

Sir Norman Bettison: Alleged Attempt to Influence Improperly the Decision-Making Process of West Yorkshire Police Authority

**Independent Investigation
Final Report**

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Commissioner's Foreword

On 12 October 2012 I announced two independent investigations involving the then-Chief Constable of West Yorkshire, Sir Norman Bettison. One was the investigation into the aftermath of the Hillsborough disaster, potentially involving hundreds, if not thousands, of officers, including Sir Norman, who was a Chief Inspector in South Yorkshire Police at the time of the disaster. This investigation is in its early stages and is not the subject of this report.

The second investigation concerned Sir Norman's conduct in relation to his alleged attempt to influence the decision-making process of West Yorkshire Police Authority in the days following the publication of the Hillsborough Independent Panel's report in September 2012.

This investigation was focussed on the contact between Sir Norman and the Chair and Chief Executive of the Police Authority in September 2012. The purpose was to determine whether there was any attempt by Sir Norman to improperly influence, intercept, delay and/or distort the deliberations of the Authority in deciding whether to refer him to the IPCC in respect of complaints about him in connection with the Hillsborough disaster.

At the heart of the allegations against Sir Norman is the discrepancy between his version of events and that of the Chair and Chief Executive of the Police Authority. Although Sir Norman was recorded as saying a referral to the IPCC would make his position untenable there is no suggestion he tried to stop the referral happening. At issue was his professed desire that he refer himself to the IPCC, whether it was appropriate for him to try to do this and how he attempted to make it happen.

The Chief Executive was also able to provide contemporaneous notes of his conversations, and the evidence of all parties is set out in detail in this report. On the balance of probabilities the evidence in relation to his desire to refer supports the account of the Chief Executive, and on that basis we have found Sir Norman has a case to answer for discreditable conduct and abuse of authority. In relation to the conflicting versions between Sir Norman and the Chair of the Police Authority, neither made a record at the time and there is simply no evidence to confirm which version is correct.

By his own account Sir Norman was anxious for the complaints against him to be referred to the IPCC, but the evidence demonstrates that he wanted to control the process.

Given the content of the Hillsborough Independent Panel's report which implied that he may have been involved in manipulating the facts and supplying misinformation to the media, Parliament and the public following the Hillsborough disaster, the evidence suggesting that he has attempted to manipulate public messages can only be damaging to his reputation. It is concerning that his first thoughts appear to have been to protect his own position.

However a finding that Sir Norman has a case to answer is not a finding that he is guilty. Such a finding could only follow a formal misconduct hearing in which the evidence would be tested, and as Sir Norman is no longer a police officer, such a hearing cannot be held.

I am very mindful of the public concerns around officers resigning or retiring while under investigation, thereby escaping a misconduct sanction. I do find it unacceptable that officers take that option rather than facing up to the case against them. On 23 October 2012 Sir Norman announced his intention to retire with immediate effect. This decision was not under investigation, but it seems that, in this case, Sir Norman's departure was a direct result of actions by the Police Authority. It is clear from the evidence provided by both Sir Norman and the Chief Executive of the Authority that, in fact, the Police Authority required Sir Norman to resign on 24 October 2012, and it was not Sir Norman's wish to go at this time.

The Hillsborough disaster and its aftermath have become synonymous in the public consciousness with allegations of police attempts to cover-up the truth, manipulate messages and deflect blame. Sir Norman is facing investigation in relation to allegations that he played a key part in this. We do not pre-judge the findings of that investigation. However, given the effect that those allegations have had on the public perception of him and policing generally, his attempts to manipulate and manage the perception of the referral of complaints about him, for his own self-interest, is particularly concerning. It is also conduct that falls far short of what should be expected of any Chief Constable.

It was the IPCC's view at the start of the investigation, as it was the view of his Police Authority, that Sir Norman's actions, if proven, fell so far short of what is expected of a Chief Constable that dismissal would be justified. The evidence uncovered during the investigation supports that view.

While we cannot bring this case to misconduct proceedings, we can publish the evidence and our conclusions, so that the public can judge for themselves. This case should also serve as a salutary reminder to chief officers everywhere of how much public confidence in policing is damaged when the conduct of leaders is called into question.

Deborah Glass
Deputy Chair
28 March 2013

Introduction

1. This investigation concerns an allegation that Sir Norman Bettison inappropriately attempted to interfere with the process by which complaints about his conduct were referred to the Independent Police Complaints Commission.
2. On 12 September 2012 the report by the Hillsborough Independent Panel was published. The Panel's remit was to oversee the disclosure of thousands of documents about the Hillsborough disaster and its aftermath and produce a report illustrating how the information disclosed added to public understanding of the tragedy and its aftermath. The report contained several references to Sir Norman, who was a serving Chief Inspector in South Yorkshire Constabulary at the time of the disaster. In September 2012, when the report was published, he was Chief Constable of West Yorkshire. A Special Committee of the West Yorkshire Police Authority was convened to consider complaints against Sir Norman Bettison and address any conduct matters as appropriate. On 15 September 2012 the Special Committee met and decided to refer to the IPCC complaints about Sir Norman which they had received following publication of the panel's report. The complaints related to two matters: allegations about Sir Norman's involvement in disseminating misleading information and the statement he made following publication of the Hillsborough report. These complaints do not form part of this investigation, and are being otherwise handled by the IPCC.
3. Prior to this meeting, Sir Norman spoke to both the Chair and Chief Executive of the Police Authority and proposed that he refer himself to the IPCC.
4. On 3 October 2012 the Special Committee met again to discuss these conversations. They determined that Sir Norman's conduct could be regarded as having the intention or effect of usurping the proper functions of the police authority and could undermine public confidence. On 9 October 2012, they therefore referred this matter to the IPCC. IPCC Deputy Chair Deborah Glass decided that this matter would be the subject of an independent investigation. This report details the findings of that investigation.

Terms of reference

5. The terms of reference for the investigation were:
 - (a) To investigate the contact that took place between Sir Norman Bettison with Fraser Sampson (Chief Executive) and Mark Burns-Williamson (then Chair) both of West Yorkshire Police Authority on 15 September 2012.
 - (b) To determine whether there was any attempt by Sir Norman Bettison to improperly influence, intercept, delay and/or distort the deliberations of the Authority in deciding whether to refer complaints about him in

connection with the Hillsborough disaster to the IPCC.

- (c) To identify whether Sir Norman Bettison, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.

Subjects of the investigation

6. Sir Norman Bettison was the Chief Constable of West Yorkshire until his resignation on 24 October 2012 and therefore, was a serving police officer during September 2012 when the relevant events took place and subject to the police complaints / misconduct regulatory regime. The referral by the Police Authority indicated 'recordable conduct matters' against Sir Norman (i.e. an indication that Sir Norman may have misconducted himself). Such indications require the investigator to assess the 'severity' of these matters. This involves an assessment as to whether, if the conduct was proved, it would amount to misconduct or gross misconduct.
7. This 'severity assessment' concluded that Sir Norman had potentially breached the standards of professional behaviour regarding honesty and integrity, abuse of authority and discreditable conduct. The assessment concluded that, if proven, this would amount to gross misconduct.
8. On 29 October 2012 a regulation 14A notice was served on Sir Norman by way of recorded delivery.
9. On 12 November 2012 a regulation 14C written response was received from Sir Norman regarding the allegations. A summary of that response appears within this report. On 30 November Sir Norman attended the IPCC's offices in London and was subject to a misconduct interview.

Witness Evidence

10. On 12 September 2012 the report by the Hillsborough Independent Panel was published. This was considered by Fraser Sampson, Chief Executive West Yorkshire Police Authority to assess whether it affected Sir Norman in any way.
11. At around 9.30am / 10.00am on 13 September 2012 Mr Sampson records that he spoke on the telephone with Sir Norman having received a text message from him requesting that he call him urgently. According to Mr Sampson's note, Sir Norman said the press 'coverage was far worse than he had predicted yesterday' and that if the Authority announced it was voluntarily referring the matter to the IPCC it would make his position untenable. Mr Sampson states that he informed Sir Norman that the matter would be looked at in detail, and that he would want to know what other agencies such as the IPCC were doing. Mr Sampson made attendance notes of all of his contact with Sir Norman.
12. On 14 September 2012, at approximately 9.00am Mark Burns-Williamson, Chair of West Yorkshire Police Authority, states that he attempted to call Sir Norman but gained no reply. Mr Burns-Williamson left a voicemail message advising he was contactable all day. He did not receive a

- response. Mr Sampson also sent Sir Norman a text message requesting that he contact him, but likewise received no reply that day.
13. At 10.00am on 15 September 2012 Mr Sampson received a phone call from Sir Norman. According to Mr Sampson's note of this call (which has been confirmed by Mr Sampson in a statement) Sir Norman said that he had been formulating a plan in response to the publicity. He stated that he had been out of signal area and had therefore not been able to respond to his messages. He said he had been planning to publicise a statement on Monday 18 September, but had just learnt from voicemail that the Special Committee was going to be convened immediately. He said he thought the best way to proceed was for him to refer himself to the IPCC rather than the Authority make the referral. Sir Norman asked if this was possible and Mr Sampson advised him that this could not be done formally as the appropriate authority under the legislation was the Police Authority.
 14. According to Mr Sampson's evidence, Sir Norman added that it was imperative that he maintained the "high ground" and was seen to be on the front foot with this matter. He was proposing that he referred himself to the IPCC and that the Police Authority later adopted and endorsed this action. Mr Sampson's note makes reference to Sir Norman *'proposing joint press release thereafter rather than SC [special committee] unilaterally referring him to the IPCC. This would also allow CC [Sir Norman] to say he was helping PA [Police Authority] out of the 'invidious position' in which it found itself.'* This is reflected in similar terms in Mr Sampson's statement.
 15. Mr Sampson advised Sir Norman that the only action he could take about referring himself to the IPCC would be informal. In relation to any informal referral, Mr Sampson's contemporaneous note of the conversation records, *'FS [Fraser Sampson] saying that the only action CC [Sir Norman] could take in respect of referral would be informal – the AA [appropriate authority] was the PA [police authority] and how it chose to deal with the matter this morning would be a matter for the SC Chair [Special Committee chair] this morning.'* Mr Sampson's statement states, *'I informed him that the only action he could take about referring himself to the IPCC would be informal. The authority are the appropriate authority to refer and that the decision with [sic] be down to the special committee'*.
 16. Mr Sampson's note records, *'CC saying that he would really like the SC to let him do this and asking FS to address them on it and persuade them'*. Mr Sampson's statement similarly records, *'Norman stated that he would really like the special committee to allow him to refer himself and asked me to address them and persuade them.'* Mr Sampson's notes record, *'FS advised he was on way to PH to convene the committee at 11:00 – agreeing to raise with Chair of SC when he briefed him but reiterating was matter for the SC but he would raise on CC's behalf as requested.'* Mr Sampson's statement states, *'I told him that I would raise this with the chair of the special committee on his behalf as requested.'*
 17. Later that morning Sir Norman contacted Mr Burns-Williamson. According to Mr Burns-Williamson, Sir Norman stated that he had not responded to his messages as he had 'gone to ground', and said he wanted to make a voluntary referral himself to the IPCC. Mr Burns-Williamson says he

- “made it very clear” that this was the responsibility of the Special Committee and the Police Authority to refer and not for Sir Norman to undertake himself. Mr Burns-Williamson stated that he told Sir Norman it was a matter for him if he wanted to speak to Mr Sampson, but he would be better off leaving it for the Committee to deal with.
18. Mr Burns-Williamson also stated that Sir Norman made it clear that he wanted it to be known that the voluntary referral was being made by him in person and not by the Police Authority, and that he wanted the Special Committee to be told about the voluntary referral and for the committee to take that into account when making decisions at the meeting.
 19. According to Mr Sampson’s notes and statements, whilst he was addressing the Chair of the Special Committee, his mobile phone showed that Sir Norman had attempted to contact him on eight occasions between 10.41am and 10.57am. Whilst briefing the Chair, Mr Sampson was informed that Sir Norman was on the phone and wished to speak to him urgently. When they spoke, Sir Norman reiterated the importance of being able to self refer to the IPCC and for the Authority to adopt that action.
 20. Mr Sampson notes record “*CC reiterating importance of getting SC to allow him to refer self to IPCC and then PA adopt action – stressing ‘sequencing’ was critical.*”
 21. Mr Sampson’s notes record that Sir Norman stated that he had spoken to Mr Burns-Williamson and that Mr Burns-Williamson had agreed to consider the sequencing of a joint press statement and referral. Mr Sampson records that he advised Sir Norman that Mr Burns-Williamson was not a member of the Special Committee and that he needed to remain independent of the decisions the committee had to take. Sir Norman stated “*I really need you to do this for me*”.
 22. Mr Sampson stated that he advised the Chair of Sir Norman’s request and it was agreed that it would not be mentioned to the Committee until after the meeting.
 23. Following Sir Norman’s misconduct interview with the IPCC, the investigation sought to clarify some issues with Mr Burns-Williamson. He stated that he never indicated to Sir Norman that he would have no objection to Sir Norman self-referring if he was on the committee and says no such conversation took place. He added, therefore, that he would not have said this could be relayed to Mr Sampson. He confirmed however that he did say to Sir Norman that it was a matter for him, should he wish to suggest the matter of self-referral to Mr Sampson.
 24. At the meeting on 15 September, the committee decided to refer the public complaints which had been received, and were then briefed by Mr Sampson on the conversations he had had with Sir Norman prior to the meeting. It was the members’ view that it was wholly inappropriate for Sir Norman to expect the committee to adopt that course of action. Mr Sampson stated that, ‘The committee felt that Norman should not be seeking to influence the functions of the authority.’

Response to the allegations

25. On 19 November 2012 a written response to the allegations was received from Sir Norman.
26. Sir Norman stated that he was informed by Mr Burns-Williamson on 13 September 2012 that a Special Committee was to be convened to consider the publication of the Hillsborough Independent Panel report. He believed that the meeting was to take place the following Thursday (20 September). He stated that, following the publication of the Independent Panel's report, there was intense media pressure on him and his family which was "*unbearable*" and that by the morning of the 15 September 2012, he resolved to explore the opportunity to refer himself to the IPCC in order that a proper and independent investigation, specifically into his own conduct, could take place. His response states that he felt this was a proper way to address the intense media coverage and would also immediately result in his referral which would remove any dilemma the Police Authority may have felt with the historic nature of the complaint. He stated that he genuinely believed that self-referral would publicly demonstrate his long held position that he has nothing to hide from an independent investigation into his conduct.
27. He stated that he spoke with Mr Sampson at approximately 9.55am on 15 September. During this telephone conversation with Mr Sampson, Sir Norman stated he informed Mr Sampson of his proposal to refer himself to the IPCC, and was then told the Special Committee was in fact meeting that morning. The written response states that Sir Norman asked Mr Sampson if he would put his suggestion to the Committee and Sir Norman indicated that he could arrange for a referral to be made that morning if the Committee approved it. Sir Norman's response states that he referred to his suggestion as 'sequencing' the referral so that Sir Norman referred and the Authority endorsed. Sir Norman stated that he asked Mr Sampson if he thought the Special Committee was going to refer him to the IPCC. He said he was told the Committee may make a referral, or may meet as planned the following week. He stated that it was his wish that any referral should take place straight away and that had he believed that the Special Committee would definitely refer him that day, he would have withdrawn the suggestion of self referring.
28. Sir Norman stated that he spoke with Mr Burns-Williamson at approximately 10.35am. He stated that he informed Mr Burns-Williamson of his proposal to self-refer and that Mr Burns-Williamson confirmed he could see the benefit to Sir Norman and might have no objection to it if he was on the Committee. He stated Mr Burns-Williamson agreed that Sir Norman could convey this to Mr Sampson.
29. Sir Norman confirmed that, "*after a number of attempts to contact Mr Sampson*", they spoke again at approximately 10.55am. He stated he had a "*sense of urgency*" because he was concerned if the referral was not made that weekend, the media speculation would only intensify. In this second telephone conversation with Mr Sampson, Sir Norman stated he was told that his suggestion regarding self-referral would be put to the

Special Committee as an option. He said that at no time did Mr Sampson say his suggestion was inappropriate, adding that if Mr Sampson had at any point in time informed him that his suggestion was inappropriate, he would have immediately withdrawn it. Sir Norman's response makes reference to the fact that Mr Sampson was the solicitor to, and Chief Executive of, the Police Authority and had considerable experience of police misconduct and disciplinary procedures. Sir Norman suggests that if there had been anything improper in his suggestion, he would have expected that Mr Sampson would have declined to put his suggestion to the Special Committee.

30. Sir Norman stated he had no intention to delay, prevent or usurp the process of referral by the Police Authority, but on the contrary wanted it to take place as quickly as possible.
31. On 30 November 2012 Sir Norman attended the IPCC office in London and was interviewed.
32. He stated that he had always understood very clearly that the Police Authority was the appropriate authority for discipline matters regarding a Chief Constable. He said he was less clear about who could refer matters to the IPCC and stated he thought he had been influenced by a previous situation whereby another Chief Constable had referred himself to the IPCC.
33. Sir Norman denied discussing voluntary referral (that he had said voluntary referral by the police authority would make his position untenable) with Mr Sampson on 13 September 2012. He stated that they had only discussed the wording of a press statement about to be issued by the Police Authority regarding "*being referred to a committee that dealt with misconduct matters*".
34. Sir Norman stated, "*My position was that I had not...misconducted myself in relation to Hillsborough and therefore what I was trying to avoid was the indication being given that there was a, an acceptance by my own Police Authority that there were misconduct matters.*"
35. Sir Norman explained that on 14 September 2012 he was on leave and travelled to Surrey and stayed in a hotel. He had received the text from Mr Burns-Williamson saying he was in the office, but after that, he had been unable to receive any messages due to there being no signal.
36. Sir Norman stated that he telephoned Mr Sampson on 15 September 2012, but that this was in response to a telephone call from Elaine Shinkfield at the Police Authority asking him to contact Mr Sampson. He stated that he immediately told Mr Sampson that he needed to refer himself to the IPCC. He stated that he wanted to get out of the media firestorm and didn't want to wait until the Special Committee which he believed was taking place on 20 September, five days later. He stated that he had intended to talk to the Chief Executive and the Chair about this proposal later that day.
37. He stated that Mr Sampson responded to this proposal by saying "*I don't know whether the regulation allows that....but I dare say you could do it*"

- informally.*” Sir Norman stated that it was at this point that he offered the idea that he could make the referral himself, and the Police Authority could endorse it. He stated that at no time during his conversation with Mr Sampson was he told that his proposition was inappropriate, and said if that had been the case he would have withdrawn it.
38. He stated that, following this exchange, Mr Sampson informed him that the meeting of the Special Committee was taking place that day. He stated that he asked Mr Sampson whether the Committee would refer him, and was told they may do, but they may also meet as planned next Thursday. Sir Norman stated that he told Mr Sampson it had to be resolved that day, and that his proposition would address the dilemma that the Police Authority had about *“picking up something from twenty three years ago”*, and also show he had nothing to hide from a fair and objective investigation. He stated that Mr Sampson agreed to put it to the Committee as an option. Sir Norman denies that he said *“I want to maintain the high ground”*.
39. Sir Norman stated that he later spoke to Mr Burns-Williamson and asked his views on his proposition. He claimed that Mr Burns-Williamson said he could *“see the benefit to you and..I might be...prepared to go along with it if...it was put to the Committee and I was sitting on the Committee”*. Sir Norman stated that Mr Burns-Williamson agreed that Sir Norman could repeat that to Mr Sampson. He also stated that Mr Burns-Williamson made it very clear that he was keeping himself separate from the Committee.
40. Sir Norman accepted that he had made a number of attempts to contact Mr Sampson following this call. He agreed that he was anxious to get back to Mr Sampson as he was cognisant of the fact that the Special Committee was due to commence at 11.00am. He did not want the meeting to end without a decision being made to refer the complaints to the IPCC, because this would result in at least another few days of *“trial by media.”* He stated that the urgency for him wasn’t in conveying *“Mark’s rather bland message....but in stressing to Fraser, on the hook of Mark’s comment, that there was important indeed urgent that a decision was made to get it into the fair objective and proper process.”*
41. He denied telling Mr Sampson that Mr Burns-Williamson had agreed to consider the sequencing of a joint press release and referral saying *“No, not in that detail, no. I might have offered the proposition that if this goes ahead we can do a joint press release.”* He said it was never explicitly stated or part of his thinking that he wanted to announce the fact that the complaints were being referred to the IPCC before West Yorkshire Police Authority made that known.
42. Sir Norman reiterated that it was his intention to act with honour and propriety to what was a very distressing situation for both himself and his family.
43. He stated that there was no intent to undermine public confidence and that it was not consistent with the way he had ever conducted his relationship with the Police Authority. He said what he had been seeking to do was to reinforce public confidence by way of the IPCC conducting an investigation

rather than the tabloid press.

Policies and procedures

44. At the time these matters were referred Police Authorities were responsible for dealing with complaints and conduct matters involving any officer above the rank of Chief Superintendent.
45. In addition to Police Authorities' duty to refer serious complaints or conduct matters about such officers, they were encouraged to refer any matter if there were particular concerns about its seriousness or exceptional circumstance.

Conclusions

46. It is accepted Sir Norman was the subject of intense media scrutiny following the publication of the Hillsborough Independent Panel's report.
47. Mr Sampson's note of the telephone conversation he had with Sir Norman on 13 September records that Sir Norman stated that if the Police Authority said that it was referring the matter to the IPCC it would make his position untenable. In interview Sir Norman insisted that there was no discussion at that time about referral to the IPCC. He stated the issue was about it being referred to a committee.
48. Sir Norman said during interview by IPCC investigators that he was trying to avoid the indication being given that there was an acceptance by the Police Authority that there were misconduct matters to be dealt with.
49. Mr Sampson made notes following his conversations whereas Sir Norman did not. Therefore it is considered likely that Mr Sampson has a more accurate recollection of the conversation which took place than Sir Norman. It is considered more likely than not that a referral to the IPCC was discussed and Sir Norman did say that if that happened it would make his position untenable.
50. However, there is nothing within the evidence about what took place on 15 September to suggest that Sir Norman was at that time trying to avoid being referred to the IPCC. Rather, the evidence suggests that Sir Norman had by this stage determined that he wanted to refer himself to the IPCC before the Special Committee did so.
51. Sir Norman stated that he was unclear about the referral process to the IPCC regarding complaints about Chief Officers, although he knew that West Yorkshire Police Authority was the appropriate authority regarding any discipline matters pertaining to him.
52. Sir Norman stated in interview that he was relying on a precedent that another Chief Constable had moved to refer himself to the IPCC. There is no mention of this in his written response dated 12 November 2012. The IPCC sought a further written response from Sir Norman following interview about this issue. In that response he confirmed that he had no

direct knowledge that that is what that Chief Constable did, and that he had never spoken directly to him about this. Sir Norman was unable to provide detail as to who told him that the Chief Constable had referred himself or when he heard this. He also confirmed that he did not raise this at any stage during his discussions with Mr Burns-Williamson or Mr Sampson on or prior to 15 September.

53. The IPCC has established what action the other Chief Constable did in fact take. Following allegations made about an investigation during a television programme, a solicitor advising the investigation wrote a letter to the IPCC, with the Chief Constable's agreement, informing the organisation of the allegations. It did not purport to be a referral and was not treated as one.
54. There is agreement between the evidence of both Mr Sampson and Sir Norman that Mr Sampson informed him that he could not formally refer himself to the IPCC, and that any such action would have to be informal. Mr Burns-Williamson also states that he informed Sir Norman that it was the responsibility of the Special Committee to make the referral, not Sir Norman. Sir Norman's account does not refer to Mr Burns-Williamson saying this, but does say that he told Mr Burns-Williamson that Mr Sampson was not optimistic about the Committee agreeing to this. He says Mr Burns-Williamson stated that he was keeping himself separate from the Special Committee.
55. If Sir Norman had been under the mistaken impression that another Chief Constable had referred himself to the IPCC, it would seem logical to have raised this at some point in these discussions. Given his acceptance that he did not do so, the fact that this was not part of Sir Norman's initial response to these allegations, and his somewhat vague account of how he formed this impression, the IPCC is not persuaded that Sir Norman had this in his mind.
56. It is accepted that there is no evidence to indicate that anyone advised Sir Norman that his proposition regarding self-referral was inappropriate. However, he was clearly advised, according to all parties, that the appropriate authority to make the referral was the Police Authority, and continued to make efforts to persuade Mr Sampson following this advice.
57. Sir Norman stated that he was concerned that although the Special Committee was meeting five days earlier than he had anticipated, that they could still delay a decision to refer. However, for the reasons set out below, the evidence does not support this contention.
58. Mr Sampson made a note of the conversation between himself and Sir Norman on 15 September regarding putting the proposition to the Chair of the Special Committee. There is nothing to suggest that there was a discussion about timing of the referral. There is nothing recorded regarding Sir Norman's alleged concern that the referral decision could be postponed, or that Sir Norman asked whether a decision would be made that day, or that Mr Sampson indicated that it may not be. Instead, the note contains numerous references to Sir Norman's desire to self-refer.
59. Further support comes from the evidence of Mr Burns-Williamson, who in

relating their telephone conversation, makes no reference at all to any desire expressed by Sir Norman for the referral to take place that day. Neither Mr Sampson nor Mr Burns-Williamson provides any evidence to suggest that Sir Norman asked either of them whether a referral would be made that day.

60. Sir Norman was aware that the Special Committee meeting was to finish at 12 noon and he confirmed this in interview with IPCC investigators. If his concern was to ensure that the referral be made that day, then logically, there is no reason why he could not have waited until after the meeting of the Special Committee and then taken action to refer himself that afternoon if no decision had been made by the Committee (albeit that approach would have been inappropriate had it occurred because it would have usurped the proper independent decision-making of the Special Committee). According to Mr Sampson's contemporaneous note, Sir Norman informed him during their first telephone call on 15 September that he had been planning to publicise a statement on Monday, but that he had just learnt that the Special Committee was going to be convened immediately. Sir Norman also stated during interview that he wasn't in a hurry to speak to Mr Sampson, but his urgency seemed to arise once he realised the Special Committee would be meeting that day.
61. Mr Sampson's notes are clear that Sir Norman wanted to refer himself rather than the Police Authority make the referral. The note includes *CC reiterating importance of getting 'SC' to allow him to refer self to IPCC and then 'PA' adopt action – stressing 'sequencing' was critical*. This is supported by the evidence of Mr Burns-Williamson.
62. Taking all of this into account, the evidence does not support Sir Norman's contention that his primary motivation in proposing self-referral was to ensure that the referral was made without delay. It is considered more likely than not that Sir Norman was anxious to make the referral himself because he felt that if the Police Authority referred him then the public would form the impression that he had misconducted himself. There is support for this view from Sir Norman's own statement in interview, that he wanted to avoid the impression being given that the Police Authority considered there was misconduct to be dealt with. Mr Sampson also records Sir Norman stated he wished *'to maintain the high ground'*. There is no reason why Mr Sampson would fabricate that and therefore it is more likely than not that Sir Norman was considering his own reputation, notwithstanding his desire to have the complaints independently investigated.
63. On the balance of probabilities it is considered that the evidence indicates that Sir Norman was trying to influence the decision making of the Police Authority because he wanted the public to believe that he had referred himself to the IPCC, to avoid any public impression he had done something wrong. Sir Norman put his own reputation as an individual above the need to ensure that a proper and transparent process was followed. Sir Norman's pre-occupation with what the public would think of him as an individual led him to try to adopt a process, and persuade others to adopt a process which removed the independent consideration of the

issues from the committee whose responsibility it was to make that decision. Instead, he was trying to present them with a “fait accompli” that they could then endorse, rather than allow them to reach their own decisions without his influence. It is considered that, if proven, this would amount to a breach of the standards of professional behaviour of discreditable conduct and abuse of authority. It is considered that his behaviour would undermine public confidence in both the police and the police complaints system.

64. His status as Chief Constable enabled him to have these conversations with the Chair and Chief Executive of the Police Authority. The officers who served under Sir Norman as Chief Constable are not in a position to have such conversations, or to attempt to influence the process by which referrals are made to the IPCC. As such, it is considered that he was exploiting his privileged access to those individuals. It is considered that this amounts to an abuse of his senior position.
65. These things ought to have been obvious to Sir Norman as Chief Constable. However, it must also be borne in mind that neither Mr Sampson nor Mr Burns-Williamson claim to have told Sir Norman that his requests were inappropriate (albeit they both make clear that referral was a matter for the Special Committee), and in agreeing to raise this request with the chair of the Special Committee, Mr Sampson may have given Sir Norman the impression that he felt this was an appropriate course of action. Further, it is accepted that following the publication of the Hillsborough Independent Panel report, Sir Norman was under a great deal of media scrutiny and criticism. While he may have wanted to try to mitigate that criticism, the way he tried to do that was not acceptable.
66. His actions on 15 September do not suggest that he was seeking to avoid an investigation of his actions regarding the Hillsborough disaster. Instead, they can more accurately be described as seeking to manipulate the referral process and the way that referral and the investigation following that referral were seen by the public. But they must also be considered in the context of the environment he was in, which followed allegations stemming from the Hillsborough Independent Panel’s report suggesting that he may have been involved in manipulating the facts and supplying misinformation to the media, Parliament and the public following the Hillsborough disaster. As a Chief Constable who was under considerable public criticism, he bore particular responsibility for ensuring that there could be no perception that he was trying to manipulate the referral process (potentially undermining that process and the resultant investigation) in an attempt to ensure that he was viewed less negatively by the public.
67. In considering whether this amounts to a case to answer for misconduct or gross misconduct, I have considered Sir Norman’s position as Chief Constable. In this capacity he was the appropriate authority for discipline matters for his own officers, and responsible for setting the highest standards for those officers. It is therefore reasonable to expect only the highest standards of conduct from him. Sir Norman held the privileged position of Chief Constable with direct access to those taking decisions

about referring the complaints against him to the IPCC. Given this, it is reasonable to expect him to have behaved with greater restraint and ensured that there was no room for any criticism of his conduct in relation to the referral. Taking all this into account, we find that he has a case to answer for discreditable conduct and abuse of position. We consider that his actions would so undermine the faith of those officers serving under him, and members of the public, that a panel considering this conduct would form the view that Sir Norman's position as head of the force was untenable and thus dismissal would be justified. This therefore amounts to gross misconduct. This was also the view of the Special Committee who determined that Sir Norman should be referred to the IPCC in respect of this conduct.

68. Sir Norman's honesty and integrity must also be examined. This allegation related to whether Sir Norman had been dishonest in recounting the content of his telephone conversation with Mr Burns-Williamson when he relayed that back to Mr Sampson – i.e. whether he had informed Mr Sampson that Mr Burns-Williamson had agreed to something which he had not.
69. During his second call with Sir Norman on 15 September, Mr Sampson noted that Sir Norman said Mr Burns-Williamson had agreed to the sequencing of a press release following referral to the IPCC. Mr Burns-Williamson denied he gave this agreement. His statement confirmed that he did not discuss the sequencing of a press statement. Sir Norman stated in interview he was referring to a sequence of referral, endorsement, and then a joint or separate press statement.
70. Mr Burns-Williamson also denies the claim that Sir Norman made both in his written response and at interview, that Mr Burns-Williamson had indicated that if he was on the Special Committee he would have had no objection to Sir Norman's proposal and that Sir Norman could tell Mr Sampson that. He says: "*The conversation relating to me having no objection if I was on the Special Committee did not take place, so I would not have said he could relay that to Fraser*".
71. Unfortunately, neither Sir Norman nor Mr Burns-Williamson made any note of this conversation, and it is one individual's word against another's. There was no third party to these telephone conversations, and no independent witness to support either side's account. Both accounts were obtained some weeks/ months after the events in question, by which time it would be difficult to be entirely accurate. For all those reasons, the IPCC is not satisfied that either individual's account can be said to be inherently more reliable than the other's. The IPCC is not therefore able to say, on the balance of probabilities, that it is more likely than not that Sir Norman was dishonest. Therefore it is not considered that there is a case to answer in respect of honesty and integrity.

Steve Reynolds

Senior Investigator, IPCC

25 March 2013