

A question of scandal? The police and the phone-hacking business.

Abstract

Scandals have featured consistently in the development and operation of public policing in England and Wales. However, criminologists have rarely explored scandal as a concept or its attempted management by criminal justice organisations. This article contributes to the filling of this gap with the intention of initiating debate on the utility of scandal as a conceptual tool for the analysis of policing and criminal justice. It identifies the core components of a scandal using an analytical framework informed by scandal research undertaken across disciplinary areas. Taking a case study approach, this framework is applied to the Leveson Inquiry which explored a combination of potentially scandalous episodes within the overarching scandal of phone-hacking. The article concludes that phone-hacking was a scandal at macro and micro levels under this framework yet damage to the reputation of the police was mitigated through active impression management and enduring characteristics of the police image.

Keywords

Scandal, policing scandals, Leveson Inquiry, reputation management, organisational reputation, police-media relations.

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Introduction

The police in England and Wales face difficult times. Government ministers no longer feel it necessary to court police approval and academics refer to the state of permanent crisis, even pondering the abolition of the police service (Hope, 2014; Loader, 2014; May, 2014). How did it come to this? It is not so long ago that the police in England and Wales were routinely referred to as the 'Best Police in the World' and held up as a model state institution (Reiner, 2010). However, in this second decade of the twenty-first century the police have reeled from one failure to another that have questioned, variously, their discipline, effectiveness, leadership and honesty. The terms 'policing' and 'scandal' are coupled with increasing frequency yet with a few notable exceptions (Greer and McLaughlin, 2013; Sherman, 1978) scholars have not defined and conceptualised scandal when writing about policing and wider criminal justice events and behaviours labelled as scandalous (see, e.g., Evans (2014) on Australian police corruption, Punch (2003) on police corruption in three European states, and Silverman (2012:79-81) on the UK 'foreign prisoners scandal'). Rather, scandal has been used loosely as a term of convenience for controversial events, practices and behaviours that reflect adversely on police officers, forces and the police service nationally. It has been used indiscriminately, interchangeable with words such as controversy, crisis, problem, failure, issue and fiasco. Applied in this way, scandal is in danger of losing its explanatory power as a concept that addresses questions of power, reputation and trust in public life (Thompson, 2000).

This article encourages the reclamation of scandal from this imprecision by proposing a model of scandal as a form of individual or organisational failure possessing the attributes of (1) transgression, (2) publicisation, (3) response and (4) judgement. The model is tested using the case of the Leveson Inquiry. In 2012, part of this judge-led public inquiry into the 'culture, practice and ethics of the press' examined a flawed investigation into phone-hacking and allegations of improper relations between the police and the press (Leveson 2012a/b). Within the overall phone-hacking scandal, the Inquiry considered evidence of several potential sub-scandals that threatened the reputations of individuals, the Metropolitan Police Service (MPS hereafter) and the police service as a national institution. The proposed scandal model is applied, concluding that the scandal criteria are met at the macro level, but that the police successfully negotiated a number of sub-scandals. This was due to a combination of active impression management, residual good character – the halo effect – and the 'scattered' nature of the police image. These collectively limited the damage to the reputation of the police. While the article contributes to the study of scandal and the limited criminological literature on the management of

organisational reputation, it acknowledges the need for further work to develop the concept of scandal in a criminological context.

From sacred to profane to scandalised

Although the introduction of the Metropolitan Police in London in 1829 was not universally welcomed, by the middle decades of the twentieth century the 'British bobby' had gained a symbolic significance (Loader, 1997; McLaughlin, 2005). The reputation and acceptance of the police reached its zenith in the 1950s (Reiner, 2010:67), a period during which the police organisation was particularly well-suited to the needs of the time (Weinberger, 1995) and police officers were respected as 'holders of a socially authoritative office' (Loader and Mulcahy, 2003:13). Thereafter the desecralization of the police followed due to changing socio-political and technological conditions and organisational failings (Loader and Mulcahy, 2003; Reiner, 2010:78). A number of events from the late 1960s onwards highlighted the failings, including revelations by the *Sunday Times* of serious organised corruption within the Metropolitan Police (Cox et al, 1977). Brought to light by a less compliant media, at the time these failings caused concern but appeared to be of an episodic nature and the police maintained their status as a prestigious state institution. Despite an accumulation of evidence that 'Golden Age' policing was more complex and brutal than benign exemplars such as the televised *Dixon of Dock Green* publicly portrayed (Hellawell, 2002; Mark, 1978), the previous good reputation of the police created a halo effect (Sohn and Lariscy, 2014), which buffered the damage inflicted by intermittent, seemingly aberrant, misdemeanours.

However, further episodes emerged in the following decades concerning shocking miscarriages of justice, botched murder investigations, brutal public order tactics and the problematic policing of minority groups. As policing became more politicised from the 1970s, highlighted during the Miners' Strike of 1983-4, the halo began to slip (Newburn, 2008; Reiner, 2010: 78-96). In subsequent decades policing has never been far from controversy. Particularly, in this second decade of the 21st century, problematic events and behaviours have increasingly become part of the policing landscape. For example, the Independent Commission into the Future of Policing noting contemporary challenges for policing, cited 'a litany of police organisational failures, malpractice and scandal', listing ten examples (Stevens, 2013:27). Nine of these, plus others, were also cited several months later, in May 2014, during the then Home Secretary Theresa May's highly publicised address to the Police Federation Conference. In a speech which also referenced her high regard for 'the best police officers in the world', she referred to troubling 'recent events and revelations':

In the last few years, we have seen the Leveson Inquiry. The appalling conclusions of the Hillsborough independent panel. The death of Ian Tomlinson and the sacking of PC Harwood. The ongoing inquiry by an independent panel into the murder of Daniel Morgan. The first sacking of a chief constable for gross misconduct in modern times. The investigation of more than ten senior officers for acts of alleged misconduct and corruption.

Allegations of rigged recorded crime statistics. The sacking of PCs Keith Wallis, James Glanville and Gillian Weatherley after 'Plebgate'[1]. Worrying reports by the inspectorate about stop and search and domestic violence. The Herne Review into the conduct of the Metropolitan Police Special Demonstration Squad. The Ellison Review into allegations of corruption during the investigation of the murder of Stephen Lawrence. Further allegations that the police sought to smear Stephen's family.

Theresa May, Speech to the Police Federation Conference, May 2014

At this point the police had slipped not only from sacred to profane (Loader and Mulcahy, 2003), but to failing. Yet how might we understand and categorise these events that encompass a range of different types of failure? Where does 'scandal' fit and does conceptualising something as a scandal help us to understand what is at stake, and how organisations seek to manage their reputation through scandalous times? To explore these questions, the next section considers the concept of scandal and how it has been applied to the study of criminal justice institutions. From this, a model of scandal is sketched out which proposes the necessary combination of attributes that distinguish a scandal from other types of failure. This model draws on Sherman's (1978) work on police corruption and Thompson's (2000, 2011) studies of political scandal, together with insights from Rowe (2009) and Greer and McLaughlin (2013). Having argued the grounds for a model of scandal, it is then applied to the case of the Leveson Inquiry, which arose from a notorious phone-hacking scandal (Davies, 2014).

The case study analysis draws on the witness statements, daily hearing transcripts and video recordings accumulated by the Leveson Inquiry's second module, which addressed police-press relations, taking evidence from 93 witnesses between February and April 2012. These data were acquired by the National Archives and are available online at <http://webarchive.nationalarchives.gov.uk/20140122145147/http://www.levesoninquiry.org.uk/>). The dataset comprises a comprehensive resource for the analysis of the police scandals around phone-hacking, but for the purposes of this article, the Inquiry data are complemented by the results of a

Nexis-generated search of UK newspaper articles that appeared during Module Two and following the publication of the Leveson Report[2].

Studying scandal

There is a dearth of criminological research on the concept of scandal. This is surprising given that criminal justice ‘scandals’ are consistent fixtures in news and popular discourses and that they have consequences for criminal justice organisations, victims and offenders. As Greer and McLaughlin (2013:244) note, while communications, political and sociological studies have focussed on scandal, the criminological sphere has left this concept relatively untouched. A rare exception is Sherman’s (1978) study of police corruption in four US cities, which directly addresses the meaning and processes of scandal. Defining scandal as ‘a negative public reaction to deviance’, Sherman (1978: 60) argues that three conditions must hold for the term ‘scandal’ to be justified. First, the social reaction must be one of ‘intense outrage and anger’, not just disapproval. Second, the actions are a surprise to the reacting group and, third, the actions are committed by a role-holder invested with social trust. According to this model, the breach of faith that occurs is significant. When it comes to institutions such as those of the criminal justice system – institutions that are central to a society’s law and government - Sherman argues the breach ‘suggests something negative about the entire society’ (1978:61).

Since Sherman’s work, although the voluminous literature on policing includes work on notable events designated as scandals, few studies have developed scandal conceptually. Some studies use the term carefully, but do not define or conceptualise it, and others use it liberally but without precision. In his study of police reform, Savage (2007) discusses system failure and takes care with his terms. Although he does not define scandal, he notes (2007:11) that it represents an example of when ‘things go wrong’, together with policy disasters, crises and fiascos. Brain (2014: 205) is similarly vigilant with terminology when discussing trust in the police, referring not to ‘scandal’ but to ‘negative influences’, impacts and ‘controversial circumstances’.

However, it is more common that the meaning of the term is inferred and taken for granted rather than explained as a particular form of failure (see, e.g., Toepfl, 2011). It is most often conflated with corruption. For example, in an article on how police misconduct and corruption generated scandals in Belgium, the Netherlands and in England, Punch (2003) analyses systems failure and social-political context, without defining scandal. He notes that scandal is a ‘window into normally concealed processes’ (2003:193) but offers no further conceptual elaboration. In a later work (2009:194-5), he

recognises the properties and power of scandal but makes little of the concept other than recognising it as one outcome of corruption and, like Savage (2007), a catalyst for change. Similarly, in a New Zealand study, Rowe (2009:128) carefully probes how some scandals can be 'signal events' that trigger change. He identifies scandals as change agents, without defining what makes a scandal different from other types of failure.

Greer and McLaughlin (2013) have recently advanced the study of scandal in a criminological context. They investigated scandal as a news genre focusing on child sexual abuse using the Jimmy Savile case, which they situate within the sociology of denial (Cohen, 2001). Although they do not define scandal *per se*, they differentiate (2013:245) between two categories, namely soft and hard news scandals. The former are superficial, involving 'the transgression of superficial or tokenistic values' while the latter relate to 'incompetence, immorality and/or criminality' on the part of individuals and organisations (2013:245) and can result in serious reputational damage. Arguing that scandals move through the phases of latency, activation, amplification and justice, Greer and McLaughlin examine how some grip immediately and others are slow-burn, until activated and amplified. This was striking with the Savile case, and also applied in the phone-hacking scandal, which smouldered for five years before media reports of the hacking of murdered schoolgirl Millie Dowler's phone triggered an intense reaction.

The breach of faith identified by Sherman and the media role examined by Greer and McLaughlin are key factors referenced in studies of scandal in the wider social sciences, where scandal has received greater attention. Political scandal, in particular has been subjected to in-depth study. Essser and Hartung (2004, quoted in Toepfl, 2011) defined scandal as the 'intense public communication about a real or imagined defect that is by consensus condemned, and that merits universal indignation or outrage' and Neckel (2005: 105) identifies that the key ingredient is the publicisation of the violation of norms that a transgressor is expected to uphold. The act of transgression gets to the heart of scandal and was recognised by Markovits and Silverstein (1988:9) who conceived of a political scandal as 'a betrayal of the public trust in terms of the accountability and process of the liberal democratic state'. Similarly, in his influential study of political scandal Thompson (2000:13) noted the key characteristic of the transgression of values, norms or moral codes, which may result in damage to reputation, though not always. This last point is important and will be returned to later in the article.

The discussed literature suggests that while scandal has been used in different ways without an agreed definition, there are a number of criteria or processes that are commonly present and which are important to naming a scandal. From these it is possible to propose a model of scandal that

distinguishes the concept from other types of failure. It is argued that there are four necessary attributes in evidence, or conditions in play, before an event comprises a scandal, namely **transgression**, **publicisation**, **response** and **judgement**. First, there is a transgression that involves a breach of trust by an individual or organisation invested with authority. Here a potential scandal may threaten the legitimacy of public institutions in that the transgression, variously, runs counter to shared values, has questionable legal validity and/or may lead to the withdrawal of public consent (Beetham 1991; Mawby 2002). Second, there is a period of publicisation during which the transgression becomes known in the public sphere. Unless and until the transgression becomes public, it is not a scandal. Third, is the attribute of response, which may be articulated in a number of ways and to different scales. For example, the involved parties, community and pressure groups, elected representatives, commentators make their voices heard through local and national news channels, social media and direct action. This may include legal processes and public enquiries. Fourth, judgements are made about the meaning of the scandal for the transgressor and the various affected audiences, which have consequences for reputations, relationships of trust and confidence, and future policy and legislation. Thinking about scandal in this way distinguishes it from other failures that may occur through faulty processes, human incompetence or inadequate resources. It provides a model for the analysis of the boundaries of moral performance.

The model then is a starting point in bringing structure to the hitherto loose deployment of the language of scandal. As the Leveson Inquiry case study will show, the proposed scandal model is capable of examining complex events and situations that require analysis at a number of levels, in this particular case, macro and micro, and national and local policing levels. The model provides the flexibility required to capture complexity that will reveal the effects of scattered images, longstanding halos and the resonance of symbolic power (Loader and Mulcahy, 2003). Accordingly this model is an appropriate analytical tool for studying the broad range of scandals currently sweeping the policing landscape, some of which are discrete and time-bound (e.g., 'Plebgate') and others which are recurring and have longstanding roots (e.g., the travails of South Yorkshire Police). In the spirit of Critcher's work (2003) on moral panic which, similar to scandal, risked loss of meaning through overuse in popular discourse, the model discussed here aims to provide a framework through which scandal retains both conceptual purchase and practical application.

The four necessary attributes add conceptual structure to scandal and they help explain why scandals have become more noticeable in recent years. In this respect they are informed by several converging

factors. First, as Castells (2013: 246-9) argues, the rapid development of digital media and internet-based communications allow many more people to make things publically known and any uploaded information has the potential to be accessed and commented on by a vast readership. Similarly Thompson has observed (2011: 68) that the development of the public and private spheres has created an environment in which 'the capacity to reveal and conceal, to make things visible and to prevent others from doing so, are much more difficult to control, creating a permanently unstable arena'. This raises questions of why specific scandals impact or fail to impact upon public opinion. Public support for the police has remained surprisingly resilient despite recurring scandals, and we will return to this later in the article. Secondly, Runciman (2013) locates the recent proliferation of scandals as part of the 'malaise of British democracy' with roots in the economic crisis of 2008 and the arrogance of self-serving institutional elites (see also Mair 2013). We live in times in which trust in institutions and organisations is fragile. This combination of conditions has consequences for policing. It has created a 'new visibility' (Goldsmith, 2010) in which formerly hidden behaviours can become 'axial media events' (Manning, 1996) and new behaviours in social media have potentially scandalous outcomes (Goldsmith, 2015). It has also elevated the public profiles of police leaders in ways that were unimaginable two decades ago (Blair 2009: 116-7, 135-6; Greer and McLaughlin 2012a/b) as the case study below demonstrates.

Case Study: The phone-hacking business and the Leveson Inquiry

The 'phone-hacking scandal' describes the practice of illegally intercepting private communications, notably voicemails, as a source of news, principally associated with Rupert Murdoch's News International media empire (which was rebranded as News UK in June 2013). The scandal has maintained a high profile since 2011 though its origins go back to 2005. To date, it has seen over 200 *News of the World* journalists lose their jobs and over 250 journalists arrested or interviewed under caution. Forty-five journalists and public servants were charged and convicted over the scandal, including, in August 2014, the jailing of Andy Coulson, former *News of the World* editor and latterly media advisor to the British Prime Minister, for 18 months for conspiracy to intercept phone messages. There are estimated to be more than 5,500 phone-hacking victims and at least 750 received compensation from News International. Rupert Murdoch was humbled before a parliamentary select committee and closed the best-selling Sunday newspaper, *The News of the World*, in the aftermath of these allegations. The MPS spent over £40 million investigating phone hacking and suffered the

resignation of the country's most senior officer, Commissioner Sir Paul Stephenson in July 2011. In December 2015, the Crown Prosecution Service announced that no further prosecutions would be pursued, indicating that the scandal was drawing to a close, notwithstanding appeals by victims.

Amid these events sits the Leveson Inquiry. On 13 July 2011 Prime Minister David Cameron announced a public inquiry, led by Lord Justice Leveson, into 'the culture, practices and ethics of the press'. Module Two of the Inquiry's four modules was dedicated to meeting the terms of reference relating to the police. Part 1 of the terms of reference included an examination of the police-press relationship. Part 2 did not go-ahead due to ongoing criminal investigations, but was to have included an examination of whether the police received corrupt payments connected to unlawful conduct within News International (NI hereafter) and other media organisations. It is unlikely that part 2 will take place, despite the completion of prosecutions.

The terms of reference reflected concerns that the police relationship with the press, and with NI particularly, was inappropriately close. The original police investigation into phone-hacking, Operation Caryatid, began in 2005 when Buckingham Palace staff suspected Prince William's voicemail messages had been illegally accessed. It concluded with the jailing in 2007 of the *News of the World* (NoTW hereafter) journalist Clive Goodman and private investigator Glenn Mulcaire. Although the NoTW passed off Goodman's activities as those of one rogue reporter, investigative work by journalist Nick Davies led to articles during 2009 in *The Guardian* newspaper arguing that phone hacking was a wider problem effecting many more victims (Daoust, 2011; Davies 2014). Sensitive to rising pressure, Sir Paul Stephenson, the MPS Commissioner, tasked Assistant Commissioner John Yates to assess whether further enquiries should be made into phone hacking. After spending eight hours considering the case, Yates determined there was no new evidence that justified re-opening the investigation. This decision appeared reasonable as it was made in a context when police resources were severely stretched due to the focus on counter-terrorism work. However, by July 2011 and the announcement of the Leveson Inquiry, it was apparent that Yates's decision was flawed.

Consequently the Inquiry examined Yates's review in extensive detail. Police procedure and the decision-making of senior MPS officers were scrutinised by counsel in order to establish whether decisions had been made on an objective basis or had been influenced by particular relationships that existed between senior MPS officers and employees of NI. These relationships were meticulously unpicked. This part of the Inquiry involved close questioning of current and former NI employees and MPS officers and staff, including former Commissioner Stephenson and Assistant Commissioner Yates,

together with former Assistant Commissioner Andy Hayman, who had ultimate responsibility for Operation Caryatid. The remainder of Module Two explored the routine processes and cultures of police-press relations in London and across the regions.

Scandal and Leveson considered

The phone hacking case is open to analysis at different levels. Here, the outlined scandal model is applied first at macro level and then at a micro level.

Taking phone-hacking as a whole at a macro level, it possesses the four attributes of the scandal model. First, newspaper employees **transgressed** journalistic values and norms. They broke the law and operated outside the boundaries of what is expected and is considered ethical journalistic practice by conspiring to, and practising, the interception of private communications.

Secondly, the transgressive behaviours were brought to light and **publicised**. In 2007, the conviction and jailing of the *NoTW*'s Clive Goodman and private investigator Glen Mulcaire were reported widely in the national media. Subsequently the investigative journalism of Nick Davies reinvigorated the publicisation, the key triggers being articles in *The Guardian*: in July 2009 claiming that phone-hacking was more widespread than previously revealed; and in July 2011 revealing that murdered schoolgirl Milly Dowler's phone had been hacked. An article in the New York Times augmented these in September 2010 implicating the prime minister's media advisor, Andy Coulson, who had resigned as editor of the *NoTW* following the first phone-hacking convictions in 2007.

Thirdly, the publicisation stimulated public, institutional and legal **responses**, which included initially the withdrawal of advertising from the *NoTW* and threats from newsagents to boycott the paper. However, the most intense and wide-ranging responses occurred during July 2011, following the news that Milly Dowler's phone had been hacked. This amplified the scandal and triggered a series of connected reactions including the resignations of Metropolitan Police Commissioner Paul Stephenson, Assistant Commissioner John Yates and the NI CEO Rebekah Brooks. Brooks was arrested, together with former NI employees Andy Coulson and Neil Wallis. In addition, Rupert and James Murdoch appeared before the Media and Culture Select Committee and former AC Andy Hayman and AC John Yates were criticised by the Home Affairs Select Committee for their roles in the original phone-hacking investigation. The Murdochs closed the *NoTW* and the prime minister announced the Leveson Inquiry.

Fourthly, *judgements* were made concerning the culpability of individuals and organisations as different dimensions of the scandal played out in different arenas. These exist at the levels of criminal trials, parliamentary select committee hearings, the public inquiry, policy development and in public and media discourses. Reputations have been assessed and public degradation has taken place for some, through imprisonment or censure in official reports. Therefore, at the macro level of analysis, phone-hacking meets the scandal criteria, possessing the four necessary attributes. The moral performance of NI employees was found wanting. Disturbing activities were publicised, responded to, and judged as transgressions, which to some extent triggered change. We now turn to the micro level of analysis and specifically to the potential multiple police scandals that the Leveson Inquiry shone light on.

In his opening statement to Module Two on 27 February 2012 the lead counsel for the Inquiry, Robert Jay QC, captured the potential for scandal. He cited public concern that the relationship between the police and media was inappropriately close, to the point of corruption. In particular, he identified that the relationships between some senior MPS officers and NI employees could have been responsible for the inadequate investigation into phone-hacking (Leveson 2112a: 743). Evoking Manning and Redlinger's (1978) argument that police officers in certain functions operate at 'the invitational edge' of corruption where it is relatively easy to cross the line from legitimate to illegitimate policing, Mr Jay set out how relations between the police and the press could become risky:

[T]he difference between healthy and dysfunctional behaviours does not have to be vast. By this, I mean at least two things: first, that it does not necessarily take many rotten apples to undermine the whole body politic, and secondly, that very often it does not take many adjustments in behaviours, objectively measured, to turn what is good into what is bad and vice versa. More precisely, the potential for abuse on both sides of this bilateral equation is significant, leading to the risk, if not the reality, of unhealthy, overcosy and overly close relations between the two. (Leveson 2012a: 851)

It is well-documented in academic studies that the police-media relationship is symbiotic and reciprocal, though often in tension (Chibnall, 1977; Lee and McGovern 2013, 2014; Mawby, 2010; Reiner, 2008). Relationships have developed that generally function most of the time to the benefit, if not total satisfaction, of all parties interspersed with periodic spats over information exchange, tone of reporting and the behaviour of one or other of the parties (Campbell, 2013; Chibnall, 1977; McConville and Smith, 2012; Mawby, 2010). In the main the relationships between police and media organisations have operated within a legal framework and with professional boundaries observed on both sides. However,

this is a fluid area, in which power relations and the quality of relationships ebb and flow over time and location (Mawby, 2002). There exists potential scandal if the interests of police and media organisations are furthered or, alternatively, compromised by personal relationships that go beyond that which is the norm, and that which is necessary, in the interaction of professionals across inter-dependent occupations.

The evidence taken at the Inquiry from police and press witnesses outside London fitted the pattern of that documented in the academic literature, namely that of police forces and local press co-operating in healthy tension to achieve their different agendas. Periodically the relationship could be strained through specific incidents, changes in personnel and policy or the occurrence of newsworthy events that attracted the national media.

However, stark divergences in reciprocal hospitality became evident between London and the provinces. The Inquiry probed in depth the level of entertaining and socialising between police officers and members of the media. Chief constables from across the country explained how often they were in contact with local editors and the levels of hospitality that were involved; it was predominantly low. While this was the position nationally, the situation in London was different, as became clear when the Inquiry turned its attention to the relationship between the MPS and the press and, in particular, the relationships developed by some senior MPS officers with the staff of NI. The Inquiry heard evidence that suggested the relationships between the MPS and the press included not only close working relationships that had developed over years and facilitated information exchange and understanding, e.g., that between senior MPS officers and members of the Crime Reporters Association (CRA), but relations that crossed over into suspected preferential treatment of an inner circle of reporters and, more seriously, the provision of personal benefits unrelated to the working relationship, but made possible because of that relationship. The range of potentially scandalous relations, activities and behaviours that came under examination included:

1. Lavish socialising between senior MPS officers and journalists in expensive London restaurants: Former MPS officers John Yates and Andy Hayman were criticised for indulgent entertaining with journalists. They were questioned on the choice of expensive restaurants and purchase of champagne.
2. The personal friendship between Yates and erstwhile NI employee, Neil Wallis, a former deputy editor of *The Sun* and executive editor of the NoTW. Yates was questioned on whether he had fast-tracked a job application for Neil Wallis's daughter.

3. The awarding of contracts to favoured people. The propriety of Neil Wallis's appointment as a consultant to the MPS was scrutinised, particularly whether it had been eased through by Dick Fedorcio, the MPS Director of Public Affairs.
4. Senior MPS officers being offered work by newspapers following retirement. Andy Hayman had a contract with *The Times*, Sir John Stevens with NoTW, his columns ghost-written by Neil Wallis.
5. The loan of a police horse to NI executive Rebekah Brooks. The Inquiry examined whether Brooks's loan of a police horse was preferential. This became increasingly newsworthy and was dubbed 'Horsegate' as it drew in the then Prime Minister, David Cameron, who was evasive concerning whether he had ridden the horse.
6. Placements for sons and daughters with NI. It was revealed that the children of two former commissioners (Lords Condon and Blair) had work experience placements with NI, as did the son of Dick Fedorcio.
7. Routine preferential treatment: In addition to the CRA having an advanced level of access to senior officers, the Inquiry investigated the existence of an inner group of favoured journalists. It explored in detail the relationship between NoTW crime reporter, Lucy Paton, and Dick Fedorcio. The former used the latter's office and computer to file a critical story on estranged MPS officer Ali Dizaei.
8. Health spa perks for Commissioner Paul Stephenson: Stephenson stayed at the exclusive Champneys health resort for five weeks while recovering from surgery. The stay became problematic when news stories broke in July 2011 that Neil Wallis had provided PR consultancy to Champneys and Rebekah Brooks' husband had a connection to the establishment. The apparent transgression was that Stephenson benefitted from a free stay at an establishment with NI associations. At the Inquiry, Stephenson explained that he was unaware of Wallis's connection and the cost was met by a family friend. Feeling compromised, he resigned.

Applying the scandal model, these different sets of circumstances each raise the possibility of **transgression**. They span a continuum ranging from wining and dining at the public's expense, to favour swapping and preferential treatment of favoured parties, building up to possible corruption of a serious nature – the possibility that the MPS decision in 2009 not to re-open the phone-hacking investigation was influenced by personal relationships. They suggest the crossing of boundaries, behaviours operating outside what would be expected of a normal business relationship between public servants and business organisations. The apparent standards observed by senior members of the MPS do not sit

happily with the Nolan principles, which include selflessness, accountability, integrity and objectivity (Committee of Standards in Public Life 1995).

Each of the episodes and events reached the **publicisation** threshold for scandal and some received more media and public attention than others due to their newsworthiness. For example the work placements received little media attention compared to Horsegate and the extravagant hospitality enjoyed by Yates and Hayman ('Leveson grills the "champagne coppers"', *The Telegraph* 1/3/12). Horsegate in particular was a prominent news story as it sucked in David Cameron and symbolised the over-closeness of media executives, the prime minister and the MPS (e.g., *The Guardian* reported 'Cameron tries to close stable door after Rebekah Brooks horse story has bolted' on 2/3/12). The proceedings of the Leveson Inquiry received extensive coverage in the print and online versions of the UK's national newspapers. The number of daily newspaper reports on Leveson varied depending on the proceedings of the day, ranging from eleven reports on 23/3/12 to 102 reports on 28 February 2012.

Whether the transgressions were actual or the result of unfortunate presentation was played out in the public sphere of the Leveson Inquiry in the theatrical surroundings of the Royal Courts of Justice. In this public arena, witness statements were submitted, the **responses** were aired, tested and challenged in cross examination by counsel. As argued previously (Mawby 2014), these responses can be categorised in terms of impression management tactics adopted by distinct police groups. The provincial chief constables distanced themselves from London behaviours and practices, the former MPS senior management team members provided accounts that minimised their culpability and the current MPS senior management team exhibited their new policies to evidence contemporary good practices and to atone for previous MPS lapses. These responses were captured by the national news media, for further publicisation on the evening television and radio news, in newspapers and online.

The fourth attribute of scandal is that of '**judgement**'. When the Leveson Inquiry published its four volume report in November 2012, a complete section in volume two was devoted to police-press matters and overall the police escaped unscathed. First the report concluded that if any problems existed in the police press relationship they almost exclusively concerned the MPS (2012a: 980). It acknowledged that outside London the police-press relationship 'has usually worked well, with the right balance being struck between professional civility and excessive proximity' (2012b:20). London, it acknowledged was different, especially concerning hospitality and entertainment and the evidence concerning champagne and expensive restaurants 'did nothing to enhance the reputation in the public mind of the MPS or the officers involved' (2012b:22). However, the report stressed that lavish

entertaining was not rife and that most was entirely appropriate, the 'issue is about perception, more than integrity' (2012b:22).

With regard to the Horsegate and Champneys episodes, while these proved sensational in the media no evidence of scandalous transgression was proven. In respect of Champneys, Sir Paul had recorded the stay in the official register and pleaded ignorance of the NI connections. His explanation was accepted. Similarly, on Horsegate, although newsworthy, the Leveson Report found no evidence of transgression or that 'there was any connection or exchange between the work experience placement offered to Mr Fedorcio's son, and the acquisition of the police horse' (2012a: 890).

Secondly, within the MPS Lord Justice Leveson did not find extensive evidence of corrupt behaviour (2012b:21) though he was critical of the judgement, attitudes and actions of some senior officers, and the examples they set for more junior officers. On Operation Caryatid, he regretted the 'series of poor decisions, poorly executed' (2012b:18), but was satisfied that there was 'no basis for challenging at any stage the integrity of the police, or that of the senior police officers concerned' (2012b:19). However, he criticised John Yates for not considering whether he was the right person to investigate a newspaper where he had executive level friends. Leveson alluded to the negative consequences for public perceptions and the reputation of the MPS (Leveson, 2012a: 980).

Therefore, in sum, the judgement of the Inquiry confirmed the relatively low-level transgressions around some lavish entertaining involving a few senior MPS officers, confirming, through our model, a relatively minor scandal. However, on the more serious charges the police were judged incompetent rather than corrupt – individually and institutionally they were not complicit in serious scandal. To date, this judgement has been upheld through the dearth of prosecutions of police officers implicated in phone-hacking. The media reports which accompanied the publication of the Leveson Report largely mirrored the Report's judgement that, in the words of the *Independent* 'Blunders not corruption led to bungled police response' (30 November 2012). As for impact on public opinion, despite the seriousness of the subject matter, the significant media interest and the involvement of senior public figures and celebrities, there was a discernible lack of impact on officially recorded measures of public confidence in policing. These remained stable in London and nationally during and after the Inquiry according to the Crime Survey of England and Wales and the MPS Public Attitude Survey (CSEW, 2012,2014; MPS, 2013). This is a similar finding to that of Jackson et al (2013) who tracked media coverage of policing events and Londoners' public confidence in policing over a three year period that included several scandals. These findings suggest that policing scandals do not have a simple unfiltered impact on public opinion (see,

e.g., Harkin, 2015:52; Bradford et al, 2016), something that extends beyond policing into prisons (Mancini and Mears 2012) and beyond. For example, Jackson and Brammer (2014:156) explore how firms' negative acts can 'fail to provoke reputational sanctions and may coexist with persistent good reputations'. Further research is required in this area, but possible explanations relating to policing are sketched out below.

Managing reputation

While the Leveson Report helped to refute a serious police scandal, it alluded to significant damage to the reputation of the MPS (2012a:920). Scandals can become struggles for name (Thompson, 2000:22) and given the number of scandalous episodes documented at the Inquiry and the coverage of these in the media, it is somewhat puzzling that the police emerged from the Leveson Inquiry without greater damage to their reputation. This can be attributed to a number of reasons including their tactics of impression management adopted at the Inquiry, their fore-going positive reputation and the nature of the police organisation which creates scattered images that have benefits for managing their reputation and the impressions of different stakeholders.

First, as mentioned above, at the Inquiry the police engaged in impression management as a means of damage limitation, justification and to showcase examples of good practice in police-press relations (Mawby, 2014). Specifically they deployed a repertoire of tactics which distanced the behaviours of provincial forces from the MPS and which distanced current MPS leadership and practices from those in place during the phone-hacking crisis (Mawby 2014; Mohammad et al, 1999).

Secondly, the police benefitted from the 'buffering effect of prior reputation' or the halo effect (Sohn and Lariscy 2014). In this respect the police drew deep on their reserves of symbolic power and the previous good deeds of influential former leaders, exemplars in the form of Sir John Stevens and Sir Paul Condon. This effect works better to maintain an organisation's reputation if a failure concerns the inability to deliver services, rather than a failure of integrity, i.e., a scandal. Crises rooted in integrity failures are perceived as more serious and take longer to recover from than competence failures as they impact on trust that needs to be rebuilt (though see Bradford et al's analysis (2016) of the use of force by the police). At the Leveson Inquiry, the police were challenged across both dimensions; the decision-making on Caryatid raised questions of both competence and integrity. The cosy relationships disclosed in the evidence raised questions of integrity, e.g., around the awarding of contracts. The Inquiry

comprised a reputational challenge, which was met with impression management tactics that emphasised past good character of the police nationally and initiatives to promote better individual behaviour in the future. This ameliorated the further development of events into a full-blown institutional scandal.

Thirdly, linked to the halo effect, the police benefited from their 'scattered' image (Price et al 2008). Although the police service has a national reputation, the institution comprises at least 43 organisations operating in a multi-media context and possessing a variety of image makers expressing different messages that create different impressions to a variety of audiences. At the Leveson Inquiry, the service were able to demonstrate that the problematic behaviours related principally to a few individuals in one force, the MPS. The scattered image gives flexibility and enabled 'out of character' episodes to be explained away as 'not us'. Although Price et al (2008) refer to the scattered image 'problem' in that at worst, multiple images render organisations inconsistent, this worked to the police's advantage in terms of managing reputation through the Leveson Inquiry.

The combination of these factors clearly influenced Lord Justice Leveson. He recognised the wayward behaviour of a minority of senior MPS officers and pointed out that this was not typical behaviour but nevertheless set a bad example to junior colleagues and adversely effected the public reputation of the police. In coming to this conclusion, Leveson's judgement was that the problem was one of 'bad apples' rather than a 'bad barrel' (Sherman, 1978). Accordingly the failures passed off as individual minor scandals rather than organisational major scandal.

The police also benefitted from contextual factors. They were not the prime target at the Inquiry. They were the minor player and in a situation where the Inquiry had to absorb masses of data, and tackle the trickier main focus of the press, it is understandable that the Inquiry accepted that on the whole police-press relations were functioning well, the new leaders had matters under control and a light touch was appropriate. Finally, as mentioned previously, Part 2 of the Inquiry did not take place. If it had done, this could have been more damaging for the police had they been implicated in corruption.

Conclusion

This article has attempted to provide greater clarity and to encourage debate concerning what it means to talk of scandal in a policing and criminal justice context. The starting point was that scandal is a much used yet under-explained term. Taking phone-hacking and the Leveson Inquiry as a case study, a model of scandal has been put forward that categorises scandals as episodes with the attributes of

transgression, publicisation, response and judgement. The case study confirms that phone-hacking was a scandal under this model at macro and micro levels. The deployment of the model confirms that scandals are not as straightforward to manage as other types of failure. They cannot be explained away by apologising that the failure is the result of a flawed process or incompetent practice. The moral dimension reflects on the organisation and its entitlement to trust and authority, with consequent implications for maintaining legitimacy. At the Leveson Inquiry the police were able to manage their reputation due to active impression management, the goodwill of the halo effect and the nature of the police scattered image. The scandal element tainted a few senior officers but the police institution emerged surprisingly undamaged. The pursuit of actively countering perceptions of scandal headed off the loss of police legitimacy on this occasion. Whether this is sustainable in the longer-term is uncertain given the numbers of policing failures that are arising in contemporary times. These episodes provide additional opportunities to further test and develop the scandal model. It is also worth testing further in jurisdictions outside England and Wales and for efficacy with different types of scandal, i.e., historic, new, episodic and recurring. A more precise concept of scandal has the potential to enhance our analytical power to predict which emerging events are likely to undermine support for, trust in, and consent to, policing. Thus, it is worth pursuing not simply to have a working model of scandal, but to enable analysis of failures that have implications for the legitimacy of public institutions and the operation of power in society.

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Notes

1. Plebgate was an incident in which the government chief whip Andrew Mitchell was accused of swearing at police officers and calling them 'plebs'. Although Mitchell resigned, subsequent events led to the dismissal of four officers.
2. The Nexis database was used to search the UK's national and local newspapers for online and print coverage of the Leveson Inquiry during the periods 26 February – 12 April 2012 and 27 November – 12 December 2012. These periods captured Module Two plus the two days prior to the launch of the Leveson Report and the following two weeks. The searches generated over 1700 items.

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