Witness Statement for the Leveson Inquiry

Module 2, part 1: Inquiring into contacts and the relationship between the Press and the Police and the conduct of each

Dr Rob C Mawby, Department of Criminology, University of Leicester

In preparing this witness statement, I have addressed the questions posed to me in the section 21(2) notice sent to me on 13 February 2012. My answers draw on my own research and on the body of academic literature on police-media relations.

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

I am Dr Rob C Mawby (BA, MSc, PhD) and I work in the Department of Criminology at the University of Leicester, where I teach criminology and undertake research. I joined Leicester in May 2009, having previously worked at the Universities of Birmingham City, Keele and Staffordshire. I have been a criminal justice researcher since 1993 and have undertaken many research projects on the police covering, *inter alia*: serious crime investigation, civilian oversight of policing and preventing police corruption in transitional states, the effectiveness of drug sniffing dogs, reducing repeat victimisation (burglary), workforce modernisation in custody suites, and police-media relations. In the wider criminal justice arena, I have undertaken research on the joint agency supervision of prolific and priority offenders and I have recently completed, with Professor Anne Worrall, a study of the occupational cultures of probation workers.

2. Please outline the research projects you have undertaken which are relevant to the Terms of Reference of the Inquiry (which can be found on the Inquiry's website), in particular in relation to module 2: the relationship between the press and the police and the extent to which that has operated in the public interest. Please also outline the key, relevant conclusions of those projects.

During my academic career I have maintained a research interest in police-media relations and in particular how the police communicate non-operationally and how this relates to their legitimacy. I wrote a book on this topic, published in 2002, *Policing Images: policing, communication and legitimacy*. I have also written book chapters and journal articles on police-media issues.

Since the mid-1990s my research into police communications has included various projects facilitated initially by ACPO and latterly by the Association of Police Public Relations Officers (APPRO which has been replaced by the Association of Police Communicators, APComm). This research has involving such activities as interviews with press officers, police communications managers and ACPO officers, observational research of a force's communications activities, and three national surveys of police press

offices (1996-7, 2000-1 and 2006-7). During the course of this research I have also acted as an 'academic sounding board' to several forces during corporate communications reviews.

My most recent police-media research, funded by the Economic and Social Research Council, was a project called *The police, the media and their audiences* (Grant reference RES-000-22-1921). The research was conducted between 2006 and 2008 and included my third national survey of police forces, and interviews with police communications managers and crime reporters. Articles based on this research and detailing the main findings were published in the peer-reviewed journals *Policing and Society* and *The British Journal of Criminology* in 2010. These articles and the project report are available from the ESRC's website at: http://www.esrc.ac.uk/my-esrc/grants/RES-000-22-1921/read

To conclude this section, there follows a number of points summarising relevant findings from my own research and set within the wider body of academic research on this subject.

- Police-media relations have been the subject of academic study. As part of the wider theoretical debate about 'crime and the media', concerns have regularly been expressed about media representations of policing. Robert Reiner[1] has argued that analyses of media representations of law and order and policing have tended to be either 'hegemonic' or 'subversive'. Proponents of the former perspective point to the police as being in a position to provide access to information, to select and filter information, this placing them in a position of dominance in relation to media agencies, which become 'propagators of a dominant ideology'. In contrast, proponents of the latter perspective perceive the media as a threat to morality and authority, and fear that media representations undermine respect for the police service. These perspectives overlay studies of police-media relations.

- The academic literature on the police-news media relationship focuses on diverse aspects of the relationship, but a number of key themes emerge. These suggest that news media coverage of policing help to legitimate police work, although the media have had an important 'watch-dog' role, acting against state agencies such as the police when propriety or justice is in doubt, for example, in the cases of miscarriages of justice. Despite this largely favourable picture, the police remain suspicious of their treatment by the media, although several content analysis studies have repudiated the basis of such suspicions. Influential academics have suggested the relationship is driven by the police, who as gatekeepers to information are in a position of dominance in relation to media agencies. This, it has been argued, enables them to use proactive publicity for damage control and to protect the organisation's image.

- My own research suggests that the hegemonic and subversive analyses are too simplistic and understate the complexity of the dynamics of the police-media relationship. These dynamics differ at local and national levels, across police forces and media formats; they differ across time

[1] Reiner, R. (2007) 'Media made criminality: the representation of crime in the mass media' in M. Maguire, R. Morgan, and R. Reiner (eds) *The Oxford Handbook of Criminology*, 4th edn, Oxford: Oxford University Press, 302-337.

and within the circumstances of individual newsworthy events. Consequently police-media relations are constantly in tension and subject to negotiation. My most recent research explored the police-media relationship in a context which combined a period of growth in police corporate communications activities with structural and technological developments in the media industries which threatened the role of crime reporters. The findings can be summarised as follows:

- **The structure and practice of police service media relations:**[2] The police communications function has become increasingly professional. It is the practice in 90% of forces to recruit communications specialists, their numbers have increased significantly and departmental management has moved into the domain of communications professionals and away from generalist police officer managers. At the same time, the activities in which communications departments engage have broadened, the traditional media represent but one section of the customer base. Departments also support the communications needs of a range of partners. Furthermore, communications departments are exploring 'new' media opportunities for direct communication that bypass the traditional media, for example, by targeting social networking websites or establishing websites aimed at specific sections of the public. Departments are also involved in facilitating direct communication between operational police officers and communities, for example, through local policing teams. Although police communications is becoming an increasingly significant area of policing business, this has not been an entirely smooth progression. The growth has been matched by demand for services and departments have been under financial pressure. Communications is not consistently 'built-in' to police business across forces; the professionalising trajectory is embedded to varying degrees in forces.

- **Police communications and the news media:**[3] The operating context for crime reporting and the dynamics of the police-media relationship are two factors that have implications for the capacity and ability of media organisations to influence police communications and criminal justice news. In terms of the former, the study found, in an increasingly competitive media world, some evidence that there are fewer specialist crime reporters and smaller newsgathering teams than hitherto, particularly in the case of local newspapers. However, in terms of the latter, the state of police-media relations remains in healthy tension. Although the professionalisation of police communications has the potential to support accountable policing, Journalists regard it with a wary suspicion, aware of its potential also to control media relations and to make policing less accountable. Accordingly journalists use the increasingly professional police

[2] These findings are presented more fully in Mawby, R.C. (2007) *Police Service Corporate Communications: A Survey of forces in England, Wales and Scotland,* Birmingham: University of Central England.

[3] These findings are discussed in Mawby, R.C. (2010a) 'Chibnall Revisited: Crime reporters, the police and "law-and-order news"' *British Journal of Criminology* 50 (6): 1060-1076 and in Mawby, R.C. (2010b) 'Police corporate communications, crime reporting, and the shaping of policing news' *Policing and Society* 20 (1): 124-139.

communications services, but do not depend on them, developing and maintaining a range of police contacts within forces and drawing on a range of official and unofficial sources in their daily work. By doing so, they strive to hold the police to account. Journalists and police forces both value their mutually beneficial relationship and recognise that there will be periodic conflict. This is healthy for accountable policing.

3 In terms of the operation of the relationship between the press and the police, what do you consider to be "the public interest"?

In the sense that something is in 'the public interest' if it serves the interest of the public and supports the general well-being and equilibrium of society, in my opinion it is in the public interest to have a police-media relationship in which police forces disclose rather than withhold information, where clear communication channels exist for the release of information and police officers and staff are authorised to liaise with the local and national media within the scope of their remit and expertise. At the same time it is in the public interest to have an inquiring media, which dedicate resources to crime and policing reporting, to provide informed news and to hold the police to account. It is, therefore, in the public interest to have a relationship in tension.

4 What do you consider to be "appropriate" contact between police personnel (i.e. police officers and civilian staff) and the media (both local and national)?

Please refer to my answer to question 10.

5 Please set out your knowledge/any relevant evidence of the following and, where appropriate, your views of the same:

a. The culture of relations between the media (in all its forms) and the police service. What changes, if any, should be made to the relationships?
b. The culture of relations between the media (in all its forms) and police authorities. What changes, if any, should be made to the relationships?

5(a) The 'culture of relations' that exists between the police and the news media is characterised by symbiosis and friction. Historically the media have been an influential contributor to promoting favourable images of policing, yet tension is endemic to the police-media relationship. This is understandable given that the media and the police occupy roles in public life that periodically bring them into conflict. They have different agendas. The police prevent and detect crime and maintain order. The media maximise their audiences and revenues, but also challenge state institutions on behalf of the public. Consequently the relationship has ebbed and flowed in a way which was likened to an

'enduring, if not ecstatically happy marriage' by Sir Robert Mark, the Metropolitan Police Commissioner from 1972-77.

While Mark was establishing a new approach to police-media relations in the capital, the academic Steve Chibnall conducted research which remains the seminal study of English crime reporting[4]. Chibnall's rich description of the culture of police-media relations in London portrayed a textured world of seasoned crime reporters, meeting detectives in smoky pubs, building relationships and exchanging information for hospitality. He concluded that the relationship was reciprocal, but asymmetric in favour of the police. The police dominated the relationship due to being gatekeepers to information and being in the advantageous position of not depending on the media to achieve their goals; a position not enjoyed by the crime reporters.

My own recent research examined contemporary relationships between crime reporters and the police at local, regional and national levels across England and revisited some of Chibnall's themes which are part of the orthodoxy of the construction of crime news and the dynamics of the police-media relationship. In doing so my research identified the following:

(1) Police-media relations are complex and differ from force to force and from location to location within forces. There are local dynamics and histories and personalities that influence the relationships. There are differences between police forces' relations with the media at local and national levels. At the same time there are patterns within the complexity.

(2) Although the police continue to improve their communications activities with the espoused objective of improving accountability and providing an effective media service, these developments invariably include attempts to control and shape policing and crime news;

(3) Successive police attempts to professionalise their formal communication channels do not meet the complete needs of specialist crime reporters, who need something extra to the general information released to all media outlets. This trend can be traced back to each incremental stage in the development of police non-operational communications;

(4) Crime reporters nurture relationships with their police sources. The process involves officers initially testing reporters by feeding them news stories and monitoring how they deal with them;

(5) Crime reporters subsequently cultivate police officers as informal news sources and reciprocal, sometimes social, relationships are maintained;

(6) The police-media relationship is one of consistent tension and negotiation though lasting and trusting relations are built between reporters and individual officers;

[4] Chibnall, S. (1977) *Law-and-Order News: An analysis of crime reporting in the British Press*, London: Tavistock Publications.

(7) Crime reporters constantly negotiate the delicate balance of maintaining an ongoing reciprocal relationship with police sources while at the same time meeting the commercial demands of their employers to provide news that attracts audiences, including news about police scandals and failures;

(8) Relatedly, crime reporters accept their reliance on police news sources, whom they will protect. At the same time they also maintain that they retain their objective analysis and independence, and are able to hold the police to public account;

(9) The relationship remains symbiotic, but asymmetrical in favour of the police.

5(b) My research has not directly addressed relations between the media and police authorities.

c. The level of hospitality provided to the media by police personnel.
d. The level of hospitality provided to the media by police authority personnel.
e. The appropriate level of hospitality for police/police authority personnel to accept from the media (if any).
f. The level of hospitality received by police personnel from the media.
g. The level of hospitality received by police authority personnel from the media.
h. The appropriate level of hospitality for police/police authority personnel to provide to the media (if any)

I can only comment on police forces, not on police authorities. Within the limited context of my own research, the hospitality provided by police forces to the local media was not extravagant when it existed and typically comprised periodic 'meet the press office' events when light refreshments would be offered to local journalists. This is appropriate.

Regarding the hospitality received by police personnel from the media, my research found that at the operational level there had been a cultural shift from the days recorded by Steve Chibnall when it was more common for police and reporters to meet in pubs. I was advised that 'the days of tip-offs over a pint are long gone' (interview 3.9) and 'nowadays you're more likely to meet a copper in the gym' (interview 3.14). This is due to a number of reasons including the changing working routines of police officers and journalists and the professionalising influences evident in police communications.

At a management level, notwithstanding the issues raised by the Home Affairs Committee[5] concerning senior members of the Metropolitan Police Service (the Met. hereafter) accepting hospitality from senior members of News International, the practice of chief constables maintaining relations with local

[5] House of Commons Home Affairs Committee (2011) *Unauthorised tapping into or hacking of mobile communications*, 13th Report of Session 2010-12, London: TSO.

newspaper editors, perhaps over lunch, is well-established and uncontroversial (see, also, answer to 5(m)).

i. The extent to which "leaks"/unauthorised disclosures of information to the media and/or private detectives by police personnel are a problem.

j. The extent to which "leaks"/unauthorised disclosures of information to the media and/or private detectives by police authority personnel are a problem.

Unauthorised disclosures or 'leaks' by police personnel to the media will always be a threat to a police force's control of information to a greater or lesser degree depending on circumstances. The disgruntled employee or the whistleblower can be an important media source. The extent to which leaks are either in the public interest (for example, bringing malpractice to light) or a problem (for example, putting someone in danger) depends on the circumstances of each incident.

The involvement of private detectives in police-media relations was not evident during my fieldwork.

k. The extent to which bribery of police personnel by the media is a problem.

l. The extent to which bribery of police authority personnel by the media is a problem.

During the course of my fieldwork, none of the crime reporters I interviewed admitted paying police personnel for information. One commented that he would not offer payments as it was illegal; another made clear that he would not pay for information as a matter of principle as it would change the nature of a relationship that had been carefully nurtured.

m. The practice of police personnel having "off-the-record" communications with the media. How do police personnel and the media interpret "off-the-record" in this context? Is there scope for misunderstanding? What are the risks/benefits of such communications? Should "off-the-record" communications be limited? If so, how and to what extent?

It was not part of my research to examine current interpretations or shared understandings of 'off the record' communications and accordingly I am not in a position to fully answer this question. However, the benefits of off-the-record briefings were identified as far back as the 1930s when Lord Trenchard (Met. Commissioner from 1931 to 1935) took to explaining to Fleet Street editors the reasons for his reforms before making them public - 'the mere fact of the Commissioner of Police taking editors into his

confidence is calculated in itself to create a sympathetic attitude'[6]. Subsequently, off-the-record conversations and briefings have become part of the currency of police-media relations. A number of the crime reporters I interviewed talked about how such communications were important in keeping up-to-date and informed, as well as forming part of their ongoing relationships with key sources. For example, a crime reporter with 40 years experience summed up the benefits thus, 'I like to deal with detectives. Most of the information is off-record and if I used it, that would be it – finished' (interview 3.6)[7].

n. The adequacy of training/guidance to police personnel on all aspects of handling the media, including how to ensure that all relationships and communications with the media are appropriate.

The general position is that each force makes its own arrangements for training and guidance on media matters. At the time of my last survey in 2006-7[8], police corporate communications departments in 95% of responding forces were responsible for in-force training and 100% were responsible for preparing guidance. In my experience, it is not common for all personnel to receive training, but these departments do provide ongoing advice and guidance to personnel at all levels when requested. Most forces produce guidance in the form of 'Dealing with the media' documents, available to all staff.

The NPIA (National Policing Improvement Agency) also run a 'Media Awareness' course, primarily aimed at Inspectors, as part of their Core Leadership Development Programme (see http://www.npia.police.uk/en/1654.htm).

In addition to training for police officers, there are a number of national courses for police press and public relations officers. One has been run successfully for the last 25 years by Tony Diggins, Head of Corporate Communications at Lincolnshire Police. Other training events are organised by the Association of Police Communicators, APComm.

o. Whether police forces give sufficient priority, and allocate sufficient resources, to investigating "media crimes" 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 photographer and joumalists pursuing stories; (f) inciting officials to communicate confidential information held by the police / conspiring with the to obtain such information;

[6] Howgrave-Graham, H.M. (1947) *Light and Shade at Scotland Yard,* London: John Murray.
[7] Mawby (2010a) *op. cit.*
[8] Mawby (2007) *op. cit.*

and (g) crime within media organisations other than the foregoing (e.g. dishonest expenses claims).

This question relates to policy and operational decisions outside my knowledge. I do not know of another academic who specialises in this area.

6 Insofar as applicable, what do you consider to be the driving forces behind, or the main causes of, leaks from (i) police authorities; (ii) police press offices and (ii) the police service in general?

My research did not explore leaks from press offices and police authorities. Crime reporters recognised leaks from disgruntled officers as a news source. Where these were mentioned, the motivation for the disclosures tended to be unhappiness with an existing situation or a particular issue rather than the seeking of a monetary reward.

7 What do you consider police personnel (i.e. officers and civilian staff) seek to gain through their personal contact with the media?

Since the first police press office was established in 1919, despite the changes in policing, technology and society, examination of the history of police-media relations shows that police forces over time have had consistent objectives in establishing and maintaining their media relations. These are: (1) to control the flow and content of information between the force and the media; (2) to promote favourable images of policing; (3) to inform the public about policing matters; (4) to request information to assist with the prevention and detection of crime; and (5) to demonstrate accountability.

8 What do you consider the local and national media seek from police personnel in their personal dealings with them?

My research suggests some clear differences in local police forces' relations with the national and local media. The local media seek to build long-term relationships with local officers, police stations and press offices that will provide a consistent supply of information to fill space in newspapers, radio and television programmes. To service their needs, the crime reporters I interviewed consistently highlighted that they needed: (1) accurate and timely information; (2) trust and honesty; (3) access to police personnel; and (4) better understanding by the police of the (non-monolithic) media.

In contrast, relations between the national media and local police forces tend to be more ephemeral. The national media are less interested in nurturing relationships as they are usually focusing on one story before leaving the area. On occasions they are seen as more aggressive and less trustworthy than the local media by local forces. Local crime reporters recounted numbers of incidents of the national media descending on their area for particular stories and upsetting the normal pattern of relations, leaving the local media to repair and rebuild their relationships with the police.

9 Is it necessary for police forces to have a press office? What do you consider to be the utility of a police force press office? What role should such an office fulfil? Should the press office have a gatekeeper function for (i) controlling the flow of information to the media and/or (ii) controlling access to police personnel?

In considering whether it is necessary to have a press office, it is worth noting that the first attempt to formalise police-media relations was Commissioner Sir Nevil Macready's decision to establish a 'press room' at Scotland Yard in October 1919. The catalyst for the room's establishment was a number of police scandals arising from leaked information. The leakage arose from the informal practice of detectives selling information to press reporters. Macready recorded in his memoirs that he was concerned both with the inaccuracy of the reporting and also the principle that officers took money for information. But he wrote also that he wanted to 'dissipate the cloud of mystery in which Scotland Yard was supposed to be enveloped'[9]. The limited functions of the new press room were insufficient to service the needs of the press and the informal practices continued.

It was not until the late 1960s that other forces followed the Met.'s example and established press offices. In the intervening period these departments have developed to the extent that 'press office' is now a misnomer. What used to be headquarters-based press offices typically managed and partly staffed by police officers with a responsibility for reactive media liaison have developed into departments responsible for internal communications, operational support, media liaison and public relations. They are often called 'Corporate Communications' departments (20 forces in my 2006-7 survey). These employ professional communications staff and have wide-ranging responsibilities that have strategic and operational, internal and external dimensions. These include:

- Dealing with media enquiries, reactive and proactive media liaison
- Proactive marketing of campaigns
- Promoting public reassurance messages
- Informing the public
- Managing media interest in incidents
- Protecting and promoting the force's reputation
- Major incident and crisis communications
- Internal communications
- Delivering media training
- Facilitating interviews
- Partnership communications
- Responsibility for corporate communications strategies and media policies
- Public relations

[9] Macready, Sir N. (1924) *Annals of an active life, volume 2,* London: Hutchinson.

- Marketing
- Corporate identity
- Merchandising
- Graphic design
- Audio-visual services
- Exhibitions and shows, events management
- Intra and internet development and management, e-communications

To deliver these functions, there has been a steady growth in appointing professional communicators. The numbers of these professionals have increased significantly based on the three surveys I have conducted; In 2006-7 there were at least 408 communications professionals employed across 42 responding forces (compared with 215 in 2000-1 across all 51 forces in England, Wales and Scotland). These include trained journalists, public relations officers and marketers, but also audio-visual and graphic design technicians.

In addition to the trend towards employing professional communicators, the model of a headquarters-focussed media function has been augmented by a trend towards communications 'permeating' the police organisation. This comprises forces placing communications staff outside of headquarters departments in their territorial areas. 62% of forces did this in 2006-7 compared with 29% in 2000-1 and there were 146 communications staff deployed across Basic Command Units compared with 69 in 2000-1. In summary, the 2006-7 survey found that staff employed across the 42 surveyed forces with the primary role to undertake corporate communications activities numbered 146 in divisional locations and 550 at headquarters – a total of 696, compared with a total of 499 across the 51 forces in England, Wales and Scotland in 2000-1.

Therefore the modern police 'press office' has wide-ranging functions that support the organisation as a whole; this represents an attempt to build-in rather than bolt-on non-operational communications as an integrated part of policing. However, it is important not to overstate the case. This is not yet a communications juggernaut carrying all before it; the growth is inconsistent across forces. The research revealed some stark contrasts in the resourcing of corporate communications across forces which has implications for the consistency of communication nationally. The growth is also balanced by the increase in demand across a range of responsibilities. The 2006-7 survey found that 67% of forces experienced an increase in the number of daily contacts with media organisations in the previous twelve months. In addition, departments experienced an increase in demand relating to new media (e.g., maintaining websites), to internal communications and to providing internal marketing consultancy. As the research also found that a shortage of human resources was the most frequently cited constraint and that staff numbers were under scrutiny due to forces striving to make efficiency savings, the demands of the operating context ensured that corporate communications departments were 'running to stand still'. Since my research was completed, cuts in policing budgets have impacted on corporate communications departments. Recent research suggests that a minority of departments (12 of 38 responding forces) maintained or increased their budgets during the financial year 2011-12, but the

majority (26 of the 38 responding forces) faced reductions, with some departments experiencing cuts of up to 38%.[10]

As question 9 infers, press offices can have a gatekeeper function which involves attempting to control the flow of information to the media and enabling journalists to access force personnel. The crime reporters I interviewed recognised the increasing professionalisation of police communications and considered that it brought mixed benefits. They appreciated the benefits of regular contacts with press officers, particularly those who had formerly been journalists, as 'they know the rules and talk on and off record, they'll tell you why they can't tell you things. You can have an honest conversation' (Interview 3.14). At another level, one journalist with 40 years experience considered that the professionalisation of police communications had resulted in a more 'realistic' relationship between police and the media than had existed hitherto[11].

On the other hand a number of reporters found that professionalisation did not necessarily mean a better service. It was a frequent refrain that the police lack understanding of the needs of the different media, e.g., police insistence on information being released to all the media at the same time does not create a level playing field because media organisations have different deadlines and pre-publication processes. The interviewees also provided examples from forces where news had been withheld and press offices had been reluctant to release information. While some reporters felt this was at times due to inefficiency, they also detected what they regarded as the strategic control of information as an intended means of pursuing the reassurance agenda and preventing anxiety over the reporting of violent crime.

Consequently, despite the professionalisation trend, the journalists concurred that the communications departments and their press officers were only one source of information for crime reporting; they were a necessary but not sufficient element of the news production process. Other sources included members of the public and disgruntled police employees. However, the most important source remained regular police contacts, with whom the crime reporters built and maintained relationships.

10 Do you consider that contact with the media should be restricted to certain staff or should all police personnel be able to deal with the media? Please explain your answer.

There is a dilemma of balancing the control of information (restricting contact) with openness and accountability (open contact). I am in favour of Robert Mark's maxim of 'withholding only what you must' and empowering police personnel to deal with the media on subjects within their remit. My last survey (2006-7) found that in 33 (79%) of the 42 responding forces it was policy to allow all officers to liaise with the media. This authorisation was often subject to logical criteria, e.g., taking advice from the communications department, complying with legal and policy requirements, seeking clearance from a

[10] Cartmell, M. and Green, N. (2011) 'Under arrest: police budgets' *PRWeek*, 17 November 2011.
[11] Mawby (2010b) *op. cit*.

manager and speaking only about subjects within one's responsibility and knowledge. Just two forces (compared with seven in 2000-1) mentioned that there were no restrictions only for those of the rank of sergeant and above; but even these mentioned that constables could communicate through the media when they were best qualified to do so. This is sensible and I would agree with it.

11 Should there be mechanisms in place to ensure that police personnel disseminate information widely to the media rather than to select journalists or titles? If so, please specify. In what circumstances, if any, might briefings to individual journalists or small groups of journalists be legitimate?

In the day-to-day work of routine police-media relations, the research I conducted suggested that the norm was wide and equal distribution of information with no favouring of particular journalists and titles. Indeed, this was a source of frustration to journalists from different media with different deadlines, raising the comment that the police do not understand the needs of different media. Crime reporters could also be frustrated by this level playing field as they ideally wanted something novel that would give them the edge over competitors. There is an inherent tension in the police-media relationship in this area.

Individual or group briefings can be appropriate in some circumstances. These include situations where a journalist takes a story to the police and the police have a view on how publication might have an impact on operational activities. In addition, as mentioned in the answer to question 5(m) there is also a tradition of chief constables meeting local editors to keep them informed concerning policing policy. This goes back to at least the 1930s and was confirmed by Sir Hugh Orde in an interview on Radio 4's *Today* programme on 13 July 2011. While chief constable of the Police Service of Northern Ireland he had routinely met 'with senior people – with editors, with reporters – and we would give background briefings'.

12 What is your opinion of the guidance issued by the Association of Chief Police Officers on media issues, including handling the media?

In 2010 ACPO's Communications Advisory Group (CAG) produced a guidance document to facilitate the police-media relationship (available at: http://www.acpo.presscentre.com/content/default.aspx?NewsAreaID=19). This document was produced following consultation with the Society of Editors, the Newspaper Society and the Crime Reporters' Association. The guidance is useful in that it provides a national view which can be applied consistently by local forces.

This guidance builds on the work of the ACPO Media Advisory Group (ACPO MAG) established in 1993 to discuss common media issues, to determine and disseminate good practice and to liaise with bodies such as the Society of Editors. It fulfilled a coordinating role, disseminating advice on policy and practice.

For example circulars were distributed to forces on such subjects as pre-verdict media briefings in criminal cases. These briefings can help to clarify issues experienced by local forces and they have been consolidated in the current guidance provided by ACPO CAG (which has replaced ACPO MAG).

13 What evidence is there, to your knowledge, of the media exercising self-restraint by voluntarily not publishing information they have obtained (from whatever source) because of the harm it might do to the interests of justice or the public interest more generally?

14 What evidence is there, to your knowledge, of the media complying with requests made by police personnel to delay publishing particular information because of the risk of prejudice to a criminal investigation or future criminal trial. To what extent and in what circumstances do the media comply with such requests?

15 What evidence is there, to your knowledge, of the media complying with requests made by police personnel not to publish particular information at all because of the risk of harm to the public interest? To what extent and in what circumstances do the media comply with such requests?

Questions 13 to 15 relate to situations where the media, either on their own part or at the request of the police, choose or agree to delay or not publish particular information.

The crime reporters I interviewed talked about circumstances where they had not published particular information. There may be several reasons for not publishing which include: to nurture and maintain a good relationship; to demonstrate judgement and being trustworthy to police sources; protecting a valuable news source; not publishing for the greater good (e.g., to avoid raising alarm unnecessarily); and to protect the integrity of an ongoing operation. In not publishing particular information, crime reporters agreed that it was necessary at times to keep their news editors in the dark, otherwise the reporter lost control of the decision whether or not to publish.

While the reporters provided some examples of not publishing information, they maintained that this did not compromise their independence or objectivity. As one reporter commented, 'the police might ask for some information to be kept back. It's give and take, most times I'll abide by their wishes, but sometimes you just have to publish'[12].

[12] Mawby (2010a) *op. cit.*

In addition to not reporting particular information that came into their possession, crime reporters claimed that the police were withholding certain information that they did not want in the news. For example, several reporters commented on the absence of police press releases on firearms incidents which they interpreted as the police attempting to prevent public anxiety over the media reporting of violent crime.

16 In a high-profile criminal investigation/enquiry, what should be the aims and objectives of the relevant police force's media strategy?

Home Office research conducted by Feist in the late 1990s examined the benefits that the media can bring to an investigation and addressed the need to manage the potentially negative aspects of media interest. Feist concluded that an effective media strategy should include the following eight objectives:

- To 'use the media' to acquire information required by the investigation;
- To 'manage' media interest to minimise potential misinformation;
- To 'manage' media interest to minimise interference with scenes, witnesses, victims and their relatives, and suspects;
- To inform the public accurately about the crime and the police approach to its investigation;
- To give due concern to the portrayal of victims, the sensibilities of their relatives, and the response of the community;
- To minimise concern over the fear of crime;
- To disseminate relevant crime prevention and security advice;
- To demonstrate the professionalism of the police service.

(summarised from Feist 1999:3[13])

There have been significant technological media developments since Feist's research in the 1990s, particularly around social media, but in my opinion these eight objectives remain relevant. However, I would question the ability to 'use' and 'manage' the media and would seek to work with the media where possible or as David Wilson and colleagues have argued 'service the media's needs at arm's length'[14].

To operationalise these objectives, Feist suggests that Senior Investigating Officers (SIOs) should consider the following when constructing a strategy: (a) the management of media interest; (b) the disclosure and generation of information; (c) managing potential media consequences; and (d) human

[13] Feist, A. (1999) *The Effective Use of the Media in Serious Crime Investigations*, Policing and Reducing Crime Unit paper 120, London: Home Office.
[14] Wilson, D. *et al* (2011) 'Servicing the media's needs at arm's length: Police-media relations during high-profile murder investigations' *Policing* 5(4):343-355.

resource management. It is in these areas that police communications personnel can support and advise the investigation team. As media professionals they can provide guidance on the level and types of media interest that the investigation will generate. They can work 'backstage' assisting the SIO and his/her team with advice on information disclosure and on managing the consequences of media involvement. They can also work 'frontstage' liaising direct with media representatives, thereby acting as a 'buffer' between detectives and the media, allowing the investigation team to concentrate on substantive matters. Where the media demand to speak to the SIO, the press officer can broker and manage these appearances and can prepare the SIO for the questioning. Press officers can also act as a buffer between the media and members of the victim's family. Employing such measures allows the SIO to concentrate on the investigation and makes the maximum use of the skills of the police-employed media professionals, which in turn will help to meet the requirements of the media.

17 What limitations, if any, do you consider there should be on police officers and police staff leaving the police service to work for the media and vice versa?

I agree with the HMIC report *Without Fear or Favour,* published in December 2011, that it would be beneficial to explore the principle of service-wide standards for 'cooling off' periods for senior officers leaving the police service before accepting paid positions with media organisations.

While I understand the criticisms that have been made of senior officers who have left the service and shortly afterwards taken up paid work for national media organisations, I was more taken by the surprise expressed at the practice of media personnel leaving media organisations to join police forces. This practice is long-standing and, as far as I can establish, was introduced by Sir Harold Scott, Met. Commissioner from June 1945 to 1953. Scott increased the functions of the Press Bureau and appointed a 'Public Information Officer'. He was critical of the fact that the existing members of the Press Bureau were not experienced journalists and he appointed an experienced press officer and former employee of the BBC, namely Mr P.H. Fearnley.

It has been recent practice for police forces to recruit press office staff from media organisations. One communications manager I interviewed talked of scouting the local media for potential force recruits. There are advantages to this. This can add expertise to a press office, for example, reporters recognise the benefits of regular contacts with press officers who have formerly been journalists, as 'they know the rules and talk on and off record, they'll tell you why they can't tell you things. You can have an honest conversation' (Interview 3.14)[15]. The recruitment by police forces of trained and experienced media personnel is a feature of the professionalisation of police corporate communications and is a logical and legitimate practice which I would not seek to limit.

[15] Mawby (2010b) *op. cit.*

18 In relation to dealing with the media in general, do you consider that there is a basis for applying different standards and rules to police staff from those that apply to police officers (the latter having the powers of the office of constable). If so, (i) do you consider that different standards and rules should apply and (ii) please specify what you consider the differences should be.

This is a pertinent question given the development of the 'workforce modernisation' programme and the pluralisation of policing to include PCSOs, other 'designated' officers, third party contractors and others within the extended policing family. In effect there will be a smaller proportion of sworn officers and there will be more civilian staff in roles formerly performed by sworn officers. I think police forces should have a consistent policy (and standards and rules) that apply to all staff. In principle, I would keep with the spirit of my answer to number 10, namely that all police personnel should be authorised to liaise with the media, subject to taking advice from the communications department, complying with legal and policy requirements, seeking clearance from a manager and speaking only about subjects within their responsibility and knowledge.

19 What role do you consider the Association of Chief Police Officers should have in ensuring that relationships between the police and the media, both locally and nationally, are appropriate and operate in the public interest?

To answer this question, it is necessary to clarify that ACPO are not only a collection of senior police officers and staff who provide a national lead to the co-ordination and operation of 43 polices forces; they are also a national stakeholder in policing. In respect of the former role, ACPO CAG has a co-ordinating and guiding role, as mentioned in question 12, which attempts to ensure the smooth operation of police-media relations across forces but within a national understanding. In my opinion, this role is appropriate and operates in the public interest.

In respect of the latter role, ACPO are one of a number of police 'voices' and undertake their own media relations, as do the Police Federation and the Police Superintendents' Association. For example the ACPO President, Sir Hugh Orde, is a regular contributor to policing debates in the media, as is the Chair of the Police Federation, Paul McKeever, In this regard ACPO has a role as the voice of the leadership and articulates this perspective through the media. ACPO therefore is a 'player' in the police-media relationship across these different dimensions.

20 What role do you consider that Police and Crime Commissioners and the Mayor's Office for Policing and Crime should have in ensuring that relationships between the police and the media, both locally and nationally, are appropriate and operate in the public interest?

Until the precise working arrangements between PCCs and police forces have been confirmed, I would not attempt to propose any possible role for them in overseeing police-media relations. However, I do

have two observations. First, the PCCs will be overtly political in a way that existing Local Police Authorities (LPAs) are not. They will be new policing stakeholders and will become another influential policing 'voice' with a need to form a media relationship of their own. Indeed one of the criticisms of LPAs has been their relative invisibility and this is likely to be reversed with PCCs, (especially with high profile individuals expressing interest in the posts), who will have a responsibility to publish information that allows local people to assess the performance of the PCC and the chief constable[16]. In this respect they will be in competition with ACPO, the Police Federation and local chief constables to communicate authoritative perspectives on policing through the media. In these circumstances assigning them any role in overseeing the arrangements for how police forces liaise with the media would require very careful considerations. Second, PCCs will be replacing LPAs and it may be worthwhile to explore the existing arrangements. As far as I am aware LPA's do not specifically oversee police forces' communication arrangements except within their general responsibilities to ensure the force is effective and efficient and, according to my 2006-7 survey, 60% of responding forces (25) were providing communications support to their LPA's. I would be surprised if, under the new arrangements, force press offices' would provide communications support to PCCs.

21 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).

22 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).

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

Questions 21-23: The HMIC report recommends setting up 'robust systems' for managing and monitoring risks arising from relationships, information disclosure and hospitality. These are to be supported by firm leadership and reinforced through appropriate input to training courses. These risks arise from various sources, including the media, and the general lessons highlighted in the report can be applied to the existing frameworks in forces for police-media relations. The report also makes a key point that the police service must be 'absolutely transparent' to maintain public confidence by not only

[16] *The Policing Protocol Order 2011* (available at: http://www.homeoffice.gov.uk/publications/police/pcc/policing-protocol/policing-protocol-order).

being fair, but also in *being seen* to be fair. The work of corporate communications departments can play an important role in this and I would recommend that forces draw on them to *build-in*, rather than *bolt-on* communications to routine policing as a key component of legitimate policing.

I would also endorse the key messages of the Filkin Report. A strong theme that underpins my research over the last 15 years into police communications has been the importance of communication in establishing and maintaining police legitimacy. The Filkin report similarly states that openness and transparency are critical for legitimate policing. There is also a substantial body of academic research on policing and the media that would support the key messages identified on page 7 of the Filkin Report, for example, relating to the media's valuable role, the public's use of the media as an information source and the complexity of controlling and monitoring every contact between police personnel and the media; the report is concerned with the Metropolitan Police Service alone and the complexity increases once this is extended to the other 42 forces and the local, regional and national media dynamics are taken into account.

Finally, what the two reports have in common is that they identify that police-media relations are not a standalone aspect of policing; rather, the media-related issues that the reports identify should not be regarded and treated in isolation but should be considered within the broader organisational framework for policing and addressed through leadership, training, clear processes and guidance, all of which should be clearly communicated.

Dr Rob C Mawby
Department of Criminology
University of Leicester
The Friars
154 New Walk
Leicester
LE1 7QA

Email:
website: www.le.ac.uk/criminology/

29th February 2012