

LORD JUSTICE LEVESON'S INQUIRY

PART ONE: CULTURE PRACTICES AND ETHICS OF THE PRESS  
MODULE 2: CONTACTS AND RELATIONSHIP BETWEEN THE PRESS  
AND THE POLICE

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WITNESS STATEMENT OF ANDREW TROTTER  
PURSUANT TO NOTICE DATED 18 JANUARY 2012  
UNDER SECTION 21 (2) INQUIRIES ACT 2005

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1. **Who you are and a brief summary of your career history.**
  - 1.1 My name is Andrew Trotter, Chief Constable of British Transport Police and Chair of the Association of Chief Police Officers ("ACPO") Communications Advisory Group ("CAG"). I make this statement in response to a request from Lord Justice Leveson in order to assist him with his Inquiry, in so far as it concerns the relationship between the press and the police. In making this statement I have reviewed various policies, guidance notes, standard operating procedures and other documents, including statements provided by other ACPO members. Those documents that are likely to be of relevance have been disclosed to the Inquiry. For the avoidance of doubt, I have not waived legal privilege or conceded the admissibility of any other evidence that would otherwise be inadmissible in civil proceedings in making this statement.
  - 1.2 I joined the Metropolitan Police Service (MPS) as a constable in 1970. I transferred to Kent Constabulary in 1973. In 1992 I transferred back to MPS on promotion to Superintendent. I undertook the Strategic Command Course in 1995 and was promoted to the rank of Commander. I was appointed to the rank of Deputy Assistant Commissioner (DAC) in 1998. Whilst in this rank I undertook a variety of roles including responsibility for murder investigations, public order and operational policing.
  - 1.3 In 1999 I attended the train crash at Ladbroke Grove. The emergency services' response to the disaster was being effectively coordinated but the

media handling was somewhat chaotic. The press were arriving in large numbers and the emergency services media response was uncoordinated. I appointed myself as press spokesman to leave the incident commander to get on with his job. I arranged for the press to have a base close to the scene with a good view of the rescue operation. I provided them with regular updates and I carried out numerous press conferences and interviews. The identification of one senior police officer as spokesperson to deal with the press was well received by both police and press and subsequently became best practice. This strategy emphasised openness to the press, including access to scenes and interviews with front line officers where appropriate. It was my involvement at Ladbroke Grove that stimulated my interest in the nature of the relationship between press and police and the ways in which the relationship could assist the police with their operations. I found that by dealing with the press in an open and accommodating way journalists behaved responsibly and caused few problems for the emergency services.

- 1.4 Following Ladbroke Grove, I regularly undertook the role of MPS media spokesperson for major events attracting large-scale media attention. These included high-profile murder investigations, security operations, royal and state events, riots and demonstrations.
- 1.5 I joined the British Transport Police (BTP) as the Deputy Chief Constable in 2004 and in 2009 I was appointed Chief Constable. British Transport Police consists of 2835 officers and 1455 members of staff and is responsible for policing the railways of England, Wales and Scotland, London Underground and various tram systems around the country.
- 1.6 I have an active role within the Association of Chief Police Officers (ACPO). I sit on ACPO Cabinet as media adviser to the President, and have various responsibilities including Olympics media, Olympics control rooms and various IT and radio communications projects. In 2007 I was elected to the position of Chair of the Media Advisory Group which subsequently became Communications Advisory Group (CAG). I regularly attend ACPO Chief Constables' Council meetings which is the senior decision-making forum for the Association.

- 1.7 In 2000 I was awarded the Queen's Police Medal, and in 2008 the OBE for services to policing. I hold a BSc (Hons) from the London School of Economics.

**2. What is the function of the ACPO Communications Advisory Group?**

- 2.1 CAG is attended by police media professionals from England, Wales and Northern Ireland. From time to time observers from the Home Office, Her Majesty's Inspectorate of Constabulary (HMIC) and ACPO Scotland attend the meetings too. The group seeks to deal with issues that arise between the police and the media in order to learn lessons from recent events, to spread best practice between forces and to discuss the handling of forthcoming events and issues. The group produces and circulates guidance to assist forces when dealing with media matters.

**3. What is the remit of your role as Chair of the Media Advisory Group?**

- 3.1 I am elected by ACPO members to act as the professional lead for media relations. As such I represent the views of the police service to media organisations and representative bodies such as the Society of Editors, Newspaper Society and National Union of Journalists. Accordingly from time to time I meet with editors and journalists to discuss any areas of current concern. I also liaise on media issues with other organisations who work with police forces such as the Independent Police Complaints Commission (IPCC) and the Crown Prosecution Service (CPS).

**4. Has ACPO issued specific media guidance to the Police Service, including guidance on relationships and communications between the police and the media? If so, please specify.**

- 4.1 ACPO has issued the following media specific guidance to the Police Service:
- (i) August 2011 - Media Relationships Guidance was issued in response to the phone hacking scandal.
  - (ii) October 2010 - CAG Guidance, produced with the support of the Society of Editors, the Newspaper Society and the Crime Reporters

Association. Due for review in November 2011. Review delayed to accommodate HMIC Report Without Fear or Favour, Filkin Report, and the results of Lord Justice Leveson's Inquiry and other recommendations arising out of the phone hacking scandal.

- (iii) December 2009 – Guidance to police in relation to those engaging in photography
- (iv) December 2009 – Guidance on media briefing on criminal cases.
- (v) May 2009 – Guidance on the release of images of suspects and defendants.
- (vi) September 2008 – Guidance on media handling and communication activity at major incidents.

**4.a What are the key guidelines/expectations?**

4.a.(i) The CAG Guidance aims to encourage openness, promote best practice and ensure consistency across forces. It also sets out principles to guide forces in their decision- making. It offers advice on specific areas including: crime investigations and operations, hate crime, court cases and their outcomes, the release of images, and Freedom of Information requests from the media.

4.a.(ii) With the exception of the August 2011 document, the guidance given to date does not directly address the integrity of the relationships between police staff and the media, the mechanics of disclosure to the press or how relationships with the press are to be monitored or regulated internally. The possibility of leaks and the abuse of hospitality with the media are not specifically covered, although inappropriate and compromising associations and gifts and hospitality more generally, are likely to be covered by standard operating procedures within individual forces. The CAG guidance will be expanded to deal with the integrity of police/ press relationships when it is reviewed after this Inquiry.

**4.b To what extent is the guidance followed by police forces, including the Metropolitan Police Service?**

4.b. The guidance is produced in consultation with all forces, including the MPS, and as a result is generally complied with. From time to time I receive calls from journalists concerning the interpretation of the guidance by forces: for example the release of photographs following a court case. Where appropriate I speak to the force concerned to seek to resolve the issue.

**4.c Do police forces, including the Metropolitan Police Service, seek advice from ACPO on the interpretation of the guidance or provide feedback on it?**

4.c.(i) The MPS are regular attendees at CAG meetings and I speak frequently to members of the Directorate of Public Affairs (DPA) on a range of media matters, as I do with representatives from other forces. The MPS makes significant contribution to the production of ACPO guidance. I will on occasion receive queries from different forces including the MPS on interpretation of guidance and will work with them to clarify an issue. For example the guidance I issued in December 2009 regarding the treatment of photographers by police, was written after consultation with the MPS.

4.c.(ii) All ACPO CAG guidance goes to forces, including the MPS, for their comments and feedback before it is finalised. The guidance then goes to ACPO Cabinet and Council for final approval. The MPS are represented at both fora.

**5. To what extent do police forces, including the Metropolitan Police Service, seek advice from ACPO on relationships and communications with the media? What are the main areas/issues in respect of which they seek the guidance or assistance of ACPO?**

5.1 ACPO has a small press office and will provide assistance to individual forces and to those senior officers who undertake national responsibilities on behalf of ACPO such as crime, traffic and public order. The ACPO press office provides day to day guidance on matters affecting all forces – for example the release of national crime statistics. In my role I receive calls from chief constables and heads of force media departments to discuss both guidance and current media issues affecting them. I have frequent discussions with the MPS on media matters. I occasionally receive complaints from forces

about the conduct of the media at major incidents or about particular stories and we will discuss possible steps to take. For example I have been in discussion with Northumbria, Cumbria and Avon and Somerset over problems they experienced with the media during the Raoul Moat and Derek Bird shootings, and the Jo Yeates murder enquiry.

**6. In relation to police forces other than the Metropolitan Police Service, are you able to comment on their response to incidents which attract national media interest? If so, do you consider that they have adequate systems, procedures and training in place such that they can respond effectively and appropriately? What are the particular challenges that they face? Insofar as you are able, please give illustrative examples of both good and poor responses, explaining why you consider the response to have been good or poor, as appropriate.**

6.1 Generally the media teams within individual police forces have strong relationships with local media. They do not necessarily have strong relationships with national media, although they generally provide adequate facilities, regular updates and liaison at incidents which attract national interest. Responses from the forty-four forces will inevitably vary and the CAG Guidance of 2010 aims to provide a single consistent framework.

6.2 Large scale media interest may place some police forces under strain. Regional collaboration between police forces on media management is a way of providing increased support and may ensure that forces are able to respond more effectively and appropriately to national incidents.

6.3 The particular challenges police forces may face include:

- Scale of media physical presence
- Exposure to media 24/7 – the increasing demands of rolling news and newspaper websites.
- The different expectations of local, national and international media
- The competitive nature of the national media and their apparent concern for being first rather than accurate.
- Impact of social media

- Media biased perception of public interest
- Media impact on local community
- Absence of specialist crime correspondents
- Adverse comment from “specialists” on police procedures and actions
- Questioning of the ability of police force to deal with investigation or incident.
- Calling into question the ability of the Senior Investigating Officer or attacking individual officers.

6.4 The Cumbria and Northumbria shootings exemplify some of the challenges faced by police forces when dealing with incidents of national interest. Lessons have been learned and promulgated to CAG members by case study presentations. I have held debriefs concerning both incidents attended by journalists and senior police and press officers.

6.5 An example of a good response: one force when faced with inaccurate media speculation concerning the identity of a murder victim that they were trying to locate took the press into their confidence in a confidential briefing. The media speculation, that had been causing distress to families of other missing people, stopped immediately and the press dealt with the matter responsibly. I received favourable comments from the media about the way that the incident was managed by the force which I passed on to the Chief Constable.

6.6 A further example: shortly after the 7/7 attacks in London there was widespread media speculation that arrests carried out at Heathrow Airport were connected to the bombings. This was incorrect and immediate guidance from the MPS resulted in the media abandoning this theory, avoiding unnecessary speculation and disruption.

**7. What changes (if any) do you consider could or should be made to ensure that these police forces are properly prepared when such incidents occur?**

7.1 All forces other than the MPS can find themselves overwhelmed by media following a major incident in their area. Most force media departments are, due to budget cuts, reducing in size as well as facing new responsibilities for

dealing with the impact of rolling news and social media. This is likely to be a continuing pressure for all forces. ACPO currently organises operational 'mutual aid' across the country, as it did during the riots of August 2011. This assistance usually comprises of public order-trained officers and other specialist units. I am considering applying the same principles of mutual aid to media departments from other forces in times of need. There is currently some regional collaboration between forces but we need to ensure that this aid is swiftly deployed to the problem as it occurs.

7.2 The following points will be considered for inclusion in forthcoming revised ACPO guidance:

- Further media training for selected members of staff.
- National and regional collaboration between different police forces in order to provide support on a mutual basis.
- Continued provision of roll-out workshops across the country, involving local and national media.
- The deployment of media advisers from other forces who can be sent to a force at short notice to offer support.
- A joint police/media protocol that explains clearly what each side can expect from the other.
- Agreement that all briefings should be 'on the record' from a named police officer other than in specific circumstances: for example kidnap cases, agreed news blackouts and in pre-verdict briefings.
- Absolute clarity over use of terminology between police and media. At present terms such as 'off the record', 'background briefing' and 'not for publication/use' can cause confusion and suspicion as they mean different things to different people.

8. **What is your impression of the culture within the Police Service as a whole in relation to its dealings with the media (the media in all its forms)?**

8.1 The culture within the police service is generally a positive and open one towards the media. Many forces have a strong, professional relationship with all forms of media, particularly their local and regional media. There are



thousands of interactions between the police and media every year that are carried out in a professional and positive way. Front line officers can find journalists and photographers a nuisance when dealing with incidents. These problems can be avoided by having a dedicated media spokesperson and by having a clear understanding with the press over what they can expect from the police and for the police to understand their needs. It is clearly in the public interest that the press report on how the police are dealing with major incidents and investigations. All reasonable steps should be taken to accommodate their needs. Photographers can find themselves subject to police suspicion and I have issued guidance to police forces to prevent unnecessary interference with their activities. I have published my guidance in the press and I have sent copies to organisations and magazines that represent photographers. While there has been a considerable improvement in the situation I still occasionally get complaints which I discuss with the force concerned.

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

9.1 Bribing a police officer or a member of police staff is a criminal offence committed by both giver and the receiver. Journalists should not seek to corrupt police officers by offering bribes or incentives and police officers and staff who take them are fully aware that they are committing both a criminal and disciplinary offence. I do not believe bribery of police personnel by the media is a common problem for the police service. In any large organisation there will be a small proportion of dishonest employees who will seek to take advantage of opportunities as they arise. I do not know what the current enquiries will uncover but in 42 years of policing in different forces I have come across only one instance of suspected bribery: of a police officer by a private investigator working for a journalist. Following an investigation that officer was sacked. I believe there is confusion in the minds of many between bribery and leaking which has, in the past, been more prevalent.

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

10.1 In their report Without Fear or Favour HMIC did not find evidence of endemic failings arising out of police relationships. I know the overwhelming majority of those working for the service view such leaks with abhorrence and I endorse HMIC's recommendation that this issue should be put firmly on the radar of all forces so that it may be tackled. I have seen stories in the press about incidents involving celebrities that could have come from police sources which, if that is the case, would undermine public trust in police confidentiality. The police deal with thousands of incidents and crimes every day, some involving celebrities and public figures, in the vast majority of cases there are no leaks to the press. I have knowledge of many cases involving public figures and celebrities which have never reached the press. For example, when I was in charge of policing the City of Westminster my morning briefings would often include accounts of the misbehaviour of well known people in the West End which would be of interest to the press which rarely, if ever, leaked out. In my current role at BTP my briefings often include the surprisingly common mishaps of celebrities or public figures travelling home after a night out who lose confidential papers or get involved in some sort of problem. These matters rarely leak despite being known to many people in my organisation. When these matters do reach the press the source is frequently a member of the public photographing the individual concerned or taking lost confidential documents to the press rather than the police.

10.2 It is easy to attribute a leak to the police and it is a very difficult allegation to disprove. The media's use of the term 'a police source said' implies there has been a leak even though the source may have been a press statement released by a police force. I consider that all statements from public bodies including the police should be on the record from named sources.

**11. 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?**

11.1 There are a variety of reasons why people might leak: including whistle blowing, a disgruntled employee, too close a relationship with a journalist or sheer carelessness.

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

12.1 In an age of 24/7 media coverage that includes social media it is necessary for police forces to have a press office. The day to day relationship between police forces and the media is of obvious importance and cannot be adequately managed without dedicated personnel who have the appropriate experience, qualifications or training. The media have a crucial role to play in appeals for witnesses and other information and also the dissemination of accurate information about incidents, investigations and police operations, and also about the police service itself. In major incidents or serious crime investigations there can be thousands of press enquiries to deal with, press conferences to arrange, public appeals to be broadcast, websites and new media to be managed all of which are best dealt with by police media professionals rather than police officers. On a day to day basis police press offices are kept very busy dealing with enquiries about crimes, road traffic collisions, public disorder, football violence, hate crimes, and missing people. The press and the public get a far better service from a press office than by trying to track down busy front line police officers for information.

12.2 Press offices will facilitate interviews with police officers. By using press officers to organise interviews we ensure that there is a proper reason for the interview, that there is a record of the interview which is disclosable at criminal, civil or disciplinary proceedings, that the press strategy for the operation or crime investigation is being followed, that the police officer is properly prepared for the interview, and that all proper arrangements are put in place.

12.3 The press office should be managed by a senior communication manager and report to a member of the force Strategic Command Team. Within BTP the Head of Communications attends Strategic Command Team meetings and reports to the Deputy Chief Constable.

13. 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 Regulation 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).

. 13.1 Police forces do not record ‘media crimes’ as a distinct category. Crimes are recorded in accordance with Home Office policy and are regularly audited by internal auditors and are inspected by HMIC.

14. 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? (If you have not seen it, the report is available online).

14.1 ACPO is currently formulating a response to the HMIC ‘Without Fear or Favour’ report. Roger Baker from the HMIC came to the ACPO Autumn Conference at my invitation in order to present the findings to ACPO. I make the following observations in relation to the recommendations concerning relations between the media and police, in so far as they concern potential police misconduct:

14.2 I feel strongly that integrity is at the heart of everything we do as police officers. Whilst additional guidance may assist officers in their relationships with the media, there must be an expectation that police officers already

understand what integrity is. Lack of integrity in dealings with the media is covered by the Police Misconduct Regulations.

- 14.3 The need for clarity on appropriate behaviour for police officers engaging with social media has stimulated some debate within the police. I consider social media to be an excellent way to connect with the public without going through the mainstream media. Police forces can communicate instantly and can receive feedback without the filtering process of newspapers, television and radio. Public confidence in the tabloids is not always high therefore the police need to continue to develop means of direct communication. While there have been instances of poor judgement by police officers when putting entries on Facebook such instances should not deter us from embracing the opportunities presented by the new world of social media. Many forces have made excellent use of new media in high profile murder investigations and during public disorder and there is a continuing growth in the use of new platforms. Some forces already have guidance on the use of new media and I intend to look at the best guidance to forces and develop best practice. The MPS has very good guidance based on a red, amber, green approach which uses common sense and is non-bureaucratic.
- 14.4 Clarification of the boundaries of what is appropriate behaviour on social media could be as simple as the guidance in an interview I gave with Police Review as outlined below:
- Updates by officers and staff on Facebook and Twitter must be absolutely accurate, but can also be chatty and friendly
  - Officers should take care and apply common sense
- 14.5 ACPO is considering the recommendation that the Police Service needs to adopt a national standard which clearly defines the boundaries of acceptability around gifts and hospitality.
- 14.6 The HMIC view that forces and authorities should record all interactions between police employees and media representatives is similar to that found in the Filkin Report. Making a record appears to be a sensible approach. One method of recording this would be for senior officers to include all meetings with journalists on the force website so that the public can view what they are

doing and why. Whatever method is adopted there should be a record of all meetings with journalists and details kept of who was there, what was discussed, and any hospitality provided.

14.7 The recommendation that training should explore the issues around appropriate police / media relationships is one that ACPO will consider as part of their response to the report.

14.8 Again the recommendation that forces should explore options for identifying and monitoring emerging and inappropriate relationships with, and leaks to, the media will be considered as part of the ACPO response. Leaks are notoriously difficult to trace.

14.9 Clearly leadership is important to securing high standards of integrity at all levels within a police force. I see this as an issue for all supervisors and leaders. I have instructed BTP's Learning and Development Department to review the training provided on integrity issues so as to ensure that integrity remains at the heart of everything we do, including our contact with the media. The cross checking of registers or a system of peer reviewing by senior colleagues are powerful tools which I would support.

14.10 While the main focus of the recommendations relate to the Professional Standards ACPO portfolio, there are some issues for my role as ACPO media advisor and I will be producing some draft ACPO guidance in due course.

**15. What is your view of the recommendations contained in Elizabeth Filkin's report "The Ethical Issues Arising from the Relationship between Police and Media"? (If you have not seen it, the report is available online).**

15.1 Elizabeth Filkin's report was at the request of the MPS and is directed towards the processes within the MPS. However, the recommendations contain a number of valuable points applicable to other police forces.

- 15.2 I wholly endorse the overarching principle that contact with the media is permissible but not unconditional. This principle could be embedded within police forces through training, supervision and appraisal.
- 15.3 I endorse the extensive, open and impartial provision of information to the public where possible. How this provision of information is to be monitored in an effective way 24/7 is a particular challenge for the service.
- 15.4 The recommendation that all police officers and staff who provide information to the media should make a brief personal record of the information they provide is a sensible one.
- 15.5 Much of the guidance contained in this report is sound common sense and will be incorporated into the reviewed CAG guidance. The Ideas for Practical Guidance and the example scenarios offer some particularly effective guidance.
- 16. 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? Please explain when answering this question what you consider to be appropriate contact between the police and the media in a democratic society.**
- 16.1 Appropriate contact between the police and media in a democratic society is that which takes place in order to facilitate legitimate police activity, informs and supports the public and holds the police to account.
- 16.2 Please see also my answer to the next question.
- 17. 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”.**

- 17.1 “In the public interest” is what serves the general welfare and well being of that community. Any action taken in the public interest must be necessary and proportionate.
- 17.2 Most police and media relationships are perfectly proper. Most Chief Officers report few problems or difficulties with their media relationships. Police officers are aware of the law and the discipline code which does not require reiteration. Forces have guidelines on hospitality and publish their registers.
- 17.3 One important area for further work is the clarification of the terminology: ‘background briefings’, ‘off the record briefings’, ‘on the record briefings’, ‘confidential briefings’ and ‘not for use’. Unless there are exceptional circumstances all briefings and statements should be ‘on the record’, attributable, from a clearly identified officer or source who is complying with the policy of the Senior Investigating Officer or whoever is in charge of an incident or investigation. The meaning of these various phrases and when they may be appropriately used needs to be set out in guidance.
- 18. How do you consider the Association of Chief Police Officers could or should help to ensure that relationships between the police and the media, both locally and nationally, are appropriate and operate in the public interest? Do there need to be changes to its role and responsibilities?**
- 18.1 ACPO CAG guidance will be reviewed and updated in light of the Filkin report, the HMIC report and the conclusions of this Inquiry. Meetings will take place throughout the country in order to promulgate the new guidance. There will be an opportunity to engage with local media during this process.
- 18.2 The idea that all communications between the police and media involving officers of ACPO rank should go onto the force website is something that will be considered in the new CAG Guidance. This should be subject to a system of audit and available for the public to view. All other contact with the media below ACPO level should be recorded.



18.3 The current format of ACPO is likely to change with the introduction of a Professional Policing Body. Roles and responsibilities will best be reviewed once the landscape is clearer.

**19. What role do Police Authorities play in the oversight of police relations and communications with the media? Do you consider that it would be in the public interest to make any changes to this role? If so, what changes?**

19.1 Police Authorities will be replaced by Police and Crime Commissioners (PCCs) later this year. The PCCs role will be to cut crime and to deliver an effective and efficient police service within each force area.

19.2 It is unclear whether or not the PCCs will have their own press departments and if so how they will be funded.

19.3 It is clear that the police relationship with the media will remain an issue for each Chief Constable.

19.4 It is vital that clear strategies are in place to manage the police and media relationships in the new environment. The responsibilities of the Police and PCCs need to be clearly defined. Ultimately police forces will be accountable to the public through the PCCs and this must apply to their relationship with the media.

#### **Your office as Chief Constable of the British Transport Police**

**20. What were your first impressions, upon taking office as Chief Constable of the BTP, about the culture of relations with the media which you had inherited?**

20.1 Since the MPS is under intense media scrutiny almost daily, there is frequent contact between Directorate of Public Affairs and national journalists. Camera crews are seen outside Scotland Yard on a daily basis with senior officers being interviewed on some major event or other. As DAC I was often used as the MPS spokesperson. As a result of this experience I lecture on police training courses, and to foreign police audiences.

- 20.2 When I arrived at BTP the contrast with the MPS could not have been starker. On my appointment as Deputy Chief Constable I gave one or two interviews to the rail trade press and that was the extent of the interest. There was one press officer and little contact with the media other than reactive responses in office hours when the one member of staff was available.
- 20.3 BTP now has a fully functioning media department which services internal communications, stakeholder communications and national, regional and local press in England, Wales and Scotland. Images of wanted people are circulated across the country resulting in an excellent detection rate and positive articles on BTP's success in reducing crime appear in the local and regional press.
- 21. Does the commercial nature of the organisation bring different or particular challenges for the BTP in relation to the management of its relationship with the media?**
- 21.1 No. BTP is a Non Departmental Public Body reporting to the Department for Transport and controlled by the British Transport Police Authority. The force is funded mainly by train and freight operating companies, Transport for London and Network Rail. While BTP is privately funded it provides a full range of public sector policing services and is inspected by HMIC. While I take our stakeholder and funder relationship very seriously, I retain the operational independence of any Chief Constable.
- 21.2 BTP's unique nature as a police force has no bearing on our dealings with the media. What does have a bearing is our presence in every force area in England, Wales and Scotland. As a result we have to work closely with local forces, rail companies and the Scottish Government and the Wales Assembly on important or high profile issues.
- 22. Describe the personal contact which you currently have with the media. The Inquiry would like an overall picture of the type, frequency, duration and content of your contact with the media during your tenure as Chief Constable of the BTP. For the avoidance of doubt, the Inquiry would like to know about your contacts with the local media and national media.**

- 22.1 In my role as Chief Constable of BTP I have infrequent contact with journalists. Most media interviews are carried out by my senior officers.
- 22.2 We are a national force and my contact with local journalists is rare. I have seven Area Commanders who have their own press officers who deal with the local press.
- 22.3 When I do meet journalists contact can vary from a brief telephone interview to a longer meeting over coffee – often in my office – which may explore opportunities for a journalist to cover issues such as crime performance or metal theft. It is rare for me to go for lunch or dinner with a journalist, though it does happen on occasions. I usually have a press officer or my staff officer present during such meetings.
- 22.4 In my ACPO capacity I also meet a range of journalists at conferences and ACPO briefings.
- 22.5 Several times a year we are approached by documentary film makers and I meet with a small handful annually
- 23. Describe what you are seeking to gain for the BTP through your personal contacts with the media.**
- 23.1 Good relationships with the media are essential and help to maintain public confidence in the police. We need the assistance of the media in solving crimes. For example, the railway has invested substantially in CCTV and we circulate photographs of suspects through the media when appealing for assistance from the public. We get very good results through this tactic with the public quickly helping us to identify offenders resulting in dramatic crime reductions in robbery and other violent crimes.
- 23.2 It is also important that the media provide an accurate portrayal of the police, their role and their successes as well as failures. BTP does not have a high public profile yet is very successful at dealing with public disorder and has a very high crime detection rate. I seek opportunities to publicise our successes to reassure the travelling public and rail staff.

23.3 In my national role I also seek to promote the excellent work that police forces are doing. Crime is falling, the prisons are full and public confidence in the police is rising but that is not apparent from current press coverage. Many sections of the press are only interested in bad news stories and they continue to repeat inaccurate or misleading articles. This constant repetition of negative stories has an impact on public perception and distorts their view of the service. I seek to get publicity for the good work that the police are doing but trying to get recognition for outstanding work or bravery in the national press is very difficult. The local and regional press are very different; they usually have a genuine interest in their areas and they are keen to publish good and bad stories. They are also much more concerned with accuracy.

**24. Describe in general terms and using illustrative examples what you consider the local and national media has been seeking from you in your personal dealing with them during your time as Chief Constable of the BTP.**

24.1 Journalists want to get a story that they can publish.

**25. It is understood that you led the media response to the terrorist attacks in 2005 on behalf of the BTP. Please provide your views of the media attention/contact which these attacks attracted and whether or not you considered it to be in the public interest.**

25.1 The terrorist attacks of 7/7 were unprecedented and attracted national and international attention. The media attention and contact was entirely appropriate and in the public interest.

**26. To what extent have you accepted hospitality from the media whilst Chief Constable?**

26.1 I have occasionally accepted invitations to lunch from journalists and to rail industry events. These invitations are recorded in the hospitality register.

**27. Insofar as you have accepted hospitality from the media, what was the nature of the hospitality that you accepted?**

27.1 This has usually been lunch or light refreshments. If I am speaking in an official capacity it may include hotel accommodation, but only on a very infrequent basis.

**28. To what extent have you provided hospitality for the media on behalf of the BTP whilst Chief Constable?**

28.1 I have never provided hospitality to the media.

**29. Insofar as you have provided hospitality to the media, what was the nature of the hospitality that you accepted?**

29.1 Not applicable.

**30. What mechanisms are in place to monitor and record hospitality as between the Chief Constable and the media?**

30.1 The gifts and hospitality register

**31. What mechanisms are in place to monitor and record meetings with the media generally?**

31.1 The vast majority of calls into the Press Office are logged and recorded. This includes a record of what was asked and what information was released – either as guidance or as attributable comment. When officers meet with journalists, they are usually accompanied by a press officer. The press officer will take a note. I see this as an example of good practice.

**32. Do you ever discuss the media, or media coverage, with politicians? If so, how important is such communication and why?**

32.1 There are occasions when press coverage prompts either a meeting request from an MP or, more often, a letter requesting further details. We are occasionally asked for our view on what is needed from Government on a

complex issue such as metal theft. Our responses are always as full and open as possible and do not generally concern a discussion of the media or how they are covering an issue.

**33. Have you any known, or sensed, that a politician has put pressure on you to take a particular course of action as a result of lobbying or influence exerted on that politician by the media? If so, please explain (although you need not identify the politician at this stage if you do not wish to do so).**

33.1 No

**34. Has the prominence which politicians have given to subjects ever given rise to pressure to alter policing priorities so as to allocate more priority to the subject being given prominence by the politicians? If so, please explain.**

34.1 No

**35. Set out your understanding of the type of contact which BTP personnel have with the local and national media covering nature, extent, frequency and (in general terms) topics / content.**

35.1 Most contact with local and national media is dealt with through the press office. The media is usually asked for assistance with the solving of crimes through witness appeals or the broadcasting of CCTV. It is also used to provide reassurance to the public through promoting good results or providing safety or crime prevention advice. It is unusual for a journalist to ask an officer on the ground directly for information. I would expect him or her to be able to deal with straightforward matters but most officers refer such requests to the press office which will put together all the necessary information for the journalists.

**36. Are contacts with the media restricted to certain staff, or are all staff able to deal with the media?**

36.1 No. I expect officers to be able to speak to the media and deal with straight forward requests for things such as a witness appeal, if they are approached directly. This is particularly true if they turn up at the scene of an ongoing incident. However, these requests are generally referred to the press office.

**37. What do you expect the BTP to gain from such contacts with the media? Contact with the media is driven by the need to either seek the public's assistance or raise awareness of an issue or to promote safety and security – whether that is through crime prevention messages or gain publicity for good arrests or convictions.**

37.1 We want the travelling public to feel confident in the police force responsible for ensuring they have a safe journey.

**38. What do the media seek from such contacts with your personnel?**

38.1 Information and guidance.

**39. What hospitality are your personnel permitted to accept from the media? Inter alia, are they entitled to accept a meal or a drink from a journalist?**

39.1 There is no differentiation between hospitality provided by the media and that provided by any other third party. The circumstances under which hospitality can be accepted are outlined in the BTP Gifts and Hospitality Policy.

39.2 For example, if BTP employees are attending a function or event representing BTP, alcohol may be accepted in moderation, upon authorisation from his or her line manager or supervisory officer. It is acceptable that staff may be bought meals in furtherance of a meeting but there should be no systematic taking of such meals.

**40. What hospitality are your personnel permitted to afford to the media?**

40.1 BTP employees may provide hospitality whilst:

- Reciprocating hospitality from formal visitors to the force

- Acknowledging achievements of staff e.g. award ceremonies
- Providing a forum for the exchange of skills and experience on issues that concern the police

40.2 This direction is not specific to the media.

**41. What mechanisms are in place to record hospitality as between the media and your personnel?**

41.1 All hospitality should be recorded in the force Hospitality Register which is subject to audit.

**42. How (if at all) is hospitality between the BTP (including yourself) and the media controlled and/or regulated?**

42.1 Offers of gifts or hospitality should be recorded as stipulated in the BTP Gifts and Hospitality Policy. These records are collated and monitored by the PSD Intelligence Unit quarterly. Any acceptance of gifts or hospitality must have prior approval by an Area Commander or Department Head.

**43. Are the hospitality rules governing contact between BTP personnel (including yourself) and the media different from those covering contact with other third parties? If so, what are the differences?**

43.1 There are no differences.

**44. What policies and procedures are in place to record contact between:**

**a) yourself and the media;**

**(b) senior managers and the media;**

**(c) other personnel and the media? For the avoidance of doubt please answer in relation to both formal and informal communications.**

44.1 Any meeting I attend with the media is recorded in my diary, as are pre-arranged telephone calls with the media.



44.2 BTP currently has no policy regarding recording contact between senior managers, other personnel and the media. This will be reviewed.

**45. Are records of hospitality and other contact with the media audited and/or policed and, if so, how and by whom?**

45.1 All offers of gifts or hospitality should be recorded in compliance with the BTP Gifts and Hospitality Policy. The records are collated and monitored by the PSD Intelligence Unit. The register is then audited by the Deputy Chief Constable and the British Transport Police Authority (BTPA) Chief Executive prior to submission to the BTPA Audit Committee on a quarterly basis. Any acceptance of gifts or hospitality must have the prior approval of an Area Commander or Department Head.

45.2 Media and Marketing do not have any systems to audit contact outside the Media Team.

**46. In your opinion are the policies and procedures described above:**

**(a) working effectively;**

**(b) sufficient; and**

**(c) capable of improvement?**

46.1 The BTP Gifts and Hospitality Policy provides guidance to officers as to what is appropriate and how any gifts and hospitality should be recorded. All gifts and hospitality received by the Force are recorded on the register which is audited by the British Transport Police Authority.

46.2 BTP procedures can be improved. Having ordered a review of policies for this Inquiry I was informed that the Gifts and Hospitality Standard Operating Procedure lacks clarity and appears not to include the Strategic Command Team. This was an unintentional error in drafting and the policy should and does apply to the Strategic Command Team. This will be rectified. All members of the Strategic Command Team comply with the policy.

46.3 I was also informed that five meetings with the media recorded in my diary had not been recorded in the Gifts and Hospitality Register. This has now

been rectified and I have given direction that there will be a much more rigorous approach to checking and auditing diaries and registers to ensure that there are no further discrepancies.

**47. What systems, policies and procedures are in place in the BTP to ensure that all members of the force (including civilian employees) know what is and what is not appropriate contact with the media?**

47.1 The BTP Gifts and Hospitality Policy provides guidance to officers on what is appropriate and how gifts and hospitality should be recorded. Senior Command Team gifts and hospitality recorded on the register are subject to periodic audit by the British Transport Police Authority. All other registers are subject to periodic audit by the Professional Standards Department.

47.4 BTP has four policies that affect contact with the media:

- The Gifts and Hospitality Policy obliges all BTP employees to declare gifts or hospitality offered to them of a value of £15 or more, even if it is refused
- The Reporting of Inappropriate and Compromising Associations Policy requires all employees to declare associations with persons or groups which may compromise their role with BTP. The policy makes explicit reference to the media
- The Counter Corruption and Fraud policy clearly sets out BTP addresses potential bribery and corruption among employees and the consequences of committing such acts
- The Media Relations Standard Operating Procedure is directed at the Press Office and sets out the procedures for dealing with the press in various circumstances

47.5 The first three procedures fall under PSD's remit and are publicised on the intranet. They are included as topics in the rolling PSD poster campaigns. Under the Standards of Professional Behaviour there is an expectation that all employees will act with integrity and respect the confidentiality of police information. These standards are published throughout the force and are regularly referred to.

**48. Are you satisfied that the policies and procedures described above are sufficient and working effectively? Do you consider that they are capable of improvement?**

48.1 The policies outlined above are vital to the organisational health of BTP. It is important that, as an ethical employer, we make clear what standards we expect of our employees and provide them with support and the confidence to report anything which compromises that ethical position.

48.2 As part of my Strategic Vision for the Force, the four policies referred to above will be subject to review in order to ensure that they are fit for a modern police organisation such as BTP now represents.

**49. What training is in place in the BTP to ensure that all members of the force (including civilian employees) know what is and what is not appropriate contact with the media?**

49.1 Police officers who chose to become detectives receive media training as part of their course. Police officers who are regularly contacted or asked to give interviews by the media receive media training.

49.2 Media and Marketing provide a 24 hour on call system which is used to provide officers with advice regarding contact with and use of the media.

49.3 It is important that BTP has clear media strategies for planned and unplanned events that allow for our officers and staff to engage with the media in an uninhibited, but professional manner.

**50. To what extent have leaks from the BTP to the media been a problem during your tenure as Chief Constable?**

50.1 There have been two leak investigations during my time as Chief Constable.

**51. What systems and procedures are in place to identify, respond to and detect the source of leaks?**

- 51.1 Currently there is a proactive monitoring system in place to detect certain email addresses associated with media companies and monitor emails that enter or leave the organisation's secure computer network. These emails are reviewed for potential leakage and investigated as appropriate.
- 51.2 The monitoring detects certain email addresses associated with media companies only and so would not necessarily detect personal accounts used by journalists.
- 51.3 Leaked information is ordinarily detected on publication of material that has not been formally released and that the media should not have known anything about.
- 51.4 Information on such leaks are normally referred to PSD directly or reported via the Confidential Anonymous Reporting System (CARS).
- 51.5 Should a leak be detected an investigation will be commenced by the Anti-Corruption Unit. The team will carry out proportionate enquiries including business systems monitoring (when an individual or series of individuals may be responsible), telephone enquiries and, when necessary, deploy overt and/or covert tactics.
- 52. How many investigations have been conducted into actual or suspected leaks from the BTP to the media during the last 5 years and how many have led to the successful identification of the source of the leak? What was the outcome of the other investigations?**
- 52.1 There have been nine investigations, none of which has led to the identification of the source of the leak. In eight cases a suspect was not identified. In one case a member of staff was given 'whistle blowing' protection.
- 53. Has disciplinary action been taken against any member of staff (whether civilian or police officer) for leaking information to the media during the last 5 years? If so, please identify the number of cases and their outcome. There is no need to identify the person or persons the subject of the disciplinary process.**

53.1 No.

**54. What payments (if any) are considered to be legitimate financial transactions between BTP personnel and the media?**

54.1 None.

**55. What policies and/or guidance are in place in relation to financial transactions between BTP personnel and the media?**

55.1 There is no specific guidance on financial transactions with the media.

**56. To what extent do you believe bribery of personnel by the media to be a current problem for the BTP (if at all)?**

56.1 There is currently no evidence to suggest a bribery problem in general or specifically in relation to dealings with the media.

56.2 However, BTP, assisted by MPS Counter Corruption Command, are in the process of conducting a comprehensive assessment to establish the extent of exposure to any risk of corruption.

**57. What steps are taken:**

- (a) to educate your personnel about bribery;**
- (b) otherwise to prevent the bribery of your personnel;**
- (c) pro-actively to detect bribery;**
- (d) retrospectively to investigate bribery; and**
- (e) to discipline personnel (if any) who are found to have accepted bribes from the media?**

57.1 The BTP Counter Corruption and Fraud policy was recently published and promoted in order to reinforce the position set out in the Bribery Act 2010.

57.2 BTP PSD holds a covert Anti-Corruption Unit and dedicated Intelligence Unit to carry out proactive investigations into potential fraud or corruption, including bribery. The Confidential Reporting Policy sets out procedures for

employees to report acts of corruption confidentially and anonymously if they so wish. BTP PSD will investigate proportionately all suspected, reported and known acts of corruption. Should an employee be found to have committed an act of bribery this would constitute a criminal offence and breach of the expected standards of honesty and integrity as set out in the Standards of Professional Behaviour, and if proven would be likely to result in criminal proceedings and/or dismissal from the force.

57.3 At a Strategic Command Team level there is an internal and external auditing system lead by the BTPA which provides a form of governance.

57.4 To date BTP has not conducted any bribery investigations and no personnel have been disciplined for accepting bribes from the media.

**58. Does the BTP have a press office? What role does it fulfil? If you do have such an office, what is the media's attitude towards the press office? In particular, are they satisfied by the provision of information and the routing of communications through your press office or do they prefer direct contact with individual personnel within the BTP?**

58.1 BTP has a national press desk which deals with most of the routine calls and requests from journalists. This is based at Force Headquarters and is overseen by a media manager. In addition, each of the Force's out of London Areas has a media manager based in that Area – Glasgow, Manchester, Birmingham and Leeds - to support the officers in that area. A head of Media and Marketing oversees the department as a whole.

58.2 The national press desk acts as a single point of contact and will either give a response or direct the journalist to the local media person to answer the request. All the calls are logged and the information requested and given is recorded. This is done on a single software system so that the information is consistent. If any guidance is requested, this is also logged and noted.

58.3 Generally the media are very pleased with the service they receive from the press office. It facilitates conversations and interviews with officers when requested and provides the appropriate information in a timely manner. It does not act as a barrier to journalists or information. It does, however, check

accuracy, tone, and consistency of information. This means that journalist receive the information they need in a way they can use it.

58.4 Some journalists will call officers direct, myself included. This is usually when they want an opinion or guidance. If I ever feel the request is something I am uncomfortable with, I ask the press office to return the call and obtain more information. I encourage all my colleagues to do the same.

**59. What limitations, if any, are there on staff from the BTP leaving to work for the media and vice versa?**

59.1 There are none.

**60. Are records kept of those who join the BTP from the media, or go on to work for the media after leaving the BTP? If so, please describe the system in place.**

60.1 This has occurred once: the hiring of a former journalist to a media manager's post. It is a matter of record on that individual's file. There is no system as there has only been one occurrence.

**61. To the best of your knowledge are there any discernible patterns in the movement of personnel from the media into the BTP and vice versa?**

61.1 None.

**62. What levels of awareness and experience are there in the BTP of "media crimes" and in particular:**

**(a) unlawful interception of communications (including the Regulation of Investigatory Powers Act);**

**(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 BTP /conspiring with them to obtain such information; and**

**(g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).**

62.1 BTP does not record 'media' offences as a distinct category. We will deal with any crime on our jurisdiction in accordance with existing legislation and procedure.

**63. What sort of priority is given to, and what level of resources are available to deal with, the above?**

63.1 Any crime will be afforded a level of priority depending on its seriousness and how it relates to current BTP objectives.

**64. What is your current impression of the culture within the BTP in relation to its dealings with the press?**

64.1 It is a healthy and open culture which encourages mutual respect between BTP and the press.

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

65.1 BTP will comply with the new ACPO guidance that I am producing. The force is producing internal guidance of its own on the use of new media.

**I BELIEVE THE FACTS STATED IN THIS WITNESS STATEMENT ARE TRUE**

Signed 

Dated 13<sup>th</sup> February 2012