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Sir Hugh Orde's Trial by Media

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I. Introduction

This chapter seeks to bring together two of Robert Reiner's key contributions to police studies – his research on chief constables and news media representation of policing. *Chief Constables* (1991) presented a typology of chief officers, 'a powerful elite group of growing importance', which took account of prevailing socio-political and law and order conditions at the time. This was the moment when the heated public debate on policing produced the first 'celebrity cops'. He constructed four ideal types of police chief: the baron; the bobby; the boss and the bureaucrat, all with distinct ideological orientations. He concluded that the 'bureaucratic' mode was the future, displacing the other types. In this chapter, we propose an addition to Reiner's typology – the mediatized police chief, who is subject to unprecedented 24/7 news media scrutiny, criticism and, if deemed necessary by an increasingly adversarial press, 'trial by media'.

There is surprisingly little research on the relations between the news media and police chiefs. It is possible, however, to extrapolate from more general studies of news media-police relationships, and to adapt and develop the theoretical frameworks they employed. Two concepts have featured to varying degrees across the existing research: 'inferential structures' (Lang and Lang, 1955) and 'hierarchy of credibility' (Becker, 1967). Lang and Lang (1955) developed the concept of 'inferential structures' to explain how the same political news content could be constructed into multiple configurations, establishing selectively representative frameworks of understanding that shaped how both newsmakers and audience interpreted the story. Ultimately, what they viewed as journalists' 'unwitting bias' could 'influence public definitions in a particular direction' (Lang and Lang, 1955: 171). Whilst Lang and Lang (1955) did not consider the unequal influence of news sources in establishing and maintaining 'inferential structures', Becker's (1967) 'hierarchy of credibility' facilitated a more ideological reading of definitional power. His model

proposes that in any society it is taken for granted that governing elites have the right 'to define the way things really are' (1967: 240). Since the attribution of credibility and authority are intimately connected with the mores of a society, this belief has a 'moral quality' (Becker, 1967: 240).

These concepts influenced a few key studies in the 1970s concerned with how the unequal distribution of news media access and attention, the ideological orientation of journalists and sources, and the politicisation of law and order all contributed to the reproduction of 'dominant ideology' (Chibnall, 1977; Hall et al, 1978; see also Halloran et al, 1970). For Hall et al (1978), news reporting of crime and justice was shaped by elite sources who collectively represent and command institutional power – those at the top of Becker's (1967) 'hierarchy of credibility'. The police were viewed as structurally and culturally advantaged in establishing the dominant 'inferential structure' – or 'primary definition' in Hall et al's (1978) terms – that subsequently set the agenda for future debate. Contemporaneous evidence suggested that, whilst the police perspective might be contested, the asymmetry of power in the communication process meant that it could rarely be meaningfully challenged, still less altered fundamentally. Subsequent studies confirmed, albeit less deterministically, the police as the key definitional force in setting the crime news agenda (Ericson et al, 1989, 1991; Schlesinger and Tumber, 1994). Chief police officers, as 'authorised knowers', were found to have an especially privileged position within the 'hierarchy of credibility'.

'Inferential structures' and 'hierarchy of credibility' have all but disappeared from research on news media and policing, though they remain entirely pertinent given the conceptual trajectory of much recent work. In the US context, for example, Manning (2001) has noted the tendency for the news media to allocate celebrity status to 'big city' police chiefs. He goes on to demonstrate how, in a culture infatuated with scandal and 'spectacle politics', headline-grabbing 'celebrity' police chiefs can be built-up and knocked-down by the news media in dramatic and newsworthy fashion. William Bratton is probably the paradigmatic example, not just in the USA but globally, of the celebrity police chief (see Bratton, 1998). In the UK context, Loader and Mulcahy (2001a: 42) have conceptualised chief police officers as 'cultural agents' with the symbolic power to 'own', 'frame' or 'control' particular issues in the 'public interest' (see also Reiner, 2000). However, as Loader and Mulcahy (2001a, b) also recognise, contemporary UK police chiefs face an altogether more complicated task when engaging with a multi-mediated public realm. Two notable consequences have resulted. First, increased awareness that negative media coverage can undermine public confidence in policing has driven extensive investment in risk communication strategies designed to advantage the police perspective in news coverage (Mawby, 2002; Chermak and Weiss, 2005; McLaughlin, 2007). Second, a generation of British chief police officers has traded public prominence for political power. The 'elite police voice' in the UK has been corporatised (Loader and Mulcahy, 2001b: 259). As a result, the outspoken, opinionated police chief has, in theory, been replaced by the politically cautious, managerialist CEO.

We would suggest that these professional and political transformations have been paralleled by equally significant shifts within the news media. The combined influence of these shifts has been to increase the likelihood that the police institution and police chiefs will be subject to intense and critical journalistic scrutiny. In the following sections, we map out some of these key transformations, and both revive and resituate the classic concepts of 'inferential structures' and 'hierarchy of credibility' within the context of an evolving 24/7 global news mediasphere. The aim is to construct a theoretical framework within which contemporary news media-police relations can be researched, and the 'trial by media' of chief police officers can be understood.

II. New Contexts: Re-theorising News Media-Police Chief Relations

Contemporary police chiefs must operate within an information-communications environment that differs radically from the more stable and predictable conditions conceptualised in previous research by Robert Reiner. The most important dimension of this multi-faceted environment is the emergence of the 24/7 news mediasphere. A proliferation of news platforms, sites and formats has precipitated a digitised convergence of moving images, text, sound and archive. This shift has been paralleled by 'an exploding array of news sources, or *producers of content*' (Pavlik, 2008: 79, emphasis in original; Deuze, 2008; Fenton, 2009). Heightened competition places a premium on quick-fire news, personalisation and exclusivity, which ruptures distinctions between: 'mainstream' and 'tabloid'; 'hard' and 'soft' news; 'news' and 'entertainment'; and can disrupt the traditional news media orientation toward the established 'hierarchies of credibility'.

Second, the pluralisation and professionalisation of possible sources of 'policing news' has created a multiplicity of alternative 'knowledge workers' (Ericson and Haggerty, 1997: 19) with access to potentially 'newsworthy' information that may or may not correspond with an 'official' police perspective. The diversification of 'police voices' makes it harder to communicate a coherent and authoritative police viewpoint and, therefore, more difficult to establish a dominant police-driven 'inferential structure' in the news media.

Third, whilst news commentaries on the police historically came from a small group of specialist journalists (Chibnall, 1977; Schlesinger and Tumber, 1994; Reiner, 2000), today political editors, features writers, columnists and commentators are all enthusiastic in venturing their opinions. This expansion and diversification can partly be explained by the slashing of news budgets and the requirement for senior staff and lead commentators to develop their portfolios across a broader range of topics (Mawby, 2010). But it is also, we would suggest, connected with wider cultural change.

The widely cited decline in confidence and trust in institutional authority (Beck, 2006; Fukuyama, 2000; Dogan and Seid, 2005) is manifested in the emergence of what we term a cynical ‘politics of outrage’ (Greer and McLaughlin, 2011b). This ‘politics of outrage’ is simultaneously expressed and amplified in an increasingly adversarial news media. Market-driven newspapers, particularly in the UK, are inclined to initiate and support anti-establishment campaigns and protests, and can draw from an unprecedented array of both professional and amateur news sources to do so. Adherence to a deferential ‘inferential structure’, reinforcing established ‘hierarchies of credibility’, does not boost readership sales. The promotion of adversarial ‘inferential structures’ and the manufacture of dissent does (Milne, 2005; Protess et al, 1991; Sabato, 1993; Sabato et al, 2000; Lloyd, 2004; Barnett, 2002). When news media adversarialism and the ‘politics of outrage’ coalesce in a sufficiently coherent and collective manner, routine ‘attack journalism’ can evolve into full-blown ‘trial by media’.

III. Trial by Media

In previous research we have defined ‘trial by media’ as a dynamic, impact-driven, news media-led process by which individuals – who may or may not be publicly known – are tried and sentenced in the ‘court of public opinion’ (Greer and McLaughlin, 2011a, 2011b). The targets and processes of ‘trial by media’ can be diverse, and may range from pre-judging the outcome of formal criminal proceedings against ‘unknowns’ to the relentless pursuit of high-profile celebrity personalities and public figures deemed to have offended in some way against an assumed common morality. We have suggested, however, that despite their diversity, such ‘trials’ share certain core characteristics. In each case, the news media behave as a proxy for ‘public opinion’ and seek to exercise parallel functions of ‘justice’ to fulfil a role perceived to lie beyond the interests or capabilities of formal institutional authority. Due process and journalistic objectivity can give way to sensationalist, moralising speculation about the actions and motives of those who stand accused in the news media spotlight. Judicial scrutiny of ‘hard evidence’ yields ground to ‘real time’ dissemination of disclosures from paid informants and hearsay and conjecture from ‘well placed sources’. Since the news media substitute for the prosecution, judge and jury, the target may find themselves rendered defenceless. The default ‘inferential structure’ is ‘guilty until proven innocent’. Once crystallised, this inferential structure ensures that the ‘guilty’ will be subjected to righteous ‘naming and shaming’ followed by carnivalesque condemnation and ridicule (*cf* Bakhtin, 1968). The result, as our analysis of former Metropolitan Police Service (MPS) Commissioner Sir Ian Blair’s ‘trial by media’ clearly demonstrated (Greer and McLaughlin, 2011a), can be deep and lasting reputational damage. This form of mediatised punishment is characterised by ‘grotesque realism’ and ‘relentless

savagery' (Hutton, 2000: 30). It amounts to a public execution in the 'society of the spectacle' (Debord, 1970). The public appeal of 'trial by media' is evidenced by increased circulation and web traffic. Our central argument, then, is that the transformations outlined above have coalesced to create a highly adversarial, volatile and interactive news mediasphere within which authorities and elites must increasingly struggle *against* the flow of news media opinion to maintain a positive public profile.

In this climate, the 'elite police voice' must continually compete to be heard above the clamour of myriad other 'credible' voices, each vying to assert their own versions of reality or positions on crime, justice and policing issues. Past research indicated that, because of their privileged position in the 'hierarchy of credibility', the police were advantaged in establishing the dominant 'inferential structure' in crime and justice reporting: in short, the police routinely set the crime news agenda. Today, we would suggest that the official police position is often one of reaction, attempting to regain the initiative and respond to information flows that are simply beyond their control. Where once the police were crime news 'gatekeepers' (Ericson et al, 1991), 'patrolling the facts', they are now 'crime news stakeholders', just one group among many – and a fragmented one at that – involved in an ongoing and uncertain process of 'negotiating the facts'. Where once the police were the key players in a process of 'agenda setting', they are now part players in an altogether more complex and unpredictable process of 'agenda building' (Lang and Lang, 1983).

In the following sections, we shed further analytical light on the changing nature of news media-police chief relations, and the rising news media 'politics of outrage', by analysing the 'trial by media' that defined Sir Hugh Orde's attempt to become Commissioner of the MPS in August/September 2011.

IV. The Poisoned Chalice: the Commissionership of Scotland Yard

Sir Ian Blair was the first MPS Commissioner to contend with the transformed political and news media environment discussed above. Like his predecessors, Blair had to transact the politics of policing with the Home Office, Her Majesty's Inspectorate of Constabulary (HMIC), national and force-specific police pressure groups, as well as Downing Street, London's political establishment and public pressure groups. However, the constitutional landscape that Blair encountered was further complicated by the creation of the Metropolitan Police Authority (MPA) – which in turn augmented the role of the Mayor of London and the Greater London Authority – and the establishment of the Independent Police Complaints Commission (IPCC). Blair thus had to navigate a largely uncharted and unpredictable politicised network of complex, mediatised interests. After two years of

a relentless, increasingly personalised ‘trial by media’, Sir Ian Blair’s resignation finally came on 2 October 2008.

Our research indicated that Sir Ian Blair’s ‘trial by media’ did more than delegitimise one particular Commissioner (Greer and McLaughlin, 2011a). It laid down a clear symbolic marker about what ‘type’ of Commissioner and policing philosophy is acceptable in contemporary Britain, and demonstrated the power of the rising news media ‘politics of outrage’. Sections of the press were antagonistic towards Blair because of what he represented – a particular brand of ‘politically correct’ (New Labour) policing at a time when conservative and tabloid commentators were demanding a tougher ‘law and order’ response to ‘Broken Britain’. Ultimately, however, even Blair’s media supporters found his position indefensible. For his critics, the ‘good riddance’ departure of ‘New Labour’s favourite policeman’ was a victory. But a successful ‘trial by media’ required more than a resignation: to demonstrate unequivocally the news media’s supremacy in the court of public opinion, Blair had to be publicly humiliated. Newspapers used the same striking cropped image of a defeated and deflated Commissioner forced to announce his resignation in civilian clothing: stripped of office, stripped of uniform, and, in the eyes of his news media critics, stripped of dignity. ‘Unfit for office’ was the collective news media verdict, evidenced by a self-reinforcing loop of time-lines and slide shows that will illustrate in perpetuity his ‘gaffe-prone’ Commissionership.

Before his appointment as Blair’s successor was confirmed in January 2009, Sir Paul Stephenson underwent intense news media-vetting. In the end, and in sharp contrast to one of the other leading candidates, Sir Hugh Orde, Stephenson received the conditional endorsement of the Conservative and tabloid press as a welcome alternative to Blair, and a proven champion of ‘common sense’ policing. On taking over as MPS Commissioner in January 2009, Stephenson had to do two things: assert his independence from a complex and volatile political environment, and distance himself from his predecessor’s policing philosophy and media predilections (*Evening Standard*, 28 January 2009: 12):

Sir Ian Blair did it his way and I was his loyal deputy. Now I will do it my way. I don’t want to be boring. I don’t want to be exciting. And I don’t want to be a celebrity. I don’t want to be a police leader who people will follow out of a mere sense of curiosity. It is my aim to be a top police leader in charge of one of the most important police services in the world.

Sir Paul Stephenson’s leadership was tested early on with two high-profile scandals, both of which he survived. First, the MPS was accused by the Conservative Party of heavy-handedness and political policing in its investigation of alleged security leaks from the Home Office. On 28 November 2008, while Stephenson was Acting Commissioner, Shadow Immigration Minister Damian Green was arrested on suspicion of ‘aiding and abetting misconduct in public office’ and ‘conspiring to commit misconduct in a public office’ – the allegation was that Green had not simply received leaked information, but had actively ‘groomed’ a civil servant to procure it (*Guardian*, 28 November 2008). The arrest was viewed by conservatives and also some liberal commentators as politically motivated, and prompted speculation

about why such a high-profile collar should be authorised on the last day in office of outgoing MPS Commissioner Sir Ian Blair, dubbed by conservatives as 'New Labour's favourite policeman'. On 21 December 2008, tensions heightened when Assistant Commissioner Bob Quick accused the Conservative Party of trying to undermine the investigation. Quick retracted his statements and apologised. On 9 April 2009, in a highly embarrassing gaffe for the MPS and for Sir Paul Stephenson, Quick was forced to resign over his own security leak: he was photographed carrying 'secret' documents containing details of a major counter-terrorism operation, clearly visible to press photographers with telephoto lenses, into the Prime Minister's Downing Street residence. On 16 April 2009, the House of Commons Home Affairs Committee criticised Home Office civil servants for prompting the MPS investigation by giving 'an exaggerated impression of the damage done by the leaks that could reasonably be presumed to have emanated from the Home Office' (Home Affairs Committee, 2009). That same day, the Crown Prosecution Service announced that it was not going to bring a case against Damian Green or the civil servant who had allegedly leaked the information.

Second, there was intense news media and political criticism of MPS public order policing tactics under Stephenson. The heavy-handed policing of the G20 protests on 1 April 2009, resulting in the death of civilian bystander Ian Tomlinson after he was filmed being struck by a police officer, turned into a public relations disaster and a serious political problem for the MPS (Greer and McLaughlin, 2010, 2011b). In November 2010 the force faced further criticism, this time because a 'light touch' policing strategy – partly brought about by fears of another highly mediated, fatal incident like Tomlinson – had under-estimated the risk of public disorder associated with the student-fees protests. The police failed to halt student protesters attacking the Conservative party headquarters. Sir Paul Stephenson described that police response as 'embarrassing', issued an apology to office workers and informed his officers 'I do not want this to happen again'. Then in December 2010, the MPS was criticised for security breaches which allowed student protesters to break into a Treasury building on Whitehall and attack a royal limousine carrying Prince Charles and the Duchess of Cornwall through London's West End. Sir Paul Stephenson was forced to issue another apology, this time to Prince Charles, for the breakdown in communications. He also offered his resignation.

V. Phone-hacking and Institutionalised Corruption: the De-Legitimation of Sir Paul Stephenson

In August 2006 MPS detectives working on *Operation Caryatid* arrested the *News of the World's* royal editor, Clive Goodman, and private investigator, Glenn Mulcaire, over allegations that they hacked into the mobile phones of members of the royal household. In January 2007, Goodman and Mulcaire were jailed. Both

defendants admitted conspiring to intercept communications, and Mulcaire also pleaded guilty to five other charges of intercepting voicemail messages. In July 2009 it emerged that *News of the World* reporters had illegally accessed messages from the mobile phones of celebrities and politicians. Assistant Commissioner John Yates, Bob Quick's successor, said the MPS would not re-open the investigation into the allegations. However, in January 2011 the MPS was pressurised into establishing 'Operation Weeting' to re-investigate the phone hacking scandal after celebrities and politicians continued to insist, with sustained and high-profile news media coverage, that scores of phones had been hacked. As the story rolled on, questions were asked about why the MPS had not been more thorough in its pursuit of complaints against *the News of the World*.

The phone-hacking story exploded into a full-blown scandal during the first week of July 2011 when it emerged that it was not just celebrities, but ordinary members of the public – including crime victims – whose phones had been hacked. *The Guardian* (4 July) revealed that Glen Mulcaire had allegedly hacked into the mobile phone of Millie Dowler in 2002, before her body was found, and had both eavesdropped on messages left by her family and deleted messages. Deleting old messages had created space in Millie's voicemail for new messages, which had given the family, who never stopped calling the number, false hope that she was still alive. It may also have hampered the police investigation by deleting potential evidence. This was already a sensitive case because of the callous manner in which the Dowler family had been treated by sections of the press during the trial of Levi Bellfield, who was convicted for murdering Millie Dowler in June 2011. The police had also had to apologise for blunders around this murder investigation. On 5 July the MPS revealed that the phones of other crime victims, including those involved in the July 2005 London Bombings, may also have been hacked. It became clear that *the News of the World* had been engaged in covert surveillance on an industrial scale. The storm of criticism triggered an emergency House of Commons debate on 6 July, which called for a public inquiry into the extent and nature of journalistic phone hacking. News International stood accused of not only ignoring, but fostering a climate of normalised deviance and systematic illegality. Equally significantly, the questionable conduct and role of the MPS was highlighted. During the parliamentary debate three questions materialised:

- Why did the first MPS investigation accept News International's position that phone-hacking was limited to one 'rogue reporter', given that they had in their possession 11,000 pages of evidence indicating that phone hacking was routinised?
- Were bribes taken by only a handful of rogue officers or were corrupt relationships institutionalised?
- How extensive and corrupt was the nature of the relationship between senior MPS officers and News International?

We do not have space in this chapter to narrate the remarkable twists and turns as the unfolding News International phone-hacking scandal and corruption allega-

tions implicated Scotland Yard's highest ranks. Under increasing pressure to step down, and with a rapidly deteriorating position in the news media 'hierarchy of credibility', Sir Paul Stephenson was presented by liberal and conservative commentators alike as 'resigned in post'. On 17 July, he announced his resignation. For Stephenson the 'everyday heroism and bravery' of MPS officers was 'in danger of being eclipsed by the on-going debate about relationships between senior officers and the media. This can never be right' (*Guardian*, 18 July 2011).

The next day Assistant Commissioner John Yates resigned, following the decision of the Metropolitan Police Authority (MPA) to suspend him pending a referral to the Independent Police Complaints Commission (IPCC). Yates was due to reappear before an exceptional meeting of the Home Affairs Select Committee on the 19 July, along with Stephenson and Dick Fedorcio, Director of Public Affairs at MPS. On 18 July, the IPCC received four referrals relating to the MPS phone-hacking investigation involving Commissioner Sir Paul Stephenson, Mr Yates, former Assistant Commissioner Andy Hayman, and former Deputy Assistant Commissioner Peter Clarke. A fifth referral related to the alleged involvement of Mr Yates in inappropriately securing a job at the MPS for the daughter of a friend. On 19 July 2011, the IPCC received a referral from the MPS regarding the relationship between Mr Neil Wallis and Dick Fedorcio, focusing on the circumstances under which the contract for senior level media advice and support contract was awarded to Chamy Media.

On 18 July the Home Secretary, Theresa May, announced that she had appointed Elizabeth Filkin to examine relationships between the police and the news media. This would be backed up by a separate inquiry by Her Majesty's Inspectorate of Constabulary (HMIC). At the same time she confirmed that the management board of the MPS had agreed a new set of guidelines relating to police relationships with the news media. On 20 July, Prime Minister David Cameron made a statement to Parliament detailing what would be done in the wake of the phone-hacking scandal. One priority was the need to rebuild the leadership of the MPS and to root out police corruption. He argued that the police system was (*Daily Telegraph*, 24 July 2011)

too closed. There is only one point of entry into the force. There are too few – and arguably too similar – candidates for the top jobs. I want to see radical proposals for how we open our police force and bring in fresh leadership. We need to see if we can extend that openness to the operational side too. Why should all police officers have to start at the same level? Why should someone with a different skill set not be able to join the police force in a senior role? Why shouldn't someone, who has been a proven success overseas, be able to help turn around a force at home?

What is significant here is that the phone-hacking scandal and its relentless coverage in the news media removed not only the Commissioner, but also an experienced senior officer who would have been a serious contender to replace him. In addition, the disclosure of the possibility of high level collusion with News International and the failure to recognise institutionalised corruption reinforced the need for an

outsider to be appointed as the new Commissioner. The Prime Minister's statement generated well-sourced speculation that Cameron wanted to bypass the normal Home Office appointment process and employ American 'supercop' Bill Bratton to reform the MPS. On 22 July 2011, the Metropolitan Police Authority placed an advertisement for Stephenson's replacement. This triggered intense news media conjecture regarding who the next Commissioner should/would be. Those profiled included: Tim Godwin, the Acting Commissioner; Bernard Hogan-Howe, the Deputy Commissioner; Assistant Commissioner Cressida Dick; Sarah Thornton, Chief Constable of Thames Valley Police; and Sir Hugh Orde, head of the Association of Chief Police Officers (ACPO).

VI. Riots and Looting: the Legitimation of Bill Bratton – 'Supercop'

The issue of the vacant commissionership took an unexpected and dramatic turn as a result of the inquest into the appropriateness of the MPS response to the anti-police rioting and looting in London during 6–9 August 2011. As a result of an emergency Cobra meeting on 9 August, David Cameron said the number of police officers on the streets of London would 'surge' from 6000 to 16000. The following day he took a 'zero tolerance' approach, declaring that water cannon would be available to the police 'within 24 hours', should they be needed to quell rioters, and said that the police were already authorised to use baton rounds. During an emergency 'Law and Order' session of Parliament on 11 August, the sense that the MPS had lost control of the streets in parts of London generated heavy political criticism of a humiliated force that was perceived as tactically incompetent and strategically leaderless. Because of poor management and poor decision-making, the Prime Minister had in effect been required to instruct the MPS to re-impose law and order.

It was in the context of a debate about the power of London's 'gang culture', the need for resolute policing methods, and the importance of demonstrating strong police leadership, that Bill Bratton's name re-emerged in the news media as Downing Street's preferred candidate for the MPS Commissionership. Bratton, as the 'supercop' who had presided over the New York 'crime miracle' and 'tamed' the LA gangs, now had the enthusiastic backing of the conservative press. The self-mythologising 'supercop' angle was amplified by Bratton's willingness to give interviews to the UK and US news media, stating that, if approached, he would seriously consider the position, and at least be prepared to act as a 'gang buster' advisor to the British government. Conservative commentators urged the Prime Minister to overrule the Home office and police insistence that only British citizens could apply for the vacant Commissionership.

VII. Riots, Looting and Police Reform: the De-legitimation of Sir Hugh Orde

In early July 2011 Sir Hugh Orde, as head of ACPO, had attempted to mobilise public opposition to the government's proposed cuts in police budgets. He was derailed by the phone-hacking scandal and needed to focus his attention on defending police integrity to a hostile and frenzied news media. Orde also became embroiled in a rancorous exchange of views over the policing of the riots, insisting on police primacy in the determination of tactics and dismissing the 'supercop option' as 'stupid'. The message Orde sent to Downing Street was uncompromising: the British police had nothing to learn from the United States, with its entrenched violent gang culture and very different approach to public order policing. Orde wrote a piece in *the Independent* (11 August 2011), arguing that riot tactics must be determined by chief constables rather than politicians, and that calls for the deployment of water cannon and plastic bullets was not necessary and would be counter-productive. At this moment it was rumoured that a senior panel of Home Office officials were backing the appointment of this most visible, vocal and newsworthy police chief in England and Wales.

Over the weekend of 12–14 August the row between the government and the police intensified over a series of controversial and pressing questions: who was to blame for the police's apparent loss of control over the streets; who deserved credit for bringing the riots to an end; and what impact would the proposed cuts on the police budget have on the police capacity to maintain public order? This weekend was also a critical turning point in the 'race for the commissionership', when Sir Hugh Orde had an interview and profile in *the Independent* (13 August). Orde insisted that there was no connection between ministerial statements at the time of the riots and on-the-ground operational policing decisions, since politicians cannot instruct police chiefs in that way. 'The fact that politicians chose to come back [from holiday]', he argued, was 'an irrelevance in terms of the tactics that were by then developing. The more robust policing tactics you saw were not a function of political interference; they were a function of the numbers being available to allow the chief constables to change their tactics'.

Orde dismissed 'ill-informed' political comments and downplayed the importance of the riots and looting. He reiterated his criticism of the Prime Minister's decision to float the name of Bill Bratton as a possible MPS Commissioner or government advisor on anti-gang initiatives, and warned about the risks associated with the Coalition's spending cuts. At the same time, however, Bill Bratton was giving British press interviews in which he was criticising 'over-cautious' police tactics, and re-affirming his willingness to be considered as Commissioner and/or act as a government advisor. At the core of the disagreement between Orde and the government was the issue of operational independence of chief constables. In interviews given across the news media on 14 August, the Home Secretary reiterated her

obligation to direct the police if it was deemed necessary. By 15 August, Bernard Hogan-Howe, MPS Deputy Commissioner, and Steve House, Chief Constable of Strathclyde Police, were emerging from the shadows as the frontrunners to be the new MPS Commissioner. On 17 August 2011, the job applicant deadline to fill the vacancy for the UK's most demanding police job expired. After the deadline had passed, the IPCC announced that there was no verifiable evidence of misconduct against Stephenson, Yates, Clarke and Haymen. Though the IPCC did register concerns about their professional judgement, neither Stephenson nor his senior colleagues would have been required to resign had they chosen to wait out the IPCC inquiry.

What is remarkable about the search for Stephenson's replacement is that the news media had immediate access to the names, and possibly also the applications, of those who had applied: Sir Hugh Orde; Bernard Hogan-Howe; Tim Godwin; and Stephen House. In light of Orde's liberal policing philosophy and his outspoken criticism of government, and despite vociferous support from the liberal press, the unanimous news media position was that either House or Hogan-Howe would succeed in being appointed. The inferential structure that was crystallising around Orde, and that was now being reproduced across tabloid and broadsheet, liberal and conservative newspapers alike, was that he had talked himself out of the position. That weekend the conservative press consolidated this inferential structure by subjecting Orde to a 'trial by media' and publicly passing judgement on his prospects. The other applicants in the contest for the MPS Commissionership were not subject to the same levels of media scrutiny, negative or otherwise. *The Times* (18 August: 2) began with an editorial arguing that the government should re-advertise the post if none of the candidates were deemed appropriate.

The selection of a candidate with verve, imagination and willingness to change the organisation that he or she finds must be regarded as the objective. Among the applicants there may be many officers with a fine record and a reasonable expectation of selection. But if they do not possess the ability to combine this with an outsider's sensibility and an openness to revisit policing strategies and leadership then they should not be selected. It should not be regarded as an embarrassment or called 'chaos' or 'fiasco' if it is determined that none of the original candidates is quite right. The government should not be afraid of re-advertising the post if it needs to'

In the same edition Sir Hugh Orde had a letter published under the title 'Tension between politicians and police is healthy', in which he clarified his position (*Times*, 18 August: 18):

One of the foundation stones of British policing is Robert Peel's doctrine of constabulary independence. This insulates the police from political control and allows them to rely on their expertise, judgment and experience in their operations. But the essential counterpoint to this is public accountability – through the law, through the Home Secretary [at a national level] and through local representatives. But I am convinced there should be a healthy tension for these relationships to work.

At the Cobra meetings last week to counter the riots, the Prime Minister and the Home Secretary ensured that there was strong oversight but that senior officers made the clear

operational decisions. At no point did I say politicians were irrelevant: my point was that the more robust tactics we adopted did not come about through ministerial intervention but because chief constables had mobilised enough officers to change tactics. Both David Cameron and Theresa May were enormously supportive, and the Home Secretary clearly understands the complexity of policing and appreciates that we cannot get it right all the time. I think politicians would want it to be clear that they too understand the importance of a police service free of political interference

Equally, the Government has an absolute right to reform accountability, which it aims to do through replacing police authorities with locally elected commissioners. But the police need clarity on how this will work, complete with effective checks and balances to keep the service free of interference, as Peel intended. The impression has also been given that British policing believes it is immune to learning from outside or abroad. Neither is true. US policing has strong links with forces in the UK. I am a friend of Bill Bratton, I spent time with him in LA and invited him to speak at a conference in Northern Ireland in 2008.

British policing has many strengths admired abroad: Peter Fahy, the Chief Constable of Greater Manchester, has been in demand in America to share the lessons of his force's success in tackling gangs. That is partly why police chiefs were surprised that they were not asked for their views before advice was sought from overseas. It is disappointing to see a mounting attack on British policing. We should be proud of our tried and tested model of policing – a largely unarmed service based on minimum force and minimum interference with citizens' rights – and we are determined to preserve it. But let no one think we are not open to challenge and change.

The Guardian, *Independent*, *New Statesman* and *Daily Mirror* all lined up to support Orde's appointment. *The Sunday Mirror* summed up Orde's position: the story headlined, 'Met Boss?: Anyone But Hugh', was followed with a pondering but pointed editorial: 'It is hard to know which is more embarrassing for the government – with hours to go only one person had applied to be Britain's top police officer, or that the sole applicant was someone David Cameron desperately doesn't want' (*Sunday Mirror*, 21 August: 14).

None of the alternative candidates at this point received either unanimous or particularly vocal support across the conservative press. Conservative consensus was established around the unsuitability of Orde. It was this aggressively anti-Orde stance that set the tone for debate, and sought systematically to undermine the highly experienced police chief's credibility as a potential Commissioner. *The Sunday Telegraph* (21 August) ran an exclusive on the chaotic nature of the application process, and quoted a Home Office source stating:

People were panicking a lot at the lack of applicants and there was a fair bit of 'chivvyng up' taking place. No-one likes Hugh Orde, even though he's probably the best copper out of the lot of them. The initial indication was that there would be just one applicant and that was Hugh Orde. By all accounts that did cause concern, shared by No 10.

The Sunday Telegraph's editorial highlighted the need for radical change, and explicitly challenged Orde's suitability for the Commissionership by portraying him as change-averse. *The Mail on Sunday* personalised its attack by focusing on Orde's

television appearances in a 'fake' uniform with a 'made up' plastic badge. The story disclosed the views of a 'senior police source' (*Mail on Sunday*, 21 August: 17):

The sight of Sir Hugh on TV wearing the made-up uniform has bewildered and puzzled senior officers. This uniform does not belong to any police force. It has no constitutional or legal basis, especially the hat he wears. Instead of the traditional crest, he's put an ACPO badge on it. It looks made up, like a traffic warden's uniform.

Former MPS Deputy Assistant Commissioner, Brian Paddick, was also quoted: 'He is sending a clear signal: How would I look in the Met Commissioner's uniform?' (ibid). The article ended by reminding readers that Orde was not an operational officer but the head of ACPO, an already discredited organisation. Attacks on Orde continued throughout the following weeks. *The London Evening Standard* further ridiculed Orde's professional attire with a story headlined 'Oh, how we love a man in a fake uniform' (23 August: 20): 'Some are suggesting that Sir Hugh's decision to wear his Gadaffi style pretend uniform on television is a subliminal pitch for the next Met Commissioner's job'. On 2 September, *the Times* reported Hugh Orde's decision to wed as a cynical attempt to make him acceptable to the Home Office. Two days later September *the Sunday Times* (4 September 2011) accused him of running a blatant media campaign to be elected that included exaggerating his competence and experience.

The following weekend the news media continued to publish leaks and gossip about the candidates who, as a result of last minute changes, would be interviewed by Mayor of London Boris Johnson and Home Secretary Theresa May on Monday 12 September. The appointment process was judged to be completely politicised. It was confirmed that the candidates had already been interviewed twice, by a Home Office panel comprising civil servants and advisors (2 September 2011) and by a panel of the Metropolitan Police Authority (6 September 2011). It should now have been left to the Home Secretary to decide. However, given that the previous two Commissioners had resigned in controversial circumstances, the Mayor was determined to have the final say on Sir Paul Stephenson's successor.

The inferential structure that Orde *could not be* the next Commissioner, reinforced by his 'trial by media' over several weeks in the conservative press, was now fully crystallised. Even his press supporters were resigned to debating why he *would not be successful* in his application. *The Independent on Sunday* (11 September) focused on the political reasons why Sir Hugh Orde would not be appointed, despite a 'consensus' that he was the 'stand out candidate' for the commissionership. In addition to the now well-rehearsed problems of Orde's clashing with the Home Secretary over the riots, and his outspoken criticisms of David Cameron for supporting Bill Bratton, Orde's close association with Northern Ireland now also emerged as a problem. An un-named Home Office source explained:

They now say that, while he was effective over there, giving the job to someone who made his name in charge of a force engaged in handling public disturbances every day would look like panic. It would send out the wrong message – that the Met was now some paramilitary organisation and it needed an experienced hand in charge. It's a pretty lame

excuse, but when you would prefer to give the job to almost anyone else, it is the sort of reasoning that helps your case (*Independent on Sunday*, 11 September: 20).

For *the Sunday Times* there was a power struggle in play. The MPA had supported Orde and Hogan-Howe, the Mayor was supporting Hogan-Howe, whilst the Home Secretary was supporting House. *The Sunday Times* (11 September 2011) profile of the candidates was as follows:

- Hogan-Howe: 'A blunt-talking Yorkshireman, many see him as an ideal choice to steady the Met, which has been criticised over the London riots and phone hacking'.
- House: 'An expert on gangs, he is considered a front-runner because the Home Office invited him to apply'.
Orde: 'is said to have told colleagues he does not expect to win the job. He is considered by many to be the most experienced, having served as chief constable in Northern Ireland for seven years. However, as president of ACPO, the chief constables' 'union', he has clashed with [Home Secretary, Theresa] May over last month's riots'.
- Godwin: 'He would normally be expected to be a certainty for the post, but many Tories have been critical of his handling of the disorder in London'.

The Mail on Sunday (11 September 2011) identified Hogan-Howe, the 'former gang-busting police chief nicknamed "Eliot Ness" for his zero-tolerance on gun and knife crime', as the Home Secretary's preferred candidate. Tucked away in an article in *the Sunday Telegraph* (11 September 2011) on the budgetary challenges facing the Chancellor of the Exchequer was a passing negative reference to the fact that police chiefs such as Sir Hugh Orde had 'joined Labour in using the riots to justify asking the government to cancel cuts to police budgets'.

On Monday 12 September, the day of the interviews, both *the Times* and *the Guardian* ran pieces on the likely outcome of the deliberations. *The Times* confirmed that the Home Secretary was in favour of Stephen House, while the Lord Mayor was impressed by Bernard Hogan-Howe. It reiterated that Sir Hugh Orde, 'the most experienced' candidate, had 'angered senior government figures by speaking out over cuts and other policing issues'. Tim Godwin's application had been seriously 'tarnished' by criticisms of the ineffective policing of the riots, and his association with Sir Paul Stephenson. *The Guardian* ran an exclusive maintaining that, although Sir Hugh Orde had been ranked as number one by both panels, he would not be appointed Commissioner because of 'his vocal opposition to the government's desire to radically reform policing'. It confirmed that Bernard Hogan-Howe was the firm favourite with Stephen House in second place. *The Guardian* quoted an unnamed source as saying, 'He is the chief spokesman for the way things have been, and the government wants to shake things up'. On the afternoon of Monday 12 September 2011 the Home Office confirmed that Bernard Hogan-Howe would be the new Commissioner of the London Metropolitan Police.

VIII. Conclusion: The Legitimation of Bernard Hogan-Howe?

During his first interview as Commissioner Bernard Hogan-Howe was flanked – and interpellated – by the Home Secretary and the Mayor of London as he faced a pack of reporters outside New Scotland Yard. The Home Secretary commended the new Commissioner for his ‘excellent track record as a tough, single minded crime fighter. He showed that in his time as Chief Constable of Merseyside. And I am sure that he is going to bring those skills and that ability to fight crime to the Metropolitan Police’ (*Daily Telegraph*, 12 September 2011). The Mayor concurred that Hogan-Howe had been appointed because of his ‘relentless focus’ on ‘driving down crime’ while he was Chief Constable of Merseyside. In effect he was being characterised by the Home Secretary and Mayor as the British Bill Bratton. Hogan-Howe did not depart from the ‘crime fighting’ script (BBC News, 12 September):

I intend to lead the Metropolitan Police so that it makes criminals fear, that it keeps the trust of the public of London in the Metropolitan Police, and finally the Metropolitan Police that Metropolitan police officers and staff are proud of. . . And now I would like to go and start work but particularly to remember that the idea is to make the criminals fear the police and what they are doing now and make sure that they are stopping increased crime and reduce crime over the coming year. . . My job is to get crime down, arrest criminals and support victims. That’s exactly what we’re paid to do and that’s what I intend to do.

The following day’s newspaper headlines reproduced the ‘crime-fighter’ narrative in an uncritical manner:

- ‘Met goes ‘back to basics’ with new commissioner’, *Times*, 13 September, p 6
- ‘New Top Cop: I will strike fear in Crims’, *Sun*, 13 September, p 14
- ‘On his Met-tle’, *Daily Mirror*, 13 September, p 10
- ‘Total war on crime made him Tory favourite’, *Guardian*, 13 September, p 12
- ‘New Met chief: We’ll get Tough’, *Daily Express*, 13 September, p 18.
- ‘Criminals must fear the police again vows the Yard’s new chief’, *Daily Mail*, 13 September, p 7
- ‘I’ll make the Met a force that criminals fear, pledges new Commissioner’, *Daily Telegraph*, 13 September, p 2
- ‘Merseyside gangbuster gets a new beat as head of Met’, *Independent*, 13 September, p 2.

Despite similar headlines there was a clear political split in the press editorial response to the appointment. The selection of a self-declared, unequivocal ‘crime fighter’ was positively received across the centre-right press. The *Sun* gave him the most enthusiastic endorsement:

Be afraid, criminals. Be very afraid. That is the message from new Met Police chief Bernard Hogan-Howe. As Merseyside chief constable, he cut crime by 40 per cent. He

promises similar action to clean up London. *The Sun* will be on his side. Give 'em hell, guv (13 September: 9).

However, for *the Independent*, *Guardian* and *Daily Mirror* (13 September) the decision not to appoint Orde was reprehensible because, for these newspapers, it had been based on party political machinations rather than merit and ability. Sir Hugh Orde should have been appointed because of his unmatched operational and managerial experience and professional resolve to resist the politicisation of policing. *The Independent's* position was that the most sophisticated senior police officer of his generation had, in effect, been publicly humiliated by the Conservative Party. For *the Guardian* the constitutionally unwarranted politicisation of the selection process had not only trashed Orde's standing, but also placed Hogan-Howe in 'an unenviable position. Through no fault of his own, he will be labelled the Tories' placeman. No Met commissioner in modern times has come to the job with less authority or legitimacy. All this makes the new commissioner's job even more difficult than it would have been anyway... Mr Hogan-Howe has our best wishes, but he has been handed a poisoned chalice' (*Guardian*, 13 September 2011). *The Daily Mirror's* (13 September 2011) opinion was that the new Commissioner would have 'his work cut out restoring the authority of the Commissioner's office he will occupy. And to do that, he must resist political interference. . . Parliament makes the laws. The police, not political amateurs, must enforce them'.

Bernard Hogan-Howe's commissionership will be lived out in an exacting high-risk policing domain of profound political and socio-economic transformations and a rapidly evolving news mediascape. He has to rebuild morale in a police force whose public credibility has been further destabilised by a series of high-profile public order policing mistakes that culminated in the controversial handling of the summer riots of 2011. 'Losing by appearing to lose' is not a politically viable public order policing philosophy. In addition, the issue of the extent and nature of MPS relationships with News International will be subject to intense news media and political and possibly court scrutiny during 2012. Extending Reiner's (1991) classic typology of police chiefs, Hogan-Howe is, as his recent predecessors have been, a 'mediatised police chief'. And of course the news media will be quick to judge Hogan-Howe's ability to deliver on his 'crime fighting' pledge to Londoners, in addition to his adeptness in managing the roll out of a radical police reform programme and resisting government cuts in the MPS budget. Sir Bernard Hogan-Howe will be aware that his position in the news media 'hierarchy of credibility' is contingent, and that a career-wrecking 'trial by media' could begin at any moment. He will no doubt also be aware of Sir Hugh Orde's prophetic words: 'You are truly, as a chief officer, only as good as your last five minutes'.

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Statement of Truth

We believe the facts stated in this witness statement are true.

Signed

Date14/05/12.....