

The Leveson Inquiry into the culture, practices and ethics of the press

Witness statement of **Sir Hugh Orde**

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

- 1.1 I am Sir Hugh Orde, President of the Association of Chief Police Officers (ACPO). I make this statement in response to a request made of me under Section 21 (2) of the Inquiries Act 2005 by Lord Justice Leveson, as Chairman of the Inquiry. In making this statement I have reviewed policies, guidance and other documents, including statements provided by ACPO members. Alongside this statement I include documents likely to be of relevance to the Inquiry.
- 1.2 I joined the Metropolitan Police Service (MPS) in 1977 and served in central, south and west London before taking command of the Territorial Support Group as a Superintendent. I was appointed Commander for southwest London in June 1998 and in April 1999 was the officer in command during the Brixton bombing. As Commander I also developed Operation Trident, an operation set up to deal with serious drugs related crime in London. I was promoted to Deputy Assistant Commissioner in October 1999 and was given day-to-day responsibility for the Stevens Inquiry into allegations of collusion between members of the security forces and loyalist paramilitaries.
- 1.3 In September 2002 I was appointed Chief Constable of the Police Service of Northern Ireland (PSNI), where I served for seven years. During this time I oversaw what has been described as the biggest reform of a modern policing service in recent history, the transformation of a 13,500 strong force to a community focused service of 7,500 officers.
- 1.4 I was appointed vice-president of the Association of Chief Police Officers in 2006 and in 2009 I was elected as the Association's President, representing the professional voice of policing during a period of substantial change.
- 1.5 I was awarded an OBE in 2001 for services to policing, and was knighted in 2005. In 2008 I was awarded the annual Leadership Award from the Police Executive Research Forum. I was awarded a Queen's Police Medal for services to policing in 2010. I am a graduate of the FBI National Executive Institute. I hold a Degree in Public Administration, an honorary Doctorate in Civil Law from the University of Kent and an honorary Doctorate in law from Ulster University, where I am a visiting professor.

2 What are the functions of the Association of Chief Police Officers?

- 2.1 ACPO brings together the expertise and experience of chief police officers from England, Wales and Northern Ireland. It provides a professional forum to share ideas and best practice, coordinate resources and help deliver effective policing which keeps the public safe.
- 2.2 ACPO is an independent, professionally-led strategic body. In the public interest and, in equal and active partnership with Government and the Association of Police Authorities (APA), ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. The Police and Justice Act 2006 confirms ACPO as a statutory consultee. In times of national need, ACPO, on behalf of all chief officers, coordinates the strategic policing response.¹
- 2.3 The functions of ACPO include facilitating decision making by chief constables at a national level, providing national policing coordination, national policing communication, national development of professional policing practice and providing oversight, through chief officers to some national policing units. In the absence of a federal model of policing it provides a voluntary structure to secure national agreements which underpin the ability of all forces to deliver consistent and interoperable policing to keep citizens safe and secure.
- 2.4 There are presently 340 members of ACPO, comprising chief officers holding a rank at or above Assistant Chief Constable (or Metropolitan Police Service equivalent: Commander). They also include senior police staff colleagues of equivalent status, for example heads of human resources and finance, and in some forces heads of communication and legal services.

3 What is the remit of your role as President of the Association of Chief Police Officers?

- 3.1 The ACPO membership elects a full-time President, who holds the office of constable and the rank of Chief Constable under the Police Reform Act 2002. As President I chair a Council of Chief Constables and act as a spokesperson for the profession of policing on national issues. I am supported by three Vice Presidents who are also serving Chief Constables, and 13 Chief Officer colleagues leading the development of all national policing policy across the service, divided between business areas. In times of crisis I attend COBR on behalf of Chief Constables, and I routinely meet with senior Home Office officials, the Home Secretary and also with the

¹ ACPO Statement of Purpose, 2006.

Policing Minister on roughly a bimonthly basis. I also represent the service at numerous Home Office committees, and attend the Home Affairs Select Committee when asked.

4 What role, if any, does the Association of Chief Police Officers have in ensuring that relationships between the police and the media, both locally and nationally, are appropriate and operate in the public interest?

- 4.1 Each police force operates independently of one another and manages communications with the media in respect of its local policing. The Association of Chief Police Officers provides a national voice for the policing service to explain, inform and defend the operational work of the police service to cut crime and protect life.
- 4.2 Within ACPO there are 14 business areas, 340 chief officers and staff, covering 336 separate police functions or types of crime ('portfolios') that are nationally led and coordinated by a Chief Officer. These cover every sphere of police activity from police use of firearms to metal theft and are supported inside and outside the police service by an ACPO communications team which responds to national media enquiries concerning policing and crime reduction.
- 4.3 This national role supports the public interest, and the commitment of the police service to openness and transparency about its work. No significant operational policing event fails to develop a national angle. For example the events in Northumbria following the Raoul Moat shootings created huge media demand for information about the operational police use of Taser. Similarly the launch of a new Home Office organised crime strategy creates demand for operational police opinion on organised crime. The ACPO portfolio lead, through his or her national role, can draw on policing colleagues of all ranks and with their support offer an informed expert view on behalf of the police service as a whole, rather than a single force. I see this communications role as critical to ensuring that the right individual from the service is available to provide a response to the media on behalf of all their colleagues. The sheer complexity of policing requires such coordination if we are to effectively discharge our obligation to engage professionally and respond to demands for information from the media.
- 4.4 Chief Constable Andy Trotter holds an ACPO portfolio for media relations, having been elected to that position in 2007. In that role he represents policing with media organisations and with other bodies on issues relating to the media. He also chairs the ACPO Communications Advisory Group, comprising senior communications professionals from forces in England, Wales and Northern Ireland. The aim of the group and the guidance it produces is to support

good practice and a shared understanding with the media of the kind of information and cooperation they can expect from the police. A copy of the most recent guidelines, produced in October 2010, is included as Appendix A.

4.5 These guidelines do not address relationships between the police and the media although additional guidance on media relationships was published and circulated among Chief Constables in August 2011. A copy is enclosed with this statement as Appendix B.

4.6 National policing practice produced through ACPO is endorsed through the Chief Constables Council but its status remains guidance. ACPO has no role in securing compliance and guidance does not supersede decisions of Chief Constables who are operationally responsible for the direction and control of policing within their own force area.

5 What is your impression of the culture within the Police Service as a whole in relation to its dealings with the media (the media in all its forms)? Have you developed a different impression of the culture in the Metropolitan Police Service when compared with the rest of the Police Service?

5.1 The culture within the police service in relation to dealings with the media is generally a positive and open one. The media play an important role in holding the police to account, and the police have a duty and in my judgment an obligation, to inform and engage with the media as representatives of the communities we serve. At a local level the media have a role in helping disseminate information about crime, while at a more strategic level we need the media to understand the complexities of policing so that it is effectively and accurately communicated to the public we serve. This complexity cannot be explained in the routine contact with journalists. For example, on election to President, through my Director of Communications I actively sought meetings with editorial boards on national newspapers to explain my vision for ACPO and to talk about the current challenges facing the police service. These meetings generally took place at their headquarters. In seeking these meetings I was simply keen to engage in a professional way with senior media figures. I also ensured routine meetings with Home Affairs and Crime Reporters took place so similar discussions could take place. Such meetings are held at my offices and always attended by my Director of Communications, Chief Constable Trotter and other ACPO business area leads when appropriate. I would describe the atmosphere as business-like and see these events as important opportunities to have broader conversations that help to inform those who report on what we do.

5.2 The growth and proliferation in the way in which information is reported has required the police service to become more responsive and fleet of foot in dealing with media demand. Dealing with the media is now an indispensable component of handling a critical incident, for example. There are inevitably tensions in the relationship between police and media which reflect differing objectives, between commercial media organisations who are competing for 'stories' and the duties of the police service to preserve life, prevent crime and the detection and prosecution of offenders.

5.3 The culture within the MPS will inevitably be different to that within most other police forces. This reflects the unique position of the MPS in managing some national policing responsibilities and dealing with a high level of scrutiny and the national media on a daily basis. During my 26 years service in London between 1977 and 2002 I would have routinely dealt with the media from my time as a Chief Inspector on a London Borough providing weekly briefings to local press, through to my time as Commander of Crime for South London. My approach was broadly similar to that I adopted as Chief Constable of the PSNI.

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

6.1 In any service of over 140,000 police officers, plus police staff, there will be some who step outside the very high standards of integrity we require and demand of those who work in the police service. My sense is that leaking information is not something that is either endemic or cultural to the police service, and that view is supported by HMIC's recent review of media relationships, *Without Fear or Favour*.

6.2 The vast majority of police officers and staff will be outraged by the notion of someone in a particular position of responsibility, with access to privileged information, improperly disclosing that information to a third party. As leaders within policing our role is to ensure such behaviour is rooted out. I have never been offered an inducement or bribe of any description by any individual from the media.

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

7.1 As above.

8 What do you consider to be the motivation for police officers and/or police staff to leak information to the media? In other words, what do you consider to be the root cause of such leaks?

8.1 There may not be a single 'root cause' for such leaks and it is not always straightforward to determine their source or motivation. It is sometimes assumed the police are responsible when in fact information could come from a number of sources, for example to undermine an investigation on behalf of the suspects. Information technology and social media also mean that information is now shared at incredible speed. For example, a colleague recently told me of a police search operation in relation to gang crime which was unwittingly described by a passing onlooker on Twitter.

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

9.1 The Association of Chief Police Officers has a press office in support of the national communications role described in the answer to question 4. It works in close cooperation with police force press offices but takes the lead in supporting the police service's strategic response to national policing issues. The role ranges from communicating the general work of the police to preserve life, cut and prevent crime, to specific national events such as the papal visit to the UK in 2011, or the UK police presence at the European football championships.

9.2 My sense is that the media's general attitude towards it is a positive one, in that the press office functions effectively as an authoritative and reliable source of the timely and accurate information they require. On many occasions the media may well request direct contact with an individual chief officer within ACPO, and the ACPO press office is a quick route to negotiating that contact and ensuring that the person made available to them is the chief officer who is best informed and equipped to speak on a national issue.

9.3 Media organisations operate in a competitive environment and it is entirely unsurprising that their objectives will sometimes conflict with those of the police. The press office has a role in maintaining relationships with the media and ensuring they are informed. But what the media

choose to report is absolutely a matter for them. An example of this sort of situation arose when the Guardian newspaper was seeking to name people it believed to be current or former undercover police officers. The ACPO press office acted on behalf of the police service to arrange for a meeting between the Guardian editorial team and the chief police officers who lead nationally in this area, which I attended. The purpose was to ensure that the Guardian was fully informed from the professional policing perspective, of the potential consequences of its reporting. Having done this, I was absolutely clear that the editorial decisions quite properly remained a matter entirely for the Guardian alone.

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

- 10.1 The police service exists to keep people safe, and has been given significant powers within the law in order to do so. It is right that a public service with such powers should be held fully accountable and be as open and transparent as possible, within operational limitations. We have a positive duty, in my view, to inform and engage with the media as an important part of the communities we police, under the British model of policing by consent.
- 10.2 Within the context of the day to day activity of any police force, a press office performs an integral and specialist function. As well as being a vehicle by which a police force can be open and transparent in general terms, the press office has a specific role in supporting overall police strategy and objectives. Communications planning and the implementation of a comprehensive and effective media strategy is now a vital component of a successful police operation or investigation. Examples include providing public reassurance in a public order situation, organising a witness appeal during an investigation, or assisting in the successful running of a high profile event. In the first hour of a post-incident investigation the press office is an important element of the policing response, dealing with the pressures of 24/7 media and allowing investigators to focus on the task in hand.
- 10.3 In my judgment the press office can be viewed as another specialist section within the police organisation, supporting our primary objective of keeping people safe. As an operational Chief Constable I had access to experts in forensics, investigations, road traffic, public order and so on. In a similar vein I needed professional advice from my media department so I could make fully informed decisions in relation to this discipline.

11 What levels of awareness and experience are there in the Police Service of “media crime” and in particular: (a) unlawful interception of communications (including the Regulation of Investigatory Powers Act 2000); (b) bribery of officials by the media; (c) blackmail; (d) harassment by paparazzi and journalists; (e) traffic and/or public order offences committed by photographers and journalists pursuing stories; (f) inciting officials to communicate confidential information held by the Police Service / conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).

11.1 Levels of awareness of media crime will vary between police forces and there is no central recording of such data. Police forces will maintain some capability and capacity to deal with the kind of offences listed in the question above in general terms, rather than specific to the media. For example, specialist officers working in the intelligence field would have knowledge of the Regulation of Investigatory Powers Act, although the majority of police officers and staff would not usually require a detailed understanding. Through ACPO there is a chief officer who acts as the national lead on matters relating to RIPA who would have an expert understanding of this field.

11.2 Bribery, blackmail, harassment, traffic and public order offences would all be covered to an extent during police initial training. Incitement to commit offences would be handled by CID police officers. Knowledge of crime within media organizations across the police service would depend upon the particular experience within a police force.

11.3 With reference to my own experience within PSNI, media crime as detailed above did not present a particular challenge to policing. In some public order situations the PSNI may have intervened where officers perceived that media representatives were at risk of harm. In general terms, the level of awareness within the PSNI would have been appropriate to the extent to which media crime was perceived to be a problem.

12 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).

12.1 HMIC found that the majority of the public do not think corruption is common and trust the police to tell the truth. In my view this bears out the evidence of research from other bodies

such as Transparency International which found no evidence of systemic corruption in policing, but individual cases where police officers let their colleagues and the public down.

12.2 Leadership was seen to be an important aspect of setting high standards of integrity and again, that bears out evidence from other studies. The recommendations ask the Service to have detailed proposals ready for consultation by April 2012 and ACPO is leading that work through the national lead for Professional Standards, Chief Constable Mike Cunningham.

12.3 Those recommendations which additionally deal specifically with media relationships will be addressed under the leadership of Chief Constable Andy Trotter, who is preparing further guidance on dealing with the media.

13 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).

13.1 Elizabeth Filkin was asked to review the relationships between the MPS and the media and her report is therefore directed to the MPS, though its principles may usefully apply to other forces. The report notes the critical importance of the media in holding the MPS to account and in informing the public about the work of the police service. I agree entirely with this. Her recommendations also deal with the necessity for integrity and ethics to be clearly led within the force. Again I wholeheartedly agree and the way in which the PSNI applied a code of ethics to its policing has shaped my own thinking on this. A copy of the PSNI code of ethics is attached as Appendix C.

14 Do you consider that there are different or further steps which could and/or should be taken to ensure that relationships between the police and the media are and remain appropriate? Please explain when answering this question what you consider to be appropriate contact between the police and the media in a democratic society.

14.1 See the answer to question 15.

15 What different or further changes do you consider should be made, for instance to systems, policies, procedures and training, to ensure that the relationship between the police and the media, locally and nationally, operates in the public interest? Please explain when answering this question what you consider to be the "in the public interest".

- 15.1 The public interest is the people's welfare and general wellbeing. It is supported by policing which is legitimate, necessary, proportionate and accountable.
- 15.2 My own view of the need for clear boundaries and standards is that if additional guidance is produced, then it should support and reinforce the understanding of integrity that all police officers and staff must have and must demonstrate through their daily decisions.
- 15.3 In PSNI this was provided for by a Code of Ethics which set down standards and behaviours expected from police officers. The Code was an essential component of policing training and breaches could result in disciplinary action. I describe the operation of this Code in more detail later in this submission.
- 15.4 I consider appropriate contact between the police and the media to be a professional relationship. As I have described, the police have an obligation to inform and engage with the media, both at the local level where they have a role in informing the community in crime, and at the national level to explain and describe the way in which policing works, or on occasions when it doesn't. The media play an important role in holding the police service to account and informing the community.
- 16 How do you consider the Association of Chief Police Officers could or should help to ensure that relationships between the police and the media, both locally and nationally, are appropriate and operate in the public interest? Do there need to be changes to its role and responsibilities?**
- 16.1 ACPO continues to play a coordinating role across areas of policing where the national interest requires that police forces act together and agree joint strategies. It allows for Chief Constables to come together and develop a single approach nationally, being cheaper and more efficient than developing 44 strategies across each police force in England, Wales and Northern Ireland. However national approaches remain subject to the local interpretation and implementation of operationally independent Chief Constables. It is important that, having developed such strategies, we are available to comment on them and why they are important in terms of keeping citizens safe. Whilst each individual Chief remains entirely responsible for delivering at the local level, it makes sense that a single voice for the service is available at the national level to explain the strategic implications of such policies. Without such a facility

there is no single point of contact for the media who would be obliged to seek views from 44 forces, which is neither practical nor sensible.

16.2 This role and responsibilities are subject to change as the Government plans to introduce a new police professional body. It is not yet clear how ACPO's functions will be delivered in this new landscape but until the future is clearer, the lessons emerging from the various reviews into relationships between the police and media will be picked up and shared across the police service, through ACPO under the work led by Chief Constable Andy Trotter.

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

17.1 Police authorities play an important role in holding policing to account. In my own experience the Northern Ireland Policing Board was a highly visible and comprehensive form of accountability which as Chief Constable I took extremely seriously. Media and communications issues were often considered by the board and PSNI's Director of Communications expected to report to the board every six months.

17.2 Policing and Crime Commissioners will replace Police Authorities from their first election in November of this year, a change which alters the fundamental structure of policing by replacing authorities of typically around 17 members with a single person in each force area. In my judgment this is the biggest change to the British model of policing since 1829. It will clearly result in a different form of oversight, partly as it is foreseeable that the overwhelming majority will be elected on a party ticket. In addition, a one to one relationship is fundamentally different to a relationship with 17-19 individuals, as form the authorities who currently hold Chief Constables to account. However, the full impact of this change will only become clear as the new structures come into operation.

17.3 In my view it will be in the public interest to ensure the media and communications resources of police forces remain directed to supporting the operational policing objectives of the force; and are therefore clearly separated from those resources which, following November elections, are placed at the disposal of the Police and Crime Commissioner. This would provide the public with reassurance that the public voice of a police force remains professional and impartial at all times and cannot be utilised as part of a political campaign for votes. If such a perception were allowed to form, the community confidence in the police as a

professional and impartial service would be at risk. It would of course be entirely proper for a PCC to have their own capacity in this area.

18 What limitations do you consider there should be on police officers and police staff leaving the Police Service to work for the media and vice versa?

18.1 In any media and communications department across any sector, there are likely to be staff with previous experience of working in the media. Experience and understanding of the media are particularly valued in these roles and can be important in establishing confidence in their expertise within an organisation. Movement in the other direction is far less common, although the 24/7 nature of rolling news media means that demand for commentary from those with previous experience of policing is now routine. In some cases this can have a particularly unhelpful impact, for example when commentators who cannot be party to the facts of an investigation are presented as experts by the media to erroneously question its conduct. A high profile example led to the dispute between Avon and Somerset Constabulary and ITN in their investigation into the murder of Joanna Yeates.

18.2 I am not persuaded that limitations could lawfully be applied or be effective. It seems to me that when ill informed or partial views are presented, whatever their source, we should ensure that we are effective in presenting an alternative and professional view. Indeed, it is for this sort of situation that I remain persuaded that we must not step back from providing proper background information to the media through briefings and regular contact so they can make informed judgements on the authenticity and relevance of their sources.

18.3 In terms of restrictions on a situation where a retired officer becomes a paid employee or regular writer for a media outlet, ACPO would be prepared to engage in the debate and comment on proposals if that would be helpful. Any such limitations would face the challenge of defining what activity would be caught: would they apply only to work undertaken for payment, could they cover work carried out abroad or published on the internet and so on.

19 Have you been the subject of intrusive media attention? If so, please give your views on this type of attention and whether it was, or was not, in the public interest in your case?

19.1 As Chief Constable of the PSNI I was in the public eye and the subject of intrusive media attention. I believed that to be a personal issue at the time and I remain of that view now.

- 19.2 In my experience the only effective recourse a Chief Officer has to media intrusion is the civil law. I have felt obliged to take this route on three occasions. Potentially, it is extremely expensive and in terms of resources a highly unequal contest. Recent experience of the Press Complaints Commission does not give me confidence.
- 19.3 This type of attention can also pose huge challenges in policing when the level of media interest around victims of crime and their families becomes enormous. For example the Inquiry heard from Baroness Hollins, whose daughter Abigail Witchalls encountered intrusion, and who described how the police had to intervene to persuade press to leave.

Leveson Inquiry: Your time as Chief Constable of the Police Service of Northern Ireland

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

20.1 When I took up the post of Chief Constable of the PSNI it was against an immensely challenging policing and political backdrop, in which media relations acted as an important influence. There were still some 170 recommendations of the Patten Report which were yet to be implemented, including new independent accountability arrangements, a severance scheme, the reorganisation of special branch, the biggest IT roll-out in Europe; and the delivery of 'Policing with the Community'.

20.2 The Patten report also called for greater accountability, communication and transparency at all levels of the organisation. Paragraph 5.16 of Patten Report:

"Communication with the public and with the media is an area in which the RUC has been extremely weak. This was the view of many observers, not only journalists, who spoke to us. Police officers themselves tend to see the problem as a question of "public relations"; in nearly every police station we visited there was a feeling among officers that the RUC was not getting its message across. But it is much more than that; it goes well beyond the public relations department of the police and the "handling" of media. There needs to be a culture of openness and transparency in a police service as a whole, in which police officers as a matter of instinct disseminate information about their work. The prevailing instinct at present, however, is defensive, reactive and cautious in response to questions, as we experienced ourselves in relation to some of our own inquiries."

20.3 My first impression was that Lord Patten was entirely correct in his finding, and the PSNI and its media and public relations department faced a significant challenge to embrace and implement this change. My approach was that 'telling a story' of how the PSNI developed and delivered its community policing service was critical to success, and that paragraph 5.16 gave us a positive obligation to engage. It was blindingly obvious therefore that media were essential, if we were to achieve that objective of telling the story.

20.4 The importance of this was not only local but national and international too. In some communities we needed local media to get the message out, but it was equally vital that we communicated to the international audience, particularly in the USA. To be successful we needed the corporate communications department to take a lead, but for police officers and staff across the organisation to feel empowered to speak on behalf of the PSNI. The code of ethics, which I describe in more detail later, was key to their doing so.

21 During your tenure as Chief Constable, the PSNI had in place a number of counter-terrorism operations. Do counter terrorism operations bring different types of media attention to other operations? Please provide your views of the types of media attention/contact which counter terrorism policing attracts and whether or not you consider these to be in the public interest

21.1 Counter-terrorism operations, without question, generate huge media attention and that attention can differ from routine policing operations in scale, volume and velocity. Although they are not all unique to counter-terrorism, challenges which apply to such operations include servicing the scale of that demand at local, national and international levels, the demands on time of senior police officers, operational or legal restrictions which may prevent the police service from disclosing all information, and the impact on community confidence of the events themselves or of media reporting, particularly if it is ill-informed or inaccurate.

21.2 Accountability of policing operations, including those critical ones involving counter-terrorism, is undoubtedly in the public interest and the media play an important role in delivering that accountability. However the media operate in a commercially competitive world while the police have a broader responsibility to the communities we police. Inevitably those perspectives will not always match up.

21.3 Effective communication is therefore critical to counter-terrorism operations, in terms of community confidence, public interest and at times, public safety. Such operations are also a

reminder of the importance of a constant and steady relationship with the media, communicating and disclosing as much information as is possible within operational policing bounds. That kind of professional relationship helps to build trust between the community, media representatives and the police service. At times of great pressure, such as during counter-terrorism operations, trusted professional relationships built up over time, mean that a police force is better able to get a message out to a community, to communicate with the media why that message might be important or conversely, to explain why more information cannot be shared.

22 Describe the personal contact which you currently had with the media, both locally and nationally. The Inquiry would like an overall picture of the type, frequency, duration and content of your contact with the media, both locally and nationally, during your tenure as Chief Constable of the PSNI.

22.1 As Chief Constable I took the position that 'telling the story' of PSNI meant I should talk to anyone who wanted to make a difference to policing. This included journalists and meant I had a wide range of contact with the media.

22.2 That contact included public engagements and meetings of the Policing Board where media were always in attendance. It included press facilities, such as may follow a significant event such as large public disorder or a terrorist attack, at which I could take questions or make a statement. I also gave interviews to journalists representing the full spectrum of local, national and international media.

22.3 As with other individuals I had many informal meetings with journalists, to both inform them about policing and also hear their perspectives on the community, of which some of them had a deep understanding. These meetings ranged from one-to-one conversations with specific journalists to addresses made to the editorial boards of newspapers in Ireland and abroad. My view of these conversations was that they were an extremely important part of telling the story of the PSNI but I often found as much value in hearing and learning other perspectives as in sharing my own.

23 Describe what you were seeking to gain for the PSNI through your personal contacts with the media.

23.1 I sought to explain and communicate the work and transformation of the PSNI through all my engagements, both formal and informal, with the media as with other individuals whom I saw as community representatives. What we were seeking to achieve in that context was no less than a paradigm shift in how people viewed policing. To put it very simplistically, we wanted to explain to one section of the community why the policing of Northern Ireland had to change, while explaining to another section of the community how it was changing. Insofar as we could, we needed to carry all sections of the community with us, so that we could start to build the trust, confidence and legitimacy we needed across all communities in order to deliver effective policing to them.

23.2 The scale of this ambition was significant. For example, as Chief Constable of PSNI I spoke to the Andersonstown News, a local newspaper serving West Belfast that had never previously sought to speak to a Northern Ireland police leader. That interview took place following an informal conversation at a Mayoral reception. Without the opportunity to meet and socialise with the people writing that newspaper, the opportunity to speak to its community of readers would not have come about.

24 Describe in general terms and using illustrative examples what you consider the media, both locally and nationally, were seeking from you in your personal dealing with them during your time as Chief Constable of the PSNI.

24.1 In general terms the media wanted information and a better understanding of policing. Progress in police reform was a critical component of the peace process. The clearly communicated determination of police leaders to deliver and implement the Patten Report was an essential part of the political advances made following the Belfast Agreement, and therefore policing was continually under a microscope.

24.2 From a personal perspective, journalists wanted a professional relationship on which they could rely for accurate information to inform their reporting. A day to day approach of transparency and openness across the organisation from the Chief Constable down, meant confidence was built in these relationships. We understood that it was clearly not going to be good enough to rush out to engage with people for the first time in a crisis, without an effective and established working relationship on which trust could be based.

25 To what extent did you accept hospitality from the media whilst Chief Constable?

25.1 During my tenure as Chief Constable I accepted a number of invitations from individuals or organisations working in the media. These were not frequent, and informal contact with the media occurred more often when I attended civic events or other occasions where representatives from the media might also be present. All such occasions were recorded on the PSNI's Register of Gifts and Hospitality.

http://www.psni.police.uk/index/about-us/publications/publications-by-category/foi_lists_and_registers/register_of_gifts_and_hospitality.htm#register2007

26 Insofar as you accepted hospitality from the media, what was the nature of the hospitality that you accepted?

26.1 As recorded above.

27 To what extent did you provide hospitality for the media on behalf of the PSNI whilst Chief Constable?

27.1 The PSNI media department would periodically organise a reception for media (on less than an annual basis). The reception was hosted at the Police social club. A number of journalists would have also attended the Chief Constable's Christmas Reception, which was held on an annual basis for a whole range of key policing stakeholders.

28 Insofar as you provided hospitality to the media, what was the nature of the hospitality that you provided?

28.1 As recorded above.

29 What mechanisms were in place to monitor and record hospitality as between the Chief Constable and the media?

29.1 All hospitality was recorded on the PSNI's Register of Gifts and Hospitality which is publicly available on the website. The Register records the organisational benefit of any hospitality accepted and ensures we meet a standard of openness and transparency.

30 What mechanisms were in place to monitor and record meetings with the media generally?

30.1 Meetings between myself and the media were arranged and staffed by the Department of Media and Public Relations. On the vast majority of occasions these meetings would be recorded by a press officer. Timing of meetings and details of those present were recorded in my diary, and logged on the PSNI press office's record management system.

30.2 On an occasion that a meeting would happen outside of the remit of the Department of Media and PR the onus was on me or my staff officer to make the Department of Media and PR aware.

31 Did you ever discuss the media, or media coverage, with politicians (local or national)? If so, how important is such communication and why?

31.1 Policing was an issue of intense political significance in Northern Ireland and both politicians and media coverage took account of that. Inevitably the media reported and amplified policing issues and it was quite natural that media coverage was sometimes the subject of discussions with the politicians to whom as Chief Constable, I routinely spoke. Indeed, politicians from the four leading parties were represented on the Northern Ireland Policing Board (Patten recommendation 16).

31.2 A high profile example followed the murder of Constable Stephen Carroll when it was agreed between the First Minister for Northern Ireland Peter Robinson, the Deputy First Minister Martin McGuinness and I, to stand together at a televised news conference to provide a message of reassurance to Northern Ireland's communities and condemnation of those who carried out the attack. The conversation which took place before that news conference led to a message which was extremely important going out, both through the words that were spoken and the image of unity represented which had huge symbolic power. In my judgment this was probably one of the most significant events during my time in Northern Ireland in terms of reassuring the public that there was seamless agreement and determination to condemn terrorism and secure justice for its victims.

31.3 At the monthly meetings of the Northern Ireland Policing Board media coverage could have an influence on the agenda. Board members both responded to media coverage by raising concerns of the communities they represented; and the occasion also offered a platform to get their own message out and see it reported through the media.

32 Did you know, or sense, that a politician 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).

32.1 It was entirely legitimate for politicians to represent their views to me as part of the business of holding policing to account. My role as an operationally independent and accountable Chief Constable was to base my decision on professional judgment about what was necessary to keep people safe and deliver community policing.

32.2 In late 2004 there was widespread speculation about who had committed the Northern Bank robbery, to a point where it was impeding the investigation. I was aware of substantial intelligence around this crime and took the decision that for operational reasons I would attribute it to the Provisional IRA. I was quite clear this made operational sense and was an operational decision for me. However the robbery followed a period of delicate peace negotiations and it was predicted that its consequences for the peace process could be devastating.

32.3 In circumstances such as these, any Chief Constable who did not feel it appropriate to advise others what he or she intended to do would be naive in the extreme. The First Minister for Northern Ireland fully understood my position, though it would be politically difficult for him, and he recognised the line between my operational responsibility and his to manage the fall out. This is a clear example of politics and policing colliding without any great constitutional crisis.

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

33.1 Politicians have a legitimate and essential role in holding policing to account and representing the views of the community. It is absolutely right that their representations should be taken into account in operational policing decisions. In the Northern Ireland context a good example is the decision I took to introduce Taser for use by specially trained and authorised police officers in 2008. That decision was heavily debated and contested by politicians on the Northern Ireland Policing Board and beyond, and their perspectives properly influenced the

way in which we consulted on the deployment and roll out in a way which dealt with community concerns in the best way we were able to do.

34 Were contacts with the media restricted to certain staff or were all staff able to deal with the media?

34.1 The Patten Report gave the PSNI a model of community policing. 'Telling the story' of the PSNI needed officers and staff at the front end of that model to build community confidence through speaking about their experience, sometimes to the media. The Department of Media and Public Relations had a role in ensuring that media inquiries and requests for interviews were recorded and staffed and that the appropriate officer or member of staff with the right knowledge and training was involved.

35 What did you expect the PSNI to gain from such contacts with the media?

35.1 While the conversations I had at a strategic level were important, it was also the words of the officers at the front end of the organisation in interviews with local media which were vital in building trust, confidence and a better understanding of policing. In my judgement, officers at district level of all ranks who were prepared to give interviews were critical players in delivering reassurance and explaining what we were doing. Indeed in the context of Northern Ireland some individuals accepted that they were increasing the risk to their personal safety by such activity but understood its importance. Police officers and staff were guided by PSNI policies concerning media contact. A copy of the appropriate policy is attached as Appendix D.

36 What did the media seek from such contacts with your personnel?

36.1 For the most part, I believe the media wanted information and a better understanding of policing. They wanted access to timely and accurate information to inform their reporting.

37 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?

37.1 Any hospitality afforded or accepted should be in accordance with PSNI policy 04/05, a copy of which is attached as Appendix E. Personnel were permitted to accept a meal or drink from a journalist providing it met the terms set out in the policy.

38 What hospitality were your personnel permitted to afford to the media?

38.1 As set out in the attached policy.

39 What mechanisms were in place to record hospitality as between the media and your personnel?

39.1 As above.

40 How (if at all) was hospitality between the PSNI (including yourself) and the media controlled and/or regulated?

40.1 As set out in the attached policy.

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

41.1 All hospitality was covered by the attached PSNI policy.

42 What policies and procedures were in place to record contact between: (a) yourself and the media; (b) senior managers and the media; (c) other personnel and the media. For the avoidance of doubt please answer in relation to both formal and informal communications.

42.1 As above at question 30, meetings between myself and the media were arranged and staffed by the Department of Media and Public Relations. On the vast majority of occasions these meetings would be recorded by a press officer. Timing of meetings and details of those present were recorded in my diary, and logged on the PSNI press office's record management system.

42.2 The same arrangements applied to other PSNI personnel.

42.3 Any informal contact should be recorded and the Department of Media and Public Relations made aware.

43 Were records of hospitality and other contact with the media audited and/or policed and, if so, how and by whom?

43.1 The gifts and gratuities register were checked and reviewed regularly in line with PSNI Policy.

43.2 The Chief Constable's hospitality register is published online. All hospitality registers are available for inspection by auditors.

44 In your opinion were the policies and procedures described above: (a) working effectively; (b) sufficient; and (c) capable of improvement.

44.1 In my view the policies and procedures that were in place worked well. It was important that contact and communication with the media was supported without being overly bureaucratic. It was also very important that subject to the guidelines, officers felt empowered to step up and tell our story.

45 What systems, policies and procedures were in place in the PSNI to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media?

45.1 As described above, police officers and staff were guided by PSNI policies concerning media contact. A copy of the appropriate policy is attached.

45.2 All officers were subject to the PSNI Code of Ethics which sets down standards of behaviour expected from police officers on or off duty. Every recruit to the PSNI received training against the Code and would sign for a personal copy on completion of that training. Patten recommendation 141 required all officers employed at the time of the transition to undergo a two day course during which they were taken through the code by trained staff and signed for a personal own copy. I attended this course as did my senior colleagues. We also opened and closed as many courses as we could, supported by our Superintendents, to reinforce the importance of the training and to recognize the huge changes we were leading our people through.

45.3 Under article 3 of the PSNI Code of Ethics, it states: "Police officers shall not gather, retain, use or disclose information or data of a personal or confidential nature for personal benefit. They shall comply with the police service policy governing contact with the media."

46 Were you satisfied that the policies and procedures described above were sufficient and working effectively? Do you consider that they are capable of improvement?

46.1 In my view the policies and procedures that were in place worked well. Regular review allowed for improvements to be made to ensure they kept pace with the developing media environment.

47 What training was in place in the PSNI to ensure that all members of the force (including civilian employees) knew what was and what was not appropriate contact with the media?

47.1 As above, all officers and staff were given training in relation to the Code of Ethics and their obligations as PSNI employees.

47.2 The Department of Media and Public Relations would also provide media training for those officers and staff who might benefit from it.

48 To what extent were leaks from the PSNI to the media a problem during your tenure as Chief Constable?

48.1 Disclosure of information is one of the strategic threats identified by the PSNI and leaks to the media would be considered within that general context. Disclosure of information is a matter which the PSNI would take very seriously, and while any leak to the media, (deliberate or otherwise) can damage confidence in the PSNI, it is not an area which the PSNI during my tenure considered a major problem in terms of scale or scope. The PSNI Professional Standards Department conducted a number of defensive operations around this potential threat during my tenure as Chief Constable.

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

49.1 An anti-corruption unit is established within PSNI's Professional Standards Department, which thoroughly investigates any allegation, information or intelligence relating to disclosure of information, including any to the media. A range of overt and covert investigative techniques are available to this unit. This unit conducts periodic defensive operations proactively seeking evidence of any inappropriate contact with members of the media.

50 How many investigations were conducted into actual or suspected leaks from the PSNI to the media during the last 5 years of your tenure and how many led to the successful identification of the source of the leak. What was the outcome of the other investigations?

50.1 PSNI holds details of five investigations into leaks to the media between 2004 and 2009. In the first, preliminary enquiries were conducted following a report in the press relating to a particular unit of officers within the PSNI. No evidence of contact with the media was uncovered during the investigation. Another investigation was commenced after an officer complained that details of his criminal conviction at court appeared in the media. It was established that this information had been disclosed in court and was therefore a matter of public record. There was no evidence the information had been disclosed from within PSNI. In the third case, a complaint was received in relation to details being leaked to the media when the son of a high profile figure was involved in a public order offence. The investigation failed to identify the source of the leak. The fourth case was a preliminary investigation when telephone records appeared to indicate inappropriate contact. The contact was established as being legitimate and the investigation was therefore closed. The fifth case concerns allegations that an officer was briefing the media in relation to a murder enquiry. Following this investigation, the allegation was disproven.

51 Was disciplinary action taken against any member of staff (whether civilian or police officer) for leaking information to the media during the last 5 years of your tenure? If so, please identify the number of cases and their outcome. There is no need to identify the person or persons the subject of the disciplinary process.

51.1 There was no disciplinary action taken during this period.

52 What payments (if any) were considered to be legitimate financial transactions between PSNI personnel and the media?

52.1 I do not consider any financial transactions between PSNI and the media to be legitimate.

53 What policies and/or guidance were in place in relation to financial transactions between PSNI personnel and the media?

53.1 As above.

54 To what extent did you believe bribery of personnel by the media to be a problem for the PSNI (if at all)?

54.1 Bribery of personnel by the media was not identified as an issue for the PSNI during my time as Chief Constable. The Professional Standards Department would conduct periodic defensive operations to identify any inappropriate contact with media organisations so as to detect and mitigate against this vulnerability.

55 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?

55.1 Article 3 of the PSNI Code of Ethics states:

3.1: Police officers shall gather, retain, use and disclose information or data in accordance with the right to respect for private and family life contained in Article 8 of the European Convention on Human Rights and shall comply with all relevant legislation and Police Service policy and procedure governing the gathering, retention, use and disclosure of information or data.

3.3: Information or data of a personal or confidential nature in the possession or control of police officers shall be kept confidential, unless the performance of duty, compliance with legislation or the needs of justice require otherwise.

3.4: Police officers shall not gather, retain, use or disclose information or data of a personal or confidential nature for personal benefit. They shall comply with Police Service policy governing contact with the media.

55.2 The PSNI has ensured that the Code of Ethics has been read and understood by all staff. PSNI Professional Standards Department also has input into various internal training courses (for student officers, probationers, supervisors etc) in which integrity issues are discussed, including inappropriate association and disclosure of information. The PSNI has a policy governing inappropriate associations.

55.3 PSNI personnel would also be educated about bribery through a policy on the acceptance of gifts, gratuities and hospitality, which not only provides clear guidance as to what is and is not acceptable, but also discusses the rationale for such a policy – i.e. perception of the public; potential for corruption; and the negative impact on reputation of the organisation and community confidence if inappropriate acceptance of gifts, gratuities or hospitality takes place or even if the perception exists that it is happening. Specific reference is made within the policy to the Bribery Act and the policy provides direction on the transparent and accountable recording of any gifts offered or accepted, and the oversight arrangements for inspecting gifts registers.

55.4 Other steps taken to prevent bribery of personnel include confidential reporting procedures in place (from both internal and external providers) and provision for officers to also self-disclose if they feel they have made themselves vulnerable to corruption. In the rare event that any issues cannot be progressed via investigation and misconduct procedures, the PSNI has 'Service Confidence Procedures' and may also conduct 'ethical interviews'. These measures are designed to manage the risk posed by any officer about whom there are serious concerns, and may involve removing an officer from a particular policing role or area, or restricting their access to particular classes of information. In my experience recourse to these measures is rare, and the PSNI will always seek to progress criminal or misconduct procedures where possible.

55.5 PSNI has an anti-corruption unit which conducts defensive operations to detect instances of bribery. They also have the capability to retrospectively investigate any allegations or concerns should they arise.

55.6 If, following investigation, inappropriate disclosure to the media or acceptance of bribes is proven, disciplinary action would be taken against the staff member (police or civilian) involved.

56 Does the PSNI have a press office? If so, what role does it fulfil and what is the media's attitude towards the press office? In particular, during your tenure as Chief Constable, 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 PSNI?

56.1 As I have described in my answer to question 10, the PSNI press office, within the Department of Media and Public Relations, performed an integral and specialist function in support of the PSNI's strategy and objectives.

56.2 During my time as Chief Constable, the PSNI Press Office had responsibility for facilitating all media requests and providing a comprehensive, efficient and effective news service. Relationships with the media were largely positive and journalists were content to make use of the press office as a means through which to deal with their inquiries. Effective communication was an important part of the programme of reform which the PSNI had to deliver and therefore a capable and well resourced press office, able to build effective and professional relationships with the media, was a priority.

57 What limitations, if any, were there on staff from the PSNI leaving to work for the media and vice versa?

57.1 All former police officers remain subject to legal obligations under the Official Secrets Act.

57.2 There were no further limitations on staff from the PSNI leaving to work in the media and vice versa. As described in my answer to question 18, my view is that such limitations would require a basis in law and would need to be practically applicable.

58 Were records kept of those who joined the PSNI from the media, or went to work for the media after leaving the PSNI? If so, please describe the system in place.

58.1 Personnel records for those joining the organisation would provide details of past employment.

59 To the best of your knowledge were there any discernible patterns in the movement of personnel from the media into the PSNI and vice versa?

59.1 Due to the skills and knowledge required in a media and communications department, it is natural that a number of staff employed within the Department of Media and Public Relations previously worked in other media outlets as either professional journalist or communications professionals. There was no discernible pattern that I was aware of. My first Head of Media left in 2004 to become Editor of the *News Letter*, a daily newspaper in Northern Ireland.

Following his appointment he received no special treatment and did not seek any such treatment at any time.

60 What levels of awareness and experience were there in the PSNI of “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 photographers and journalists pursuing stories; (f) inciting officials to communicate confidential information held by the PSNI/ conspiring with them to obtain such information; and (g) crime within media organisations other than the foregoing (e.g. dishonest expense claims).

60.1 See answer to question 11.

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

61.1 As stated above, media crime did not present significant challenge to the PSNI and resources would be made available to address issues as required.

62 What was current impression of the culture within the PSNI in relation to its dealings with the press?

62.1 When I left the service in 2009, my view was that the culture within the PSNI was based on a commitment to openness and transparency. Our aim was to tell the story of policing during a period of substantial challenge and reform. Over time I believe we were successful in building a culture which supported that openness and transparency. A strong example of this is to recognise that we moved from a situation where, with the exception of a few senior officers, police officers were generally not identified by name or image in the media, to one where officers at every rank and every part of the organization were willing to be identified as common practice. That was a powerful demonstration of PSNI’s maturity as an organisation, the willingness of our people to take risk, and their understanding of the value of communicating with the community through the media as the changing security service allowed them to do so.

62.2 I actively encouraged a positive and open approach to the media and still believe that this was essential to our success. I remain of the view that we have a positive, not neutral obligation to engage, however uncomfortable it may be on occasions. It is the responsibility of the leader to explain not only the actions of the officers and staff under his or her command, but also the wider issues of the complex world of policing. Many of the conversations around the latter do not easily fit into the world of formal press conferences, and require mature conversations over a period of time. I had no difficulty meeting serious journalists over dinner now and again (see answer to question 22) to engage in those debates.

62.3 I was very keen to ensure that we did not create a code that was so restrictive that colleagues chose to step back rather than engage. Such an approach would have harmed the service over time and led to ill-informed reporting. For me the essential principle is that whilst we had an obligation to inform and provide information in the spirit of openness and transparency we should never allow ourselves to become vulnerable to an allegation that we attempted to improperly shape or distort the story. What journalists wrote, or reporters reported was entirely their responsibility. Provided we remained clear on that distinction and confident that as professionals we were capable of making fine judgments in the public interest against the backdrop of our code of ethics, I felt we were well positioned to tell our story at all levels of policing with little risk of compromise.

62.4 In the wider context of today's debate, I think the above approach still has considerable merit.

The following documents are attached to this statement:

- Appendix A: ACPO Communications Advisory Group guidelines
- Appendix B: ACPO Guidance on Media Relationships
- Appendix C: PSNI code of Ethics
- Appendix D: PSNI Media Policy
- Appendix E: PSNI Hospitality Policy



Sir Hugh Orde

President, Association of Chief Police Officers

17 February 2012