

Terms of Reference

Investigation into police involvement in the aftermath of the Hillsborough disaster

Investigation type:	Independent
Appropriate Authorities:	South Yorkshire Police, South Yorkshire Police and Crime Commissioner, West Midlands Police, West Midlands Police and Crime Commissioner, West Yorkshire Police, West Yorkshire Police and Crime Commissioner, Merseyside Police, Merseyside Police and Crime Commissioner, Cheshire Constabulary, Cheshire Police and Crime Commissioner
Decision Maker:	Sarah Green

Summary of events

On 15 April 1989, more than 50,000 men, women and children travelled by train, coach and car to Hillsborough Stadium in Sheffield, to watch the FA Cup Semi-Final between Liverpool Football Club and Nottingham Forest Football Club.

Shortly before kick-off was due at 3pm, a significant number of Liverpool supporters entered the stadium through an exit gate that had been opened by South Yorkshire police officers. They then proceeded down a tunnel under the West Stand that led into two central pens located behind the goal area. The pens were already at or near capacity. This led to serious overcrowding, as a result of which 97 women, men and children died, while hundreds more were injured, and many thousands traumatised.

Some of those who died and some who were injured were initially moved to the gymnasium, where relatives were able to identify their loved ones. Allegations have been made that relatives faced inappropriate and insensitive questioning by police officers in the gymnasium.

Immediately after the events, Lord Justice Taylor commenced a judicial inquiry into the disaster. Officers from West Midlands Police (WMP) 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 WMP investigation also provided the basis for the inquests which were held, and for the complaint investigations against several police officers, which were supervised by the Police Complaints Authority.¹

¹ The Police Complaints Authority was the predecessor organisation to the then Independent Police Complaints Commission

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However, work was also done within South Yorkshire Police (SYP) to gather accounts from officers. This process was led by senior teams within SYP, with the assistance of an external solicitor. The tragedy was discussed at various meetings, including in the presence of Members of Parliament. Stories that were unfavourable to Liverpool supporters, which are alleged to have originated with SYP officers, appeared in the press.

Terms of Reference (TORs)

The IOPC will provide reports upon which the decision maker will give opinions as to whether any police officer from any of the forces involved in the events which took place after the disaster would have had a case to answer for misconduct or gross misconduct, or no case to answer, had they still been serving, and determine whether any matters should be referred to the Crown Prosecution Service to consider whether criminal charges should be brought.

The investigation will also investigate complaints recorded and referred to the Independent Office for Police Conduct (IOPC) that have been determined to fall within the terms of reference below. The IOPC will investigate:²

1. The interactions of police officers with the press and politicians, in particular:
 - a) whether any police 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 Sir Norman Bettison in visiting Parliament and the evidence which he presented, its content and subsequent use involving others
 - c) whether the briefing which was given to the Home Secretary and Prime Minister on the day after the disaster contained any inaccurate or inappropriate information
 - d) whether the evidence demonstrates that such interactions were directed or encouraged by South Yorkshire Police

2. 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 Terry Wain and Chief Superintendent Donald Denton

² Please note that the original first term of reference (the actions of police officers in the gymnasium, in particular whether the treatment and questioning of relatives was appropriate) is now addressed by Operation Resolve as part of the managed investigation and so has been deleted from these TORs.

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- 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 accounts
 - the actions of any officer involved in asking them to do so
 - d) whether amended accounts were put forward on behalf of any police officer which they had not agreed and/or signed
 - e) whether the amendments were made in an attempt to deflect blame from the police
3. The evidence that was put forward on behalf of SYP, or by individual officers, to the WMP investigations, Lord Justice Taylor's Inquiry, the contribution proceedings, and the inquests, or in the immediate aftermath of the disaster, considering:
 - a) whether any police officer gave or produced evidence that was inaccurate, false or deliberately misleading (or was involved in attempts 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 was party to or directed the production or selection of evidence that was inaccurate or misleading, including irrelevant criticism of supporters' behaviour and evidence regarding operational police tactics/actions to control the supporters
4. The checking of blood alcohol levels of the deceased and survivors and what influence, if any, any police officer may have had on the Coroner's/any other person's decision to do this.
5. The carrying out of Police National Computer checks on the deceased and others to establish, if possible, which police force or police officer was responsible for this, the reasons why it was done, and whether it was justified.
6. The actions of officers involved in the investigation conducted by WMP. This will include:
 - a) the involvement of WMP in the decisions which were taken about how to

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- gather evidence/obtain witness accounts
- b) whether police officers involved in this investigation put inappropriate pressure on any witness to alter their accounts or influence the content of those accounts
 - c) whether the summaries of evidence which WMP presented at the individual inquests were accurate
 - d) whether there is any evidence of bias in favour of SYP 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 WMP in the gathering or presenting of evidence
 - g) to investigate the following specific conduct matters relating solely to John Mervyn Jones, whilst he was a Deputy Chief Constable and later Chief Constable of Cheshire Constabulary, namely his actions in respect of:
 - i) the deletion of the Hillsborough investigation policy files from the WMP HOLMES account
 - ii) the creation and retention of a printed 'hard copy' of the policy files
 - iii) the retention of original Hillsborough investigation policy books
 - iv) his interactions with the Stuart-Smith inquiry in 1997, in particular in relation to the level of disclosure he provided to the inquiry.
7. The IOPC will also consider whether there is evidence to suggest that there may have been a general attempt by officers within SYP and/or WMP to deflect or minimise blame for the disaster from the police service, including by focusing on the behaviour or alleged behaviour of supporters.
8. To investigate complaints and recordable conduct matters about police surveillance and covert activity linked to the Hillsborough disaster involving family members of those who lost their lives, survivors and other complainants linked to Hillsborough.
9. To investigate the following specific complaints/conduct matters relating solely to Sir Norman Bettison and not already covered elsewhere in the TORs:
 - a) 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

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Police in 1998

- b) the nature and extent of various statements to the press and any other actions after publication of the Hillsborough Independent Panel (HIP) Report, based on allegations that this was part of a continued effort to deflect blame away from SYP towards others, particularly Liverpool supporters
10. To investigate the allegation that SYP may have been involved in the removal of video tapes from the Sheffield Wednesday Football Club CCTV room between 15 April 1989 and 16 April 1989, and to investigate the following specific conduct matter regarding the investigation conduct by WMP Detective Chief Inspector Kevin Tope:
- a) that DCI Tope failed to conduct an effective, thorough, and complete investigation into the alleged theft of two video tapes from the Sheffield Wednesday Football Club CCTV control room and, in doing so
 - b) that DCI Tope failed to secure and preserve evidence, pursue relevant and obvious lines of enquiry and interview key witnesses
11. To investigate the following specific complaints arising in the aftermath of the Hillsborough disaster that are not addressed elsewhere within these terms of reference, namely:
- a) to investigate the allegation that on the final day of the original inquests two uniformed police officers were observed carrying crates of alcohol into the office of the Coroner, Dr Popper, at Sheffield Town Hall, and other officers were seen inappropriately laughing and joking in the room
 - b) to investigate the allegation that a member of the Hillsborough Family Support Group (HFSG), while in conversation with the SYP Chief Constable Peter Wright at Barnsley police station, was assaulted by a police officer who was also present
 - c) to investigate allegations that a police sergeant took a telephone call from a member of the public responding to the disaster and that he:
 - i) failed to record a complaint in respect of allegations of incivility by two uniformed constables at the Hillsborough Stadium prior to the disaster unfolding
 - ii) made veiled threats to the caller, a publican, in connection with the liquor licence he held

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12. 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 decision maker will determine whether the report should be sent to the DPP.
13. To identify whether any subject of the investigation would have had a case to answer for misconduct or gross misconduct, or no case to answer, had they still been serving.
14. To consider and report on whether there is any organisational learning, including:
 - whether any change in police or practice would help to prevent a recurrence of the conduct and complaints investigated
 - highlighting any good practice that should be shared

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 Sarah Green on 17 August 2022.