

Terms of Reference

Investigation into police involvement in the aftermath of the Hillsborough tragedy

Investigation Type:	Independent
Appropriate Authorities:	South Yorkshire Police, West Midlands Police, West Midlands Police Authority, West Yorkshire Police Authority; others to be identified
Commissioner:	Rachel Cerfontyne

Summary of events

On 15 April 1989 over 50,000 men, women and children travelled by train, coach and car to Hillsborough Stadium, to watch an FA Cup Semi-Final between Liverpool and Nottingham Forest.

Shortly before kick-off was due at 3pm, a significant number of Liverpool fans entered the stadium through an exit gate which had been opened by South Yorkshire police officers. They then proceeded down a tunnel under the West Stand which led into two central pens located behind the goal area. The pens were already at or near capacity. This led to serious overcrowding in which, or subsequently, ninety-six women, men and children died, while hundreds more were injured and thousands traumatised.

Some of the injured and deceased were initially moved to the gymnasium, where relatives went to identify them, and were asked questions about their loved ones by police officers. Allegations have been made that relatives faced inappropriate and insensitive questioning in the gymnasium.

Immediately after the tragedy, Lord Taylor commenced a judicial inquiry into the disaster. Officers from West Midlands Police were appointed to assist him. In time, this investigation also formed the basis of a report to the Director of Public Prosecutions for him to consider whether any organisation or individual should be charged with offences. The West Midlands investigation also provided the basis for inquests which were held, and for complaint investigations against several police officers which were supervised by the Police Complaints Authority.

However, work was also done within South Yorkshire Police to gather accounts from officers. This process was led by senior teams within South Yorkshire Police, and with the

assistance of an external solicitor. In addition, the tragedy was discussed at various meetings, including in the presence of Members of Parliament. Stories which were unfavourable to Liverpool fans, which are alleged to have originated with South Yorkshire police officers, also appeared in the press.

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The IPCC will seek to establish whether there was any misconduct or criminal behaviour by police officers from any of the forces involved in events which took place after the tragedy, specifically:

1. [The actions of police officers in the gymnasium, in particular whether the treatment and questioning of relatives was appropriate] It has been agreed with Operation Resolve that this Term of Reference will be covered as part of the managed investigation they are conducting.
2. The interactions of police officers with the press and politicians in particular:
 - a) Whether any officer was involved in the passing of inappropriate or inaccurate information to a journalist, including whether any police officer was involved in passing written accounts to the press;
 - b) Whether any police officers passed inappropriate or inaccurate information to any Member of Parliament – whether individually or at meetings. This will include investigation of the actions of Norman Bettison in visiting Parliament and the evidence which he presented;
 - c) Whether the briefing which was given to the Home Secretary and Prime Minister on the day after the tragedy contained any inaccurate or inappropriate information; and
 - d) Whether the evidence demonstrates that such interactions were directed or encouraged by South Yorkshire Police.
3. The actions of police officers and those providing legal advice to police officers in relation to the collection of evidence, in particular:
 - a) The role of the teams led by Chief Superintendent Wain and Chief Superintendent Denton;
 - b) The direction which was given to officers not to complete notebooks or duty statements;
 - c) The process of obtaining handwritten accounts, and the way some of those accounts were subsequently amended, including:

- The actions of officers who agreed to amend their statements
 - The actions of any officer involved in asking them to do so;
- d) Whether amended statements were put forward on behalf of any officer which they had not agreed and / or signed; and
- e) Whether the amendments were made in an attempt to deflect blame from the police.
4. The evidence that was put forward on behalf of South Yorkshire Police, or by individual officers, to the West Midlands Police investigation, Lord Taylor's Inquiry, and the inquests, or in the immediate aftermath of the disaster considering:
- a) Whether any officer gave evidence that was inaccurate, false or deliberately misleading (or was involved in attempts to persuade others to do so);
- b) Whether such evidence contained inaccurate, misleading or irrelevant criticism of fans' behaviour;
- c) Whether the "Wain Report" was an accurate and complete picture of the evidence;
- d) Whether any police officer gave inaccurate or misleading evidence about past actions to close the tunnel.
5. The checking of blood alcohol levels of the deceased and survivors and what, if any, influence any police officer may have had on the Coroner's / any other person's decision to do this.
6. The carrying out of Police National Computer checks on the deceased and others in order to establish, if possible, which force or officer was responsible for this, the reasons it was done, and whether it was justified.
7. The actions of officers involved in the investigation which was conducted by West Midlands Police. This will include:
- a) The involvement of West Midlands Police in the decisions which were taken about how to gather evidence / obtain statements;
- b) Whether officers involved in this investigation put inappropriate pressure on any witness to alter their statements or influence the content of those statements;
- c) Whether the summaries of evidence which West Midlands Police presented at the individual inquests were accurate;
- d) Whether there is any evidence of bias in favour of South Yorkshire Police on the part of those involved in or leading the investigation.
- e) Whether any accounts which were provided were deliberately lost, inaccurately recorded, amended or mishandled (including not following up on key witnesses)

- f) Investigating other recorded complaints or conduct matters about the actions of West Midlands Police in the gathering or presenting of evidence

- 8. The IPCC will also reach a finding on whether there was a general attempt by officers within South Yorkshire Police and / or West Midlands Police to deflect or minimise blame for the tragedy from the police service by focussing on the behaviour or alleged behaviour of fans.

- 9. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the Commissioner shall determine whether the report should be sent to the DPP.

- 10. To identify whether any subject of the investigation has a case to answer for misconduct or gross misconduct, or no case to answer.

- 11. To investigate complaints and recordable conduct matters about police surveillance and covert activity linked to the Hillsborough tragedy involving family members of the deceased, survivors and other complainants linked to Hillsborough.

- 12. To investigate whether Sir Norman Bettison was deliberately dishonest in relation to his involvement in the Hillsborough investigation during the application and appointment process for the post of Chief Constable of Merseyside Police in 1998.

- 13. To investigate the allegation that South Yorkshire Police may have been involved in the removal of video tapes from the Sheffield Wednesday CCTV room between 15th April 1989 and 16th April 1989

The IPCC will liaise with the Coroner about the extent of any investigation into any of the matters set above, that may fall within the scope of the inquest.

These terms of reference, which will be kept under review to take into account any evidence of further alleged offences connected to the Hillsborough aftermath, were revised and approved by Rachel Cerfontyne on 26 November 2015.