 268 Chief Superintendents and 1,170 Superintendents – a total of 1, 438 members.

5. What is your role, as President of the Police Superintendents' Association?

5.1. I am elected by the members of the National Executive Committee (NEC) to lead the Association. (The NEC comprises of thirteen members representing each of the Five Districts together with three reserved places to articulate the views of women, BME and LGBT members).

5.2. As President my principle responsibilities include:

- Chair of the NEC
- Chair of the Superintendents' Committee of the Police Negotiating Board
- Lead press spokesperson for the Association
- Lead representative on behalf of the PSAEW with Government and Opposition which includes regular and routine bi-lateral meetings with the Home Secretary, Police Minister, and Home Office Officials.
- Lead consultee with stakeholder organisations including ACPO, Police Federation, UNISON, HMIC, APA, NPIA, IPCC.

5.3. Although a serving police officer, my role does not include responsibility for the day to day duties and conduct of my members who are fully accountable to their respective Chief Constables.

6. What is your view of the guidelines issued by ACPO matters relating to the media, including handling the media? Do the Association's members find it useful and informative? if not, why not ?

6.1. The ACPO Communication Advisory Group Guidance (issued November 2010) although a useful reference document, it is primarily designed for the use of communications staff in the Police Service. It does offer practical guidance in specific operational areas such as crime investigation, hate crime and court cases. It is useful to note that it was produced with the assistance of the Society of Editors, the Newspaper Society and the Crime Reporters Association.

6.2. The guidance does not directly address issues of integrity and relationships between officers and journalists or issues relating to hospitality and minimising the risk of leaks. These are matters that would benefit from inclusion in any future revision of the guidance.

6.3. In seeking to answer the question of how the guidance is perceived by my members, I have consulted widely within the Association. Those who are aware of the document have found it helpful although with the limitations alluded to above. However, generally the ACPO guidance appears to have a low visibility. Any new version would benefit from a higher profile and targeted dissemination within the service. The PSAEW would be able to assist ACPO in dissemination of the guidance and enhancing awareness within our membership

6.4. I would also wish to see a clear and unequivocal statement that in future guidance, whatever your role or rank, the acceptance of payment for information is a non-negotiable criminal and/or disciplinary offence subject to sanction of the criminal law or dismissal.

7. Does the Police Superintendents' Association issue any guidance to its members in relation to their dealings with the media (in all its forms)? If so, please specify and indicate whether the guidance is in line with/follows the guidance provided by ACPO.

7.1. The PSAEW does not issue guidance to our members in relation to their dealings with the media. This is a responsibility of the Chief Constable under the overall umbrella of ACPO.

8. Do the Association's members seek advice or guidance from the Association in relation to their dealings with the media (in all its forms)?

8.1. In relation to their operational role within forces, members do not seek advice or guidance from the Association. However, members do on occasions find themselves the subject of adverse comment in the media. Where a member believes that redress is unlikely to be found by local resolution or the level of coverage is excessive or inaccurate or libellous, the Association will offer advice and guidance as appropriate including where necessary support to the member to pursue legal redress.

9. Please comment, insofar as you are able, on whether the Association's members are adequately trained/and or given sufficient guidance such that they are able to have appropriate contact with the media (in all its forms). Please give illustrative examples if possible. When answering this question please explain what you consider to be "appropriate contact".

- 9.1. The PSAEW does not provide training at all to members. This is a responsibility of individual Chief Constables.
- 9.2. Our members do report that they receive localised training within their forces and some have received national media training tailored to their specific role, for example, as a Senior Investigating Officer (SIO). However, to the best of my knowledge, such training focuses on delivery of the message rather than the broader relationship and ethical concerns.
- 9.3. In terms of “appropriate contact”, I would interpret this as being for a ‘policing purpose’. For example, many of our members are responsible for leading the delivery of policing across defined geographic areas (Basic Command Units). The relationship with the local media is often a key component to the reporting of police activities. The media desire for a story does not always fit well with police objectives, especially the desire to reduce the fear of crime. The local relationship with the media understandably ebbs and flows, occasionally, and in order to maintain a healthy relationship our members may meet for a coffee and/or share lunch with the local Editor. Such meetings often lead to a frank exchange of views and are generally regarded as a professional opportunity to improve understanding. Of course, this may well be seen as ‘appropriate contact’ internally; however, depending on context and explanation others could perceive this somewhat differently. That is why I support the HMIC recommendation that there is a need for clarity in our dealings with the media.
- 10. Do you consider that the Association’s members face particular challenges when incidents occur which attract national media interest? If so, please comment, insofar as you are able, on whether they are adequately trained and/or given sufficient guidance such that they can respond effectively and appropriately to incidents which attract national media interest. Please give illustrative examples if possible.**
- 10.1. The pace and scale of media interest is readily apparent. It is a 24/7 demand with an insatiable appetite and places huge demands and expectations upon frontline police officers. As major incidents unfold, our members are often the focus of the media. At such challenging times our members are invariably supported by professional communication staff from within their force who will offer guidance on the police response. A media strategy would be agreed upon and the selected spokesperson put forward for engagement with the media.

10.2. On rare occasions, the officer may release information in good faith which may be contradicted by the force press bureau which can reflect upon the integrity or competence of the individual.

10.3. A series of nationally accredited training courses for the management of critical incidents is available. These cover the overall police response and have some media skills input. Again, this is focused on the style and delivery of the message to the media.

11. Please comment, insofar as you are able, on whether the Association's members are adequately trained and/or given sufficient guidance, such that they are in a position to give advice and/or leadership to officers and civilian staff under their command. Please give illustrative examples if possible.

11.1. In terms of media training my previous answers reveal the lack of a cohesive, nationally consistent and professionally trained standard. In accord with many aspects of policing, past experiences, sound judgment and professional discretion often serve as the best guide. Our members would call upon their knowledge, exposure and experience to support their staff. In this regard, it is easy to measure failures but less so to measure success.

12. What steps (if any) should be taken, or changes made, to ensure that the Association's members are prepared to respond to national media interest and are able to conduct appropriate relationships with the media and provide the required leadership to junior officers ?

12.1. As previously indicated, there is national guidance available in the form of the ACPO CAG Guidance 2010. I am confident that the revised version of this document will contain additional elements addressing the recommendations made by the HMIC and additionally informed by the outcome of this Inquiry. To ensure a greater relevance and exposure of the guidance to members of the superintending ranks, the PSAEW will support the work of ACPO to draft the new guidance and disseminate to all of our members via our membership network.

GENERAL MATTERS

13. What is your impression of the culture within the MPS in relation to its dealings with the media (in all its forms)?

13.1. I begin by clarifying that I am not, nor have I ever been, a member of the MPS. However, to assist my understanding, I have discussed this question with a number of MPS members.

13.2. Clearly, recent events have revealed concerns regarding the 'relationship' that may or may not have existed between certain elements of the media and MPS police officers and staff at both a senior and junior level.

13.3. The scale, volume and complexity attached to policing London understandably attract national press interest and the MPS often comes under greater scrutiny as a result. The MPS is a large organisation comprised of over 32,000 officers and 20,000 police staff. The breadth and variety of roles within London create differing cultures within the MPS and these, in turn, contribute to their dealings with the media. Therefore, this caveat should accompany any attempt to explain 'the culture within the MPS'. Furthermore, the perception generated by events and the national media coverage may or may not be a true reflection of the MPS culture(s).

13.4. The national and local media both look to the police for information. There does not appear to be any issue with relationships with local media, which is largely managed via local Boroughs. With local media the police are trying to promote reassurance and appeals for information. However, the national media carries greater influence and the MPS attempts, via their Press Office, to control and professionalise interaction.

13.5. It is clear from Elizabeth Filkin's report that internally some officers have felt unsupported and/or that other wider agendas or personal relationships have skewed subsequent reporting.

13.6. Those in investigative roles emphasize the importance of good media relations and the need to 'compete' for media coverage when making an appeal for information and witnesses. This coverage is often a key part of a successful investigation.

13.7. One final point, worthy of reflection, is the potential impact of this current scrutiny. Understandably, my members talk of a heightened sensitivity in their dealings with the media. Many are 'sticking to the facts' and some are seeking to avoid contact altogether. If we are not careful there is a risk that due to fear of being misunderstood officers could 'close ranks' on the media. This potential unintended consequence could damage many more relationships and affect the openness and transparency of policing. Indeed, tenacious journalists would be forced to identify and use unofficial sources, no doubt inflicting further damage to public perceptions of policing.

14. What is your impression of the culture within the other police forces in relation to their dealings with the media (the media in all its forms)?

14.1. The culture within policing generally is in my experience overwhelmingly professional, positive and open. I have witnessed strong professional relationships between force press offices and individual officers. There is in my view a clear understanding at a senior level within policing that a strong relationship is essential in delivering a first class service to the public, keeping the public informed and adding to the level of local accountability. Forces encourage junior officers to speak to the press however, individual officers may be more hesitant and less forthcoming owing to suspicion of lack of confidence in what is permissible to discuss or information to release.

14.2. On occasions at large or difficult incidents, it can be difficult for officers on the ground to cope with the demands of the media. It is possible that officers may be pushed to comment on events when not in possession of the full picture which may lead to perceived inaccuracies or unwillingness to speak to the media.

15. What is your view of the practice of police officers and police staff having “off-the-record” conversations with the media?

15.1. The reality is that these do happen. Often it is a means of providing 'context' and is based upon a developed trust between the individuals concerned. Police Officers are unlikely to have 'off-the-record' conversations with someone they do not trust or do not know. The advice in the ACPO guidance appears appropriate.

15.2. It is important to make the distinction between 'off the record' conversations and 'managed confidential briefings' which are structured and recorded and are an essential part of the relationship between the SIO and the media during serious

investigations. I strongly believe 'managed confidential briefings' are an invaluable aide to protecting the public and should be retained.

15.3. However, to avoid any misunderstanding or to resolve dispute, when an off the record conversation takes place, a note of the conversation should be made. Wherever possible another officer or member of the press office should be present.

16. To what extent do you believe bribery of personnel by the media is a problem for the Police Service (if at all)?

16.1. Bribing a public official is a criminal offence committed equally by those who offer the bribe and those receive it. No journalist should offer a police officer a bribe and no police officer should accept a bribe.

16.2. I have been a police officer for thirty four years. In that time I have had no personal experience of bribery of a police officer involving a journalist. The recent HMIC report Without Fear or Favour found that there was no evidence to suggest endemic corruption within the police service. It would however be extremely complacent to suggest that bribery involving police officers and journalists has never occurred nor will do so in the future and I therefore support the HMIC recommendation that forces and Police Authorities (PCCs post November 2012) should institute robust systems to ensure risks arising from relationships, information disclosure, gratuities, hospitality, are monitored and managed.

17. To what extent do you believe leaks from the Police Service to the media are a problem for the Police Service (if at all)?

17.1. Leaking of information is a charge that is easy and convenient to make but difficult to refute. It is not, I submit, systematic or endemic within policing.

17.2. The leakage of information can often appear to be malicious yet in truth may amount to a careless disclosure by officers and staff. The tenacity of journalists linked with naive unintended usage of social networks by officers/staff has caused problems for policing/investigations.

17.3. Moreover, the over use of the term 'police sources' conveys to the reader that the source of the information is unofficial when it may in fact relate to official information

released legitimately, or indeed it may hide the true source of the information which in my experience can originate from a number of other agencies in possession of the same information, or indeed members of the public or on occasions defendants or their advisers.

18. What do you consider to be the motivation for police officers and/or police staff to leak information to the media? In other words, what do you consider to be the root cause of such leaks?

18.1. I do not believe there to be a single motivation or root cause for leaking information. We need to draw a distinction between an intended leak to the press and inadvertent comments or 'loose talk' by officers and staff which may provide information that ought not to have been disclosed.

18.2. In terms of intended leaks, genuine whistle blowing is likely to be a motivator and/or combined with being disgruntled with their employer. Of course, some people may also be attracted to the celebrity/society gossip and recognise potential opportunities in their work. As stated, I believe the financial motivation to be in the margins.

19. Do you consider that there is, or has been, an inappropriate level of hospitality accepted by the Police Service from the media? In addressing this issue please give your reasons and set out what you consider to be an appropriate level of hospitality for a police officer to accept from the media (if any).

19.1. The integrity and fairness of the office of constable is at the very core of the Police Service in the United Kingdom. It is not negotiable or for sale. However, my members recognise that there is a need for a working relationship with the media, as one of my colleagues observed "*...it is no good trying to build that relationship when the incident has already gone wrong*".

19.2. The sharing of a cup of coffee or lunch should not in itself be seen as inappropriate. Good policing requires sound judgment and discretion. It is imperative that officers (senior and junior in rank) recognise that their words and deeds may be scrutinised and that their power of arrest may, in the future, also need to be utilised.

20. Is it necessary for police forces to have a press office, and what is your view as to the utility and role of the police press offices?

20.1. The presence of a press office has become a vital component for modern policing. The plethora of requests and 24/7 demand of the media has led all forces to introduce dedicated press offices. They provide a reactive and sometimes proactive capability for the Service. Often operating as a single point of contact for the media (in all its forms) they provide professionalism, corporacy and to a large extent free the police officers do get on with their jobs.

21. What levels of awareness and experience are there in the Police Service of “media crime” and in particular: (a) unlawful interception of communications (including the Regulatory of Investigatory Powers Act 2000); (b) bribery of officials by the media; (c) Blackmail; (d) harassment by paparazzi and journalists; (e) traffic and/or public order offences committed by photographers and journalists pursuing stories; (f) inciting officials to communicate confidential information held by the Police Service / conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).

21.1. All police officers have a basic understanding of the law and will use their judgment to determine the most appropriate action to take in any circumstances. The level of awareness will vary between forces depending upon the environment in which they work and the force's history

21.2. It will largely depend upon the particular area of operations referred to above. For example, specialist officers will have greater knowledge of the Regulation of Investigatory Powers Act 2000. CID officers will have a better understanding of offences of Blackmail.

21.3. The more rare and difficult cases of bribery and incitement to obtain information may not be within the daily remit of police officers but in each force the facility of a crime directorate with access to the advice of the Crown Prosecution Service is equal to the task of dealing with such cases.

21.4. The more generic offences such as harassment by paparazzi, traffic and public order offences committed by journalists and photographers are dealt with by the use of

established legislation and officer action or discretion. However, it may be that any future revised guidance from ACPO would benefit from the inclusion of some advice on how to deal with such incidents.

22. What is your view of the recommendations contained in the HMIC's recent report "Without Fear or Favour" insofar as they concern relations between the media and the police?

22.1. The report is timely and I welcome the conclusions of the report that the public do not think corruption is endemic in the police service and they trust the police to tell the truth. I support all the recommendations detailed in this report. There is a need for improved training and the setting of clear boundaries and thresholds for all concerned which I believe will be an early task of the new Police Professional Body that will be established in November this year.

23. What is your view of the recommendations contained in Elizabeth Filkin's report "The Ethical Issues Arising from the relationship between Police and Media"?

23.1. The report addresses issues pertinent to the MPS. The issues and principles articulated however has resonance to other police forces. In particular the report emphasises the importance of the media holding the police service to account and also keeping the public informed about policing. It is important therefore to state that a strong press is an important part of our democracy.

23.2. The report also emphasises the need for integrity and ethics to be at the fore of police training and leadership and this is a particular area that I would expect the new Police Professional Body to treat with some urgency when it starts work in November 2012.

24. Do you consider that there are different or further steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate?

24.1. Please see answer to Q25

25. What different or further changes do you consider should be made, for instance to systems, policies, procedures and training, to ensure that the relationship between the police and the media, locally and nationally, operates in the public interest? Please explain when answering this question what you consider to be the “in the public interest”.

25.1. Policing is an essential public service that not only tackles crime but protects the public from harm and importantly is crucial in protecting our human rights and civil liberties. All police officers swear an oath of attestation on appointment as constables and hold the independent office of constable. The oath of attestation and the Police Service Statement of Purpose and Common Values provides a clear and unequivocal explanation of the public interest. (Appendix A)

25.2. In my evidence I have referred to a number of suggested changes to police guidance and training.

- Revision of the ACPO CAG Guidance to include greater clarity about relationships and off the record briefings and guidance about generic public order, harassment by paparazzi, and traffic offences relating to media activity.
- PSAEW to assist ACPO in the drafting of their new guidance to ensure that the views of the senior operational leaders of the police service are taken in to account.
- PSAEW to assist ACPO in ensuring that all members of the superintending ranks are made aware of the new guidance by dissemination to all members of the Association, and where appropriate to our staff.
- The new Police Professional Body to build the recommendations of the HMIC and Filkin reports in to all training for police officers and police staff at all ranks and levels with particular attention to issues of integrity and ethics.

26. How do you consider the Police Superintendent’s Association could or should help to ensure that relationships between its members and the media, both locally and nationally, are appropriate and operate in the public interest. Do you consider that there should be any changes, if so, please specify.

26.1. It is the responsibility of Chief Constables with the assistance of ACPO and currently the NPIA until November 2012 and thereafter the new Police Professional Body to deliver training to the police service.

26.2. However two key objectives of the PSAEW as a professional staff association representing the senior operational leaders of the service are to lead and develop the police service, to improve standards of policing and to actively contribute to help shape future policing policy and practice at the national and strategic levels. In that capacity therefore I am committed to working with ACPO and others to ensure that relationships between the Police Service and the media, both locally and nationally, are appropriate and operate in the public interest, and to implement any recommendations arising from the HMIC and Filkin Reports and this Inquiry.

Derek Barnett

Chief Superintendent

President

Police Superintendents' Association of England and Wales

Dated 21st February 2012