

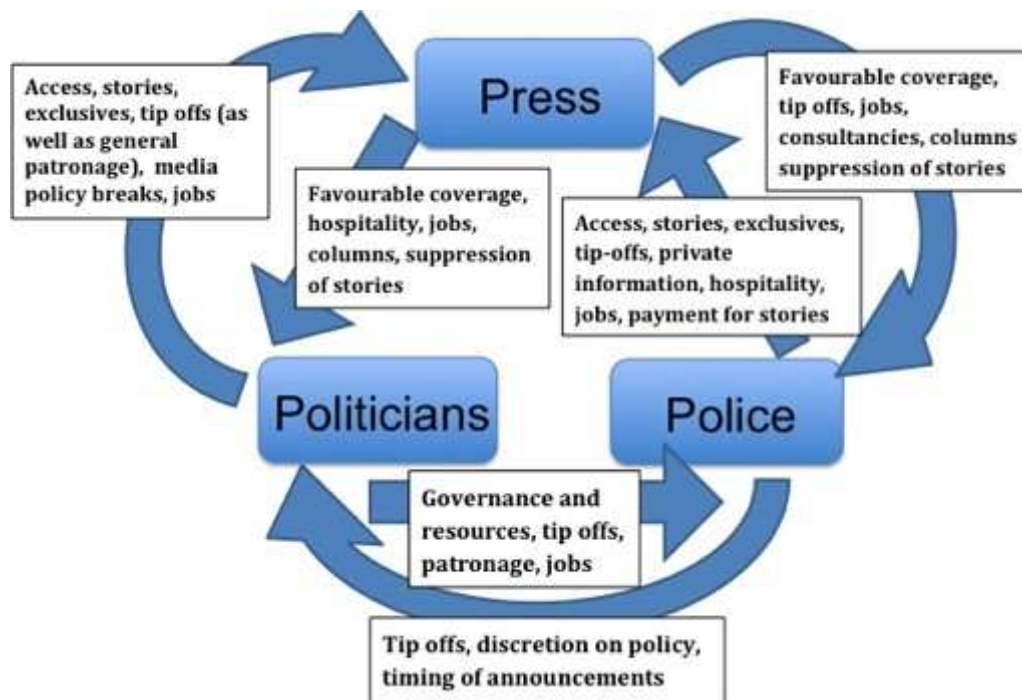
Leveson Round-Up: Over Cosy? The Leveson Love Triangle



Damian Tambini looks back on Module 2 and the relationships between the press, police and politicians.

As Module 2 of the Leveson Inquiry closes, attention will shift from the relationship between police and the press, to the module 3 topic: the relationship between politicians and the press. But the core concern, arguably, remains the same: *is the relationship too cosy?* Do the complex relationships of power and reciprocity between the press and other centres of power lead to corruption – if we define corruption as a replacement of an ethic oriented to the public interest with private, self-serving interests?

If we leave aside the public for a moment, **Leveson** is essentially concerned with a triangle of interests between the press, police and politicians, and particularly with the two sides that involve the press. The press clearly has the potential to offer favours to both the police and the politicians: they can offer favourable coverage (or at least they can call off the attack dogs from individual politicians or parties, or even offer to suppress stories) and they can also offer other favours such as hospitality, fame and jobs.



Favours and Reciprocities

The question for Leveson concerns the extent to which the press ask for – and receive – breaks in return for those favours and if so, how problematic this may be. Governing parties could arguably offer breaks in terms of media policy, such as decisions on mergers, and all politicians can grant access to stories, off the record briefings, career changing tips and leaks for journalists. This relationship has always led to a complex set of personal reciprocities and opaque power games. But at what point does it lead to dereliction of duty on the part of the press, the politicians and the police?

According to Robert Jay QC **opening** this module: “Public concern hereabouts may be expressed in just one sentence. The relationship between the Police and the media, and News International in

particular, was at best inappropriately close and if not actually corrupt, very close to it; furthermore, the nature of this relationship may explain why the Police did not properly investigate phone-hacking in 2006 and subsequently in 2009 and 2010, preferring to finesse the issue on those later occasions by less than frank public statements”.

So what has Leveson heard in the month since Jay made that submission? The conclusion seems to be quite clear: something has gone seriously wrong. Module 2 has revealed that the relationship between the police and the press has involved all of these favours and reciprocities in abundance, and also that the result has been a corruption of the public interest ethic of parts of both the police and the press.

- Numerous witnesses of the police have supported Sue Akers’ **claim** that a culture of illegal payments to police in return for stories and other information has persisted at the Met and other forces. Many journalists see this as normal practice and police officers both at the met and at various regional forces agreed that it was widespread.
- Individual journalists are alleged to receive various favours from the police: stories and access, but also tip offs for example if a prisoner is to be released, or if police have been notified of celebrity movements.
- News International has been alleged to operate a system of payments for stories that include frequent and significant payments to police.
- There have been numerous separate allegations that police inquiries were curtailed, promoted or in some way affected due to the complex of reciprocities resulting from various forms of media favours. In particular: the investigation of phone hacking itself.

Many of the witnesses argued that the Leveson Inquiry itself is already having an effect on behaviour and on the flow of information between whistleblowers and other sources, the police and the public. Whilst this is indeed worrying, Leveson will be seeking to get beyond any chilling effect on speech that is the result of the current climate and propose a framework that would encourage public interest journalism whilst discouraging corruption. Many of the elements of such an arrangement have been proposed in the **Report** of Elizabeth Filkin.

This report, commissioned by the Met, published back in January and submitted to Leveson as part of his Inquiry, provides the background to the **evidence** provided by Filkin and the other police officers this month. It provides ample evidence for the elaborate system of reciprocities in the relationship between the press and the media that have been explored this month, and proposes a number of reforms in police governance and procedure to ensure that it doesn’t happen again. Notably the trend is towards a disintermediation of relationships between the MPS and the public: if they corrupt the process, journalists can be cut out of the game and information provided direct to the public. Some of the reforms proposed might have a ‘chilling effect’ on the flow of information between police and the public but they attempt at least to set out a framework that permits legitimate whistleblowing.

The Filkin recommendations are likely to be accepted and to change the way the Met and other forces work with the media. But if Leveson has the broader objective of institutionalising more effective checks and balances in the relationships between different forms of power in society and the state, how might one go about it, and how does the existing framework work? A clue might lie in the third side of the Leveson Triangle, the relationship between politicians and the police. Whilst in our unwritten constitution such checks and balances on powers are largely customary, the principle of **‘operational independence’** does characterise the relationship between police and government. Clearly, we need more ‘operational independence’ between the police and the media too. Leveson will be thinking about how to improve transparency, checks and balances, and a separation of powers between all three points of his cosy triangle.

