



Working for a safer London

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October 28, 2003

Dear Mr Toulmin

As I believe you are aware, one of the recommendations from the independent review of the Damilola Taylor murder inquiry addressed the issue of rewards offered by the media.

To this end, the Metropolitan Police Service Director of Public Affairs Dick Fedorcio wrote to you earlier this year asking for your involvement in producing a protocol that can be adhered to when rewards are offered.

The MPS has now produced a draft protocol, which is enclosed together with the relevant recommendation from the Damilola Taylor report. I would be grateful for your comments on the draft.

As I believe my colleague Joy Bentley explained when she spoke to you about this some time ago, we are also seeking the involvement of The Society of Editors and the views of the Crime Reporters' Association who are also being canvassed.

Providing agreement on the protocol can be reached between all the various parties, it will need to be promoted to media organisations as good practice to follow. We will need to discuss the best way to take this forward and again I would be grateful for any suggestions you may have at this stage.

At the moment the protocol would be solely for rewards in MPS cases. However there is the potential to extend it nationally through, for instance, the Association of Chief Police Officers Media Advisory Group.

Please do not hesitate to contact me if there is anything you wish to discuss and may I take this opportunity to thank you for your involvement in addressing this important issue.

I look forward to hearing your comments and suggestions.

Yours sincerely

Lorraine Homer
Corporate Press Office

REWARDS IN CRIMINAL INVESTIGATIONS
PROTOCOL FOR THE METROPOLITAN POLICE
SERVICE AND MEDIA ORGANISATIONS

This protocol is designed to provide a code of practice for media organisations wishing to offer a reward to members of the public during an active Metropolitan Police investigation.

It is accepted that the media organisation concerned will be the final arbiter in deciding whether or not it is in the public interest for them to offer a reward at a particular time.

However, organisations considering offering such rewards agree not to publish or broadcast their offer until:

- The editor (or his or her representative) ensures that a journalist or executive of their organisation contacts the Senior Investigating Officer. (This can be arranged through a police Press Officer).
- The Senior Investigating Officer's observations about the potential benefits or drawbacks of offering a reward at this time are taken into account when a decision is reached.

If then offering a reward the media organisation will:

- Lodge the sum of money on offer with police.
- Stipulate what it is being offered for e.g. information leading to an arrest and charge.

In the event of the reward being claimed and in reaching a decision on whether all or part of the sum should be paid to an individual or shared, the media organisation will:

- Liase with police about the merits of the information provided by the claimants in reaching their decision on payment.

In the event that no such claim is made upon the reward money lodged with police, or if the media organisation concerned does not consider the information provided merits the payment of part or all of the reward, the money lodged by them with police will be returned to them.

Recommendation 11

7.4.10 The Panel considers that victims, their communities and police investigators can, in some circumstances, be placed in complex and ambiguous situations when either the Press or Broadcast media have unilaterally created and announced a reward.

7.4.11 The Panel recommends that in every case where the media or other organisations are considering the issue of a reward, police investigators should work to ensure they are consulted and a holistic assessment made of the opportunities and threats that the existence of a reward might create. (The Panel is cognisant that consultation did occur in this case.)

3.10 Media Liaison

- 3.10.1 The activities of the press and broadcast media can have a profound effect on the success of any criminal investigation and any subsequent prosecution. They will inevitably seek contact with victims, witnesses and investigators and can be of great help to an investigation where they are operating in thoughtful, helpful and complementary ways.
- 3.10.2 There is no inevitability about this. The pressures on the media, the police and the prosecutor are different. Some past cases have demonstrated that on occasion a minority of the media have created problems for the police and prosecutor (within the prosecutorial process) when they have acted in a pre-emptive or ill-considered way.
- 3.10.3 Payments to witnesses (usually for 'exclusive' accounts) can present legal difficulties at trial and the unilateral creation of rewards, although designed to encourage witnesses and informants to come forward, can potentially make any subsequent testimony acquired open to vigorous challenge, including in cases where motivation was not actually questionable.
- 3.10.4 In this case, the extraordinary circumstances of Damilola's murder and the general circumstances extant created the very highest levels of media interest from the very beginning. This was amplified when politicians became involved in some of the issues and continued throughout the criminal trial in 2002.
- 3.10.5 The case remains one of legitimate public interest and media attention continues to this day.
- 3.10.6 The Gold Group devised a media strategy and managed it through a number of changing circumstances. A dedicated media team were brought together and a senior police officer was identified to deal with the media 'up front' in order to ensure that the senior investigating officer could focus on the investigation.
- 3.10.7 The media strategy was flexible and incorporated a comprehensive review process. It was generally judged to have been a success.
- 3.10.8 The assistance of the Independent Advisors in helping to devise and manage the media strategy was exceptional. They introduced innovative ideas, provided insight and experience and involved themselves in interviews and broadcasts with good effect.
- 3.10.9 Two issues did however arise during the investigation. The first concerned the announcement of a reward by a national newspaper. The Gold Group discussed the possible endorsement of this by the investigation. Benefits and difficulties were identified, not least the desirability of witnesses emerging as a matter of principle rather than recompense. In the event the existence of the reward was endorsed but some unease also remained about its potential effects.
- 3.10.10 The reward issue arose again when investigators acquired a number of accounts of alleged confessions made by some of the suspects whilst they were in custody. Many of these were allegedly made to prison inmates whose honesty and motivation would inevitably be challenged through the judicial process. Classically, the existence of the reward created uncertainty about motivation in some of the instances that were reported.
- 3.10.11 The second issue concerned the unauthorised disclosure of one piece of critical evidence found during the post-mortem examination of Damilola. This concerned an object (possibly) lodged in Damilola's windpipe.
- 3.10.12 In most murder investigations some unique evidential feature is deliberately held back from the media and the police service in general. The purpose of this is to test the veracity of any confession brought forward either by a perpetrator or by any other individual purporting to be the perpetrator.

- 3.10.13 In this case, confessional evidence allegedly existed which included a mention of the particular fact that had been withheld. Ordinarily any confession that included such a detail would constitute compelling evidence. However, because the detail had been published in a tabloid newspaper before a statement was taken from the witness to whom the confession was allegedly made, the prosecution were unable to demonstrate that the information could only have been acquired from the particular suspect.
- 3.10.14 The tabloid newspaper had acquired this information some time earlier and had been asked by the MPS not to publish it. At that point it did not. However it did publish the detail after the suspects were charged and evidential difficulties arose as a result.
- 3.10.15 Very incisive internal MPS action to trace the source of the newspaper's information was taken, but the evidential results were insufficient to enable the matter to be pursued further. It is possible that the leak did in fact come from within the police service. Whatever the explanation, the leak had a damaging effect on the case.