

I write to provide you with some information which I hope will be helpful as you consider evidence about the PCC which has been given to the Inquiry recently.

Cumbria shootings

During her evidence to the Inquiry on 26 March, Gill Shearer from Cumbria Police spoke about the Force's experience of the media during the Derrick Bird shootings in July 2010. She said that the PCC had requested that the families of the victims should ring the PCC with issues. I understand that she has sent you correspondence between the police and the PCC to this effect. I would like to set out the full position with regard to our efforts to assist the families of the deceased, at the time of the shootings and in the months afterwards. You may also wish to refer to a paper about the PCC's work already submitted to the Inquiry ("Media coverage of the Cumbria shootings", PCC paper number 4848, which is available at PCC evidence Annex J, pp865-868).

On the day of the shootings, a member of PCC staff spoke briefly to Cumbria Police and followed up immediately with an email providing our contact details and explaining how we could help deal with concerns about media scrums and prepublication issues. A similar email was also sent to local hospitals.

In the following days, we were in contact with police communicators – including Ms Shearer – on several occasions. We issued a private advisory notice on behalf of one individual who had been experiencing intrusive media contacts and handled a number of formal complaints about published material. Given the high-profile nature of the incidents - and the suggestion that concerns remained about the activities of journalists in the area – on 9 July 2010 Stephen Abell travelled to Cumbria to meet with police communicators, local clergy and the editor of the *Whitehaven News*. He heard concerns about the physical presence of so many media outlets (notably the broadcasters), but understood that the general view was that most journalists had acted appropriately. The *Whitehaven News* subsequently published a letter from Mr Abell setting out the PCC's services, and encouraging people to contact the PCC should they require our services.

The PCC stayed in touch with the police after the shootings, and also initiated contact with the local Coroner. In the lead-up to the inquests the following year, we assisted Professor John Ashton, chair of the West Cumbria Shootings Recovery Group, in drafting a letter to the media asking for restraint. We also worked with the police and Coroner to ascertain which families/individuals had decided not to speak to the media and circulated a desist request on behalf of a number of individuals and families requesting that they not be contacted. In addition, we made plans for the PCC's Public Affairs Director to travel to Cumbria to be available to families during the inquests. However, on the advice of the police the trip was cancelled because no problems had been reported. We were informed by the police that the proactive work in advance of the inquests worked very well.

In May 2011, the PCC organised a public meeting in Carlisle to enable local communities to speak to PCC representatives. The panel included the then-editor of the *News and Star* (Carlisle), Neil Hodgkinson, and information was disseminated widely beforehand to publicise the meeting.

Following these events – and partly based on experiences reported by members of the public at events like the Carlisle meeting -- we have re-written our guidance for families on how to deal with

the media following a death. Ms Shearer was consulted on this prior to publication. A copy is enclosed for your information. Ms Shearer wrote in the PCC's 2010 annual report:

The PCC initially approached Cumbria Constabulary on 2nd June – the day of the shootings. However, it took a few days to establish a process where the necessary level of information was being passed from the communities, via the police, to make formal complaints. Feelings of intrusion were caused by a range of different media outlets at varying times, which further increased the distress to the families.

Since the shootings we have worked pro-actively with the PCC and the affected families to ensure the media knows which of the families do not want to be contacted by the journalists. To date this has worked well and has removed some of the distress that the families have felt when approached directly by the media.

Our work with the PCC will continue as we approach key times such as the first anniversary.

The impact and pressure of the media on the families and the communities of West Cumbria was completely overwhelming for many, and understandably so. In such high-profile situations I would urge the public - and organisations which represent the public - to make early contact with the PCC to help in trying to balance the right of journalists to report and the right of the shocked and the bereaved to avoid intrusion.

Clearly, this was a fast-moving, large-scale incident, which posed considerable challenges for all involved. We understand from Ms Shearer's testimony that she believes the PCC asked for families to telephone us directly. Although families were of course always welcome to contact the PCC direct, we took active steps to ensure that relevant representatives were aware of our services, and it is a matter of record that a number of actions undertaken by the PCC – including the desist request that preceded the inquest – were undertaken via contacts with police representatives (with appropriate authorisation from the named individuals). I can assure you that we did everything we could – both at the time of the shootings and for a considerable time afterwards - to help those affected by this tragic incident.

Sir Hugh Orde

Sir Hugh told the Inquiry that he had been concerned last year about a "silly story" which had been published in the Daily Mail, which claimed that he had "invented my own uniform and designed my own plastic cap badge". He said in his testimony that the PCC "was not that powerful" when he objected. I would like to clarify that no formal complaint was ever made to the PCC about this matter.

The PCC Secretariat was contacted about the story, after publication, by the Association of Chief Police Officers (ACPO) press office, for informal Code advice on the story and a possible complaint. (In situations such as this, the Secretariat will always make clear that its advice is non-binding and should not be taken as the view of the Commission). The PCC was subsequently copied into correspondence about between ACPO's Director of Communications, Oliver Cattermole, and the Managing Editor of the Mail on Sunday, which resulted in the publication online of a letter from Mr Cattermole. Aside from providing advice, the PCC played no role in this, and the Commission did not come to a formal view on the matter.

1st / 3rd party complaints

A number of witnesses have suggested that the PCC does not deal with “third party complaints”. This is a difficult area, in which the PCC’s policy has evolved over the years, and it is a matter of regret that it remains misunderstood in some quarters.

Our default approach is to take forward complaints under Clause 1 (Accuracy), and we take forward many complaints every year about matters of general fact from concerned readers. The fact-checking organisation Full Fact, whose Director Will Moy testified to the Inquiry, has made a number of complaints to the PCC – the majority of which have been resolved – on points of general fact. In addition, when the Commission receives a complaint from someone seemingly not directly connected an article about which there is an obvious first party, we will seek where appropriate to contact the relevant individual to explain our services and ask whether they wish to complain. We estimate that this happens about three times per week.

However, in some circumstances it would not be appropriate to take forward a complaint from an unrelated individual “on behalf of” someone who is unaware of, or who has not consented to, the submission of the complaint. This can be for several reasons:

- The Commission might not be able to investigate effectively: that is, to determine whether any breach of the Code had occurred;
- The investigation might do harm: in cases where the subject has co-operated with apparently intrusive coverage, for example, this fact might cause embarrassment and in itself pose an intrusion (where none had occurred previously);
- The remedial action undertaken by a publication might do harm: this could be true of all kinds of complaints, but particularly in the case of complaints about intrusion into grief, anything published without consent would carry a serious risk of causing renewed upset;
- As a general rule, it is not possible to know what the individual concerned would consider to be a suitable resolution, without his or her involvement.

Fundamentally, the Commission believes that people have an absolute right not to complain, for whatever reason they may deem appropriate and applicable.

Nonetheless, it retains absolute discretion about whether or not to investigate any complaint. If, therefore, there appeared to be an exceptional public interest in accepting a complaint from an independent individual, the PCC would do so, but in practice it happens very rarely for the reasons listed above.

I hope this information is useful.

With best wishes