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LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

Witness Statement of Roger Baker

In responding to the specific questions posed by the Inquiry I have relied heavily on my recollections of events. In relation to policies, procedures and working practices I have made some limited enquiries with Essex Police and of a small number of my former colleagues. I understand that the Inquiry did not expect an analysis of documents which are currently unavailable to me. The copies of the documents I have obtained from Essex Police are attached to this witness statement and have been provided in accordance with guidance provided by the Inquiry Solicitor.

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

- I. I began my career with the Derbyshire Constabulary in 1977. I progressed through the ranks to Chief Superintendent having performed a variety of uniform and CID roles. I was appointed Assistant Chief Constable with Staffordshire Police in 2001 and then Deputy Chief Constable with North Yorkshire Police in 2003.
- II. In July 2005 I was appointed Chief Constable of Essex Police. I was awarded the Queen's Police Medal in 2008. Between 2007 and 2009 I chaired the ACPO Performance Management Business Area and between 2007 and 2008 I chaired what was to become the ACPO Children and Young People Business Area. Between 2008 and 2009 I was a non-executive director on the board of the UK Borders Agency. I retired from the Police Service on 6 July 2009.
- III. I was appointed Her Majesty's Inspector of Constabulary (HMIC) in September 2009 and since this time I have had HMIC responsibility for the Northern region. Between 2009 and 2011 I was the Senior Responsible Officer within HMIC with responsibility for inspecting value for money within the police forces and police authorities within England and Wales¹. This work also included reviewing police availability² and the preparedness of police forces and authorities for the comprehensive spending review period³.
- IV. In July 2011 I was asked by Her Majesty's Chief Inspector of Constabulary, Sir Denis O'Connor to conduct a review of police integrity, which included police relationships with the media⁴. The findings of this review were published in December 2011.
- V. All published reports by HMIC are available on our website.

(2) Describe the personal contact which you had with the media whilst Chief Constable of Essex Police. 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 Essex Police.

¹ HMIC, July 2010, Valuing the Police; Policing in an Age of Austerity

² HMIC, March 2011, Demanding Times

³ HMIC, July 2011, Adapting to Austerity: A review of police force and authorities preparedness for the 2011/12 – 2014/15 CSR period

⁴ HMIC, December 2011, Without Fear or Favour: A review of police relationships

As Chief Constable of Essex, my personal contact with the national, regional and local media was organised and controlled through my Media and Public Relations Department. My contact with the national and regional media and press was infrequent and usually in relation to a serious crime or incident of high public interest. I would be in contact with local media and press on a more frequent basis, probably every six to eight weeks based on internal meeting structures, such as meetings of the Police Authority, to provide a briefing or a response to more local policing issues.

In addition I had some contact with the media in my roles as ACPO lead on performance and Children and Young People. Again this was infrequent, probably no more than once every two months.

Each time I had a contact with the media, such as for an interview or presentation for example, I would have a member of the Media and Public Relations Department present with me.

All meetings and interviews with the media were recorded in my electronic diary. My electronic diary was deleted when I left the organisation so I am unable to provide exact figures.

In May 2009 I was informed the News Group Newspapers Limited intended to publish some allegations about me which were completely false. Essex Police Authority instructed specialist lawyers to act on my behalf in this matter and they put News Group International on notice of the falsity of the allegations. The allegations have not been published. This was the only occasion I had to resort to take such action with the media during my time as Chief Constable.

(3) Describe what you were seeking to gain for Essex Police through your personal contacts with the media.

My personal contact with the media was limited, as described above. In my contact with them I sought to:

1. Take personal responsibility for the performance and actions of Essex Police and portray incidents and events accurately;
2. Ensure the accurate dissemination of information to the public and to reassure them following significant events;
3. Appeal for witnesses in high profile cases without obvious leads and;
4. To represent the Force and support my officers at national award ceremonies.

(4) Describe in general terms and using illustrative examples what you considered the media was seeking from you in your personal dealings with them during your time as Chief Constable of Essex Police.

I believe the media was seeking information and/or my views on high profile events or issues affecting the Force and the communities of Essex.

(5) Did you ever have "off the record" conversations with the media? If so, please explain why and give examples.

I did not have any "off the record" conversations with the media whilst I was Chief Constable.

(6) What are your views of the practice of police officers and police staff having "off-the-record" conversations with the media?

I am generally not in favour of 'off the record' conversations unless there is an extreme operational imperative i.e. a threat to life.

(7) To what extent did you accept hospitality from the media whilst Chief Constable of Essex Police?

Other than my attendance at The Sun National Bravery Awards (2005 and 2007) I did not accept hospitality from the media other than a drink of tea, coffee or water.

(8) Insofar as you accepted hospitality from the media, what was the nature of the hospitality that you accepted?

Tea, coffee or water only.

(9) What did you consider that the media was seeking to gain from affording you hospitality?

I believe the hospitality I was afforded was simply common courtesy.

(10) To what extent did you provide hospitality for the media on behalf of Essex Police whilst you were Chief Constable?

On the infrequent occasions I saw the media at Essex Police premises light refreshments would be provided on arrival, i.e. tea and coffee.

(11) Insofar as you provided hospitality to the media, what was the nature of the hospitality that you provided?

Tea, coffee and water.

(12) What were you seeking to gain by providing hospitality for the media?

I was seeking nothing beyond the common courtesy to provide light refreshments for guests.

(13) What mechanisms were in place to monitor and record hospitality between the Chief Constable of Essex Police and the media?

There was a Hospitality and Gifts Policy in place for the period I was in Essex Police⁵. The presumption of this policy was that anything other than light refreshments, such as tea, coffee and

⁵ Essex Police, July 2009, Hospitality and Gifts Policy

biscuits, would be declined. The policy required hospitality beyond light refreshments to be recorded in the hospitality register. There are no entries in the register relating to hospitality with the media during my time as Chief Constable. I have attached a copy of the Hospitality and Gifts Policy for information (Appendix 'A').

(14) What mechanisms were in place to monitor and record meetings with the media generally?

All of my meetings were recorded in my diary as Chief Constable. I have asked for a copy of my diary but have been informed that as it was an electronic diary it was automatically deleted when I left the organisation in 2009.

(15) Did you ever discuss the media, or media coverage, with politicians whilst Chief Constable of Essex Police? If so, how important is such communication and why?

I discussed some media coverage of force performance and high profile incidents and cases with Essex Police Authority as part of updates within routine meeting structures. In addition I can recall discussing the media coverage of the implications of the police mergers debate of 2005 and 2006 with a number of politicians within Essex and the East Anglia region.

These discussions were important to ensure that we could deliver the most accurate information available, or respond effectively to inaccurate information without compromising criminal investigations, to the public of Essex to maintain and build their confidence in policing services.

(16) Did you ever know or sense that a politician had 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).

No. Politicians would on occasions seek information or an explanation on issues raised by the media, however this is different to exerting pressure.

(17) Did the prominence which politicians gave to subjects ever give 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.

The development of policing plans by Police Authorities involves consultation with the public and key stakeholders, including politicians, to inform policing priorities. Politicians would also identify to the Force and Authority those issues raised by, and affecting, their local communities, such as local crime and anti-social behaviour. These issues were properly considered within the context of the wider consultation and priority setting process.

(18) Set out your understanding of the type of contact which Essex Police personnel had whilst you served with the force with the local and national media covering nature, extent, frequency and (in general terms) topics!

Essex Police encouraged its personnel to be open with the media within the boundaries of their

work. Different aspects of police work offer differing levels of interest to the media, at the local, regional and national levels and the Force therefore sought to maintain its media contacts at two distinct levels, specifically:

At a corporate level the Media and Public Relations Department was responsible for managing internal and external communications, managing and developing Essex Police corporate image and media training. This department provided the force expertise on press and media and primarily dealt with national and regional press issues, as well as daily press releases to inform community about local crime and incidents relevant to the public of Essex. In addition, it provided support to staff and was responsible for the management of the media around high profile incidents. The department would have daily contact with the media. All media releases were recorded.

At a local level, each Division had a Media Co-ordinator, who was responsible for developing and managing local stories relating to low level crime and disorder, appeals for witnesses and the like. In addition to delivering messages they would also arrange and support local officers in speaking with the media where required. Local officers were advised to only give media interviews after completing a media training course. The divisional media co-ordinator contact with the media would be regular and frequent, discussing community level issues. Other staff contact would be occasional and irregular, again around community issues.

(19) Were contacts with the media restricted to certain staff or were all staff able to deal with the media?

As at (18). Ordinarily untrained staff would not generally deal with to the media. Contact was either through:

1. Staff within the Media and Public Relations Department (and Divisional Media Coordinators) who generally had media background, and/or media training, or;
2. Other staff that had been trained on a media course. These included sergeants and above in a community type role as well as detectives at a number of levels to provide updates on investigations, appeals for witnesses etc. In addition to the media course, a TV and radio skills course was also available to staff.

(20) What did you expect Essex Police to gain from such contacts with the media?

My expectation was the accurate reporting of local and regional policing issues and incidents and to inform the public of policing performance. On the occasions when Essex Police got it wrong I was always keen to acknowledge this and explain what we were doing to put things right. Wherever appropriate I would try to portray the work of Essex Police in a positive light. I also expected the contacts with the media to reassure the public and where appropriate appeal for witnesses, give crime prevention advice etc.

(21) What did the media seek from such contacts with your personnel?

The media would be best placed to respond to this; however my working assumption was that they would gain accurate, timely information at the right level and a better understanding of policing within Essex.

(22) What hospitality were your personnel permitted to accept from the media? Inter alia, were they entitled to accept a meal or a drink from a journalist?

None, other than light refreshments (tea and coffee). The only exception to this would be The Sun National Bravery Award nominees.

(23) What hospitality were your personnel permitted to afford to the media?

Light refreshments only, if deemed appropriate.

(24) What mechanisms were in place to record hospitality between the media and your personnel?

The Hospitality and Gifts Policy required anything other than light refreshments to be approved and recorded. I would expect an appropriate note of the purpose of the meeting and the hospitality to have been recorded.

(25) How (if at all) was hospitality between the Essex Police (including yourself) and the media policed?

The Police Authority was responsible for the oversight and audit of police spend. The Chief Officer responsible for the internal checking mechanisms whilst I was Chief Constable was the Director of Finance and Administration. The Anti-Corruption Investigation Unit and the Professional Standards Department were responsible for the investigation into allegations of inappropriate behaviour and integrity issues.

(26) Were the hospitality rules governing contact between Essex Police personnel (including you) and the media different from those covering contact with other third parties? If so, what were the differences?

There was no difference in the rules.

(27) What policies and procedures were in place to record contact between: (a) you and the media; (b) senior managers and the media; (c) other personnel and the media. For the avoidance of doubt, the reply to this request should cover both "on-the-record" and "off-the-record" contact.

(a) A record of all of my meetings and contacts with the media was recorded in my electronic diary. I was always accompanied by a member of the Media and Public Relations Department who would have recorded the contact and key aspects of the interview/discussion.

(b) and (c) The Essex Police Media Policy⁶; 'Talking to the Media' reflected the ACPO guidance and required a record to be made of all information provided to the media by any member of

⁶ Essex Police, July 2009, Media Policy; 'Talking to the Media'

staff. This policy also stated that “off the record” contact with the media should not be undertaken. All media releases by the Media and Public Relations Department and Divisional Media Co-ordinators were recorded. The Essex media policy is an intranet based system and I have attached a copy of the relevant pages for information (Appendix ‘B’).

(28) Were records of hospitality and/or contact with the media audited and/or policed and, if so, how and by whom.

Hospitality with the media was covered by the Hospitality and Gifts Policy and audited/policed as described at (25). Contact with the media was covered by the media policy ‘Talking to the Media’, but was not audited/policed to my knowledge.

(29) In your opinion did the policies and procedures described above: (a) work effectively; (b) were they sufficient; and (c) were they capable of improvement.

I had no information at the time to say that they were anything other than sufficient and effective. In light of events surrounding the police and media over the last two years I believe it could have been improved by a greater degree of ‘grip’ and more input in the policy and training in relation to managing relationships with the media.

(30) What systems, policies and procedures were in place in the Essex Police to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media? Did they follow/reflect the ACPO guidance on this subject?

As previously stated the force policy was structured around the ACPO guidance at the time. This policy was clear about what information should and should not be disclosed as well as referring to “off the record” conversations. Media training reinforced this policy and the force stance was that personnel should not undertake media interviews without the training. The Media and Public Relations Department provided expertise and support in this area.

The Hospitality and Gifts Policy was clear, with the presumption that no hospitality other than light refreshments should be accepted by any member of staff.

The national training in relation to Information Security and Data Protection was delivered to every member of staff. Whilst not media specific, this covered what information and data could and could not be released.

(31) Were you satisfied that the policies and procedures described above were sufficient and working effectively?

During my four years as Chief Constable I received no information or intelligence to suggest the policies and procedures were not sufficient or working effectively. Routine audits of data systems such as Police National Computer and Intelligence systems did not identify any inappropriate contacts. During my tenure as Chief Constable five investigations were undertaken by Professional Standards Department in relation to allegations of leaks to the media. Two of these related to the leaking of information around police resources and deployments, two were regarding press enquiries about specific individuals which were investigated as leaks and one was a potential leak

about a major investigation. None of the investigations resulted in disciplinary action being taken.

(32) What training was in place in the Essex Police, whilst you were Chief Constable, to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media? Did the training follow/reflect the ACPO guidance on this subject?

Yes, as already stated at (19) the training reflected ACPO guidance. Not all staff were trained. Media training was provided to those staff whose role required contact with the media, such as community sergeants and inspectors and detective roles. The training was focused around delivery of the message, what to say and what not to say, recording practices and advice about "off the record" conversations. It did not specifically cover relationships with the media. Training in relation to information security and data protection was provided to all staff.

(33) To what extent were leaks from the Essex Police to the media and/or private detectives a problem during your tenure as Chief Constable?

There was no intelligence of leaks and none recorded or investigated into private detectives whilst I was Chief Constable. Five investigations were classified as potential leaks to the media, as outlined at (31). Leaks to the media and/or private detectives were not a major problem during my time as Chief Constable as far as I am aware.

(34) Insofar as applicable, what do you consider were the driving forces behind, or the main causes of, leaks from Essex Police?

As outlined above, leaks were not a major issue whilst I was Chief Constable. There were occasions when the media had been informed of management decisions and/or organisational changes prior to them being officially announced. My assumption was that the individual(s) responsible were affected by the decisions or changes and were unhappy with the potential consequences to them.

(35) What systems and procedures were in place to identify, respond to and detect the source of leaks?

Systems to identify leaks included the Force 'whistleblowing' policy, which included confidential reporting via the intranet and telephone as well as the more public Crimestoppers mechanism. Routine audits were conducted of force systems access by Information Security Department and Professional Standards Department. The Anti-Corruption Investigation Unit and the Professional Standards Department were the units responsible for responding to and detecting leaks, as well as routine scanning of the media conducted by the Media and Public Relations Department.

(36) How many investigations were conducted into actual or suspected leaks from the Essex Police to the media and/or private detectives during your tenure as Chief Constable (if you cannot access statistics please state your recollection in subjective terms as best you can) and how many led to the successful identification of the source of the leak. What was the outcome of the other investigations to the best of your recollection?

There was no intelligence, allegations or investigations into leaks to private detectives. There were

five investigations relating to the media between July 2005 and July 2009, as detailed at (31).

(37) Was disciplinary action been taken against any police officer or member of police staff for leaking information to the media during your tenure as Chief Constable of Essex Police? If so, please identify the number of cases and their outcome. There is no need to identify the person or persons who were the subject of the disciplinary process.

No disciplinary action was taken.

(38) To the best of your recollection what procedures were in place to prevent and/or detect data leaks?

In addition to those policies and procedures already referred to throughout my response and the systems already mentioned in relation to media leaks at (35) the following existed:

1. An Information Security Policy⁷, with training, awareness raising and a compliance regime. A copy of this policy is attached for information (Appendix 'C');
2. All staff were required to undertake the national Data Protection and Information Security computer based training "Handle with care" and "For your eyes only";
3. All IT applications had a data protection/information security warning screen at the beginning of the running of the application;
4. Transaction validation was undertaken on a routine basis – between 3 and 9 randomly selected or intelligence based PNC/Intelligence transactions were validated by supervisors on a daily basis;
5. Corporate vetting, which was the regular vetting of all staff and close family, was introduced in October 2006.

(39) What payments (if any) were considered to be legitimate financial transactions between Essex Police personnel and the media?

£31,259.75 was paid to the media over the four years that I was Chief Constable. All of these payments were made by the Media and Public Relations Department using the correct force processes and protocols. All of this, with the exception of £257.51 which was to purchase archive media footage, was used for crime prevention and other force advertising. A spreadsheet detailing the expenditure is attached at Appendix 'D'.

(40) To what extent did you believe bribery of personnel by the media to be a current problem for the Essex Police (if at all)?

During my time as Chief Constable, to my knowledge there was no intelligence, information or investigations into bribery of my personnel by the media. I did not believe it to be a significant risk.

⁷ Essex Police, 2009, Information Security Policy

(41) What steps were 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 were found to have accepted bribes from the media?

Steps to educate staff and prevent bribery, as well as the confidential reporting mechanisms have been outlined in the policies, procedures and systems already mentioned. The Anti-Corruption Investigation Unit and Professional Standards Unit were responsible for proactively detecting and investigating these offences where they came to light or allegations were made.

(42) What role did the Essex Police Press Office fulfil? What, in practice, did it do?

As outlined at (18) the Media and Public Relations Department was responsible for managing and controlling communications within and across the Force as well as managing communications to the public via the local, regional and national media. In addition, it was responsible for managing and developing the corporate image of the Force as well as delivering media training to staff. In practice the office was responsible for the day to day management of enquiries into the Force by the media and either personally disseminating key messages out to the public or supporting this activity. Full details of their role will be available from Essex Police.

(43) To what extent did the Press Office exist to manage the force's corporate image?

It existed to provide and promote a professional approach to ensuring that communication with the public reassured them and enhanced their confidence in Essex Police. Public perceptions of policing services in the Essex area were significantly influenced by the media. The corporate image of the Force and its reputation are vital in maintaining and building public confidence.

(44) Why was it necessary for the Essex Police to have a press office and what is your view as to its utility and role?

See (42) and (43).

(45) What was the media's attitude towards the Press Office? In particular, were they satisfied by the provision of information and the routing of communications through the press office or did they prefer direct contact with individual personnel within the force?

The media would be best placed to respond to this question, however I believe that the corporate and local media management structure in place to respond to the media allowed the appropriate level of contact and therefore information. I am not aware of any complaints from the media in relation to the Media and Public Relations Department during my time as Chief Constable.

(46) What role did the Essex Police Authority play in relation to oversight of the Essex Police's 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?

As previously mentioned discussions were held in relevant Police Authority meetings between members and Chief Officers of any significant media/communications issues. They questioned the

approach and response taken by the Force in an appropriate way.

Through my experience as HMI responsible for '*Without Fear or Favour*' I believe nationally agreed standards and a shared framework would be of significant benefit in this area.

(47) What level of contact and oversight was there from the Essex Police Authority in relation to the Essex Police's relations and communications with the media whilst you were the Chief Constable?

Essex Police Authority had a Press and Public Relations Officer who worked closely with the Force Media and Public Relations Department. This individual assisted the Police Authority in their oversight role and ensured the appropriate levels of contact.

As previously mentioned the media would be discussed where necessary at relevant Police Authority meetings. The Police Authority had a Complaints and Professional Standards Panel which considered issues and investigations around complaints, including the results of any audits undertaken, which would include media where they were raised. In addition, a Professional Standards Department briefing in relation to covert work was provided to relevant members on a quarterly basis.

(48) What limitations, if any, were there on staff from the Essex Police leaving to work for the media and vice versa?

No limitations to the best of my knowledge.

(49) Were records kept of those who joined the Essex Police from the media, or who went on to work for the media after leaving the Essex Police. If so, please describe the systems in place to the best of your recollection.

Essex Police Human Resources Department would have records of previous employment of all staff.

(50) To the best of your recollection were there any discernible patterns in the movement of personnel from the media into the Essex Police and vice versa.

None, to the best of my knowledge.

(51) 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?

None, unless there is a clear conflict of interest, such as having specifically been involved in the investigation of that media outlet.

(52) What level of awareness and experience were there in the Essex Police 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 Essex Police / conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).

I assume there was a very limited level of experience and knowledge by my staff. However, had any allegations come to my notice I would have ensured that the matters were properly investigated.

(53) What sort of priority was given to, and what level of resources were available to deal with the above.

I cannot recall any specific allegations being brought to my attention and I do not have the information available to me to make an informed judgement. The resource commitment required would depend upon the nature and scale of the allegation. Essex Police does have a number of specialist units with significant investigative experience which would be capable of responding to an allegation of this kind.

(54) Whilst you were the Chief Constable of Essex Police did contact with the IPCC and/or the Surveillance Commissioner and/or the Information Commissioner ever give rise to questions about leakage of information to the media and/or private detectives? If so, please explain.

No.

(55) What was your impression of the culture within the Essex Police overall in relation to its dealings with the press?

I believe Essex Police as an organisation tried to be as open as possible with the press and provide the best information to ensure the public were well informed and confident in our service. The corporate and local structures supported this.

As individuals my impression was that many of my staff, particularly the more junior staff, were apprehensive of dealing with the media and deferred that role to those more senior and/or with the relevant training.

Your time as Inspector of the HMIC

(56) Please set out in your own words the most important findings to emerge from HMIC's 2011 *Without Fear of Favour* report and explain the importance and significance of the recommendations as you see them.

The report finds that whilst corruption is not endemic in the Police Service, forces and authorities were generally unsighted on the risks and vulnerabilities associated with relationships with others, including with the media. The absence of clear boundaries for police relationships with others was a cause for concern, as was the lack of consistent standards, policies and procedures across

forces and authorities. In my view, there should be no geographic variations in relation to integrity. The lack of controls and checking mechanisms found in forces and authorities amplifies the level of vulnerability for inappropriate relationships to exist unchecked.

From the public's perspective, the Police Service needs not only to act fairly, but be seen to be acting fairly. Boundaries and thresholds to protect the integrity of police relationships with others must be absolutely unequivocal, for all staff, and these must be consistent across the Service. The framework to control, manage and monitor these relationships should also be to a national standard, including the recording mechanisms. These changes need to happen quickly, which is why the fifth recommendation contains a challenging timescale.

(57) Please give details of general reactions to the report and the responses of (i) the MPS and the Metropolitan Police Authority and (N) the other police forces and Police Authorities.

The report has been received positively by forces and authorities, including the MPS and what was the Metropolitan Police Authority. A number have already started addressing the recommendations, as have the ACPO business area leads.

(58) What further action, if any, does HMIC consider it will need to take to ensure that the relationship between police and the media is, and remains, appropriate and operates in the public interest. When answering this question please explain what you consider to be "in the public interest".

HMIC is to conduct a further assessment of the progress made by police forces and authorities in addressing the recommendations contained within the *Without Fear or Favour* report by October 2012. These recommendations include the relationship between the police and the media with a focus on this relationship being appropriate and operating in the public interest. This reassessment will be published.

In addition to the reassessment as outlined above HMIC is to conduct more work looking at the available research on organisational integrity and legitimacy with a view to being in a position to assist the police with the development of practical approaches.

The relationship risks we have identified in the *Without Fear or Favour* report will be factored into our future inspection work where appropriate.

In theory the 'public interest' in a democracy represents the outcome of an action/decision which benefits every member of society equally. In practice, however, most public policy involves some people gaining and some losing since there is no single shared 'interest' of society as people value different things at different times.

The 'public interest' represents a balance of views about costs and benefits of an action, disclosure or publication for example, which varies according to context, rather than being a definitive position. The public interest is therefore, what is valued by most people and it is possible to conclude that an action is 'in the public interest' even if it harms some individuals.

In terms of HMIC and its role, the 2008 Avail report⁸ concluded that the public interest needs to be considered in decisions around what to inspect/assess/review, proportionality of

⁸ HMIC, October 2008, Avail report: Defining Public interest for HMIC

inspection/assessment/review, and what/when to publish. Public interest considerations should not just be weighed up internally within HMIC, but should be 'tested' in the public arena through better engagement and the use of independent experts.

Although there is no single right or wrong answer, various organisations have attempted to set out frameworks for determining where the public interest lies by listing considerations which should be taken into account during the decision-making process.

If HMIC had such a list, it might include, for instance, things like: national security, public safety, transparency, accountability, improved ability of the public to make informed choices and judgements, what constitutes value for money/good use of public funds, public confidence in the police – in the context of risks, costs, benefits and disbenefits.

In respect of the HMIC review of police relationships we looked at the issue of appropriate and inappropriate relationships from the perspective of the public as well as the police. Quantitative (3,571 respondents) and qualitative (42 respondents) research was conducted by an independent organisation with members of the public from across England and Wales to ascertain public perceptions of what represents integrity (and corruption as the antithesis of integrity), how prevalent they think it is and whether attitudes had been affected by recent events.

HMIC found that the public associate integrity with being treated fairly by the police. The public association of integrity with fairness suggests that they see inappropriate relationships and the conflicts of interest that might arise as a consequence to be one dimension of police integrity, but not the only one. This has implications for the police if they are seeking to tackle corruption and inappropriate relationships from the perspective of the service user or the public more generally. Police will need both to be fair, and to be seen to be fair. This clearly will include the police relationship with the media.

In my view the relationship between the police and the media will not be operating appropriately or in the public interest if it is not transparent, and is not judged by the public to be fair or seen to be fair.

(59) From your own HMIC experience, is the HMIC adequately equipped to provide sufficient oversight of relations between the police and the media? What changes, if any, do you consider should be made to the HMIC or its role and responsibilities?

Yes, as described at (58). HMIC are equipped and sufficient resources to provide analysis, assessments and report on police activity in this area. Recent changes to HMIC resource includes an associate scheme, which allows it to bring in specialist expertise as and when required.

(60) What degree of oversight do you consider that the Mayor's Office for Policing and Crime and the Police and Crime Commissioners should have over relations between the police and the media?

As highlighted in the *Without Fear or Favour* report governance, oversight and control concerning the relationships between the police and the media is critical to ensure that these relationships remain appropriate and in the public interest. Our work found there was generally insufficient 'grip' of these issues by police authorities and the report recommendations reflect this.

As leadership and governance are key to improving these matters then it is imperative that the Mayor's Office for Policing and Crime and Police and Crime Commissioners exercise a high degree of governance and oversight. It is also imperative that the same degree of oversight is

applied to the Mayor's Office for Policing and Crime and Police Commissioners, although HMIC's role is limited to inspections relating to the efficiency and effectiveness of the police service.

Our timeframe of the reassessment of the HMIC recommendations by October 2012 was influenced by a desire to provide the incoming Police and Crime Commissioners and Police and Crime Panels with the best possible update on the progress made (or otherwise) on these issues. HMIC will be in communication with the Mayor's Office for Policing and Crime as this work progresses.

(61) What is your view of the recommendations contained in Elizabeth Filkin's report "*The Ethical Issues Arising from the Relationship Between Police and Media*"?

I met with Elizabeth Filkin and her team during the time she was conducting her Inquiry and I have had the opportunity to discuss the issues contained in her report with her. I agree with all of the recommendations and supporting advice contained in Elizabeth Filkin's report "*The ethical issues arising from the relationship between police and media*".

Documents

I note the requirement at (a) within the Section 21 notice to attach relevant documents currently in my possession or control. Whilst I am not now in possession or control of Essex Police policy documents I believe it relevant and helpful to the Inquiry to attach copies of a number of documents that I have referred to in my response. The original copies may be obtained from Essex Police.

I attach for your information the following appendices:

Appendix 'A': Essex Police (July 2006) Hospitality and Gifts Policy;
Appendix 'B': Selected extracts from the Essex Police (July 2009) intranet-based Media Policy; Talking to the Media;
Appendix 'C': Essex Police (July 2009) Information Security Policy;
Appendix 'D': Spreadsheet detailing Essex Police payments to media between July 2005 and July 2009.

I believe that the contents of this witness statement are true and accurate.



Roger Baker
Her Majesty's Inspector of Constabulary

Dated: 21st February 2012