

Decision in response to the report of the Hillsborough Independent Panel

October 2012

I. Introduction

1. On 12 September 2012 the Hillsborough Independent Panel published its report into the catastrophic event that took place at Hillsborough stadium on 15 April 1989, as a result of which ninety-six women, men and children lost their lives, hundreds were injured and thousands traumatised.
2. This decision sets out the Independent Police Complaints Commission's response to the report and the matters we will be investigating.
3. In addition to its forensic rebuttal of the long-standing myth that the behaviour of the fans was largely responsible for the disaster, the report presents compelling new evidence that many of those who died might have survived. It also presents detailed new evidence of the way in which a large number of official statements were altered during the inquiries that followed.
4. The report provides details, among other things, of those inquiries, which include a judicial inquiry led by Lord Justice Taylor in 1989, a criminal inquiry by West Midlands Police which concluded in 1990, inquests into the deaths and subsequent challenges, a scrutiny by Lord Justice Stuart-Smith in 1997, and a private prosecution brought in 1998.
5. The report, which runs to 395 pages, backed by over 450,000 pages of evidence now published online, covers the run-up to the disaster including the unheeded warnings from previous incidents, the disaster itself, and its aftermath, including not only the inquiries but what appeared to be attempts to distort the truth. It is a testament to the tenacity of the Hillsborough families' long campaign for truth and justice.
6. The response to the shocking revelations in the report was a demand for those responsible to be held to account.
7. It is for the Attorney General to decide whether to apply to the High Court to quash the original inquest and seek a new one, and for the High Court to decide. As the Prime Minister said in his statement to the House of Commons on 12 September 2012:

"It is clear...that the new evidence in today's report raises vital questions that must be examined, and the Attorney-General has assured me that he will examine this new evidence immediately and reach a decision as quickly as possible. "

II. What is the role of the IPCC in responding to the report?

8. In making a decision in response to the Hillsborough report I am very aware of the long and determined fight for truth and justice by the families and victims of the Hillsborough disaster, and the distress and anger this has caused them and the wider community. The Independent Police Complaints Commission has both the responsibility, in the most serious cases, and the power, to investigate allegations in relation to the conduct of the police. This includes powers to investigate alleged criminal behaviour. In 2004 it replaced the Police Complaints Authority, which was in existence at the time of the Hillsborough disaster but had no power to carry out its own investigations.
9. The IPCC can independently investigate matters referred by police forces or police authorities. We can also decide on our own initiative to call in matters which we believe need to be investigated by us.
10. Following the publication of the report we received referrals from the South Yorkshire Police, West Midlands Police and West Yorkshire Police Authority (in relation to Sir Norman Bettison).
11. We have also reviewed the report for ourselves to decide what needs to be investigated. We are continuing to review the underlying documentation and if further matters come to light they will also be investigated.
12. We do not have investigative powers over all of the parties referred to in the report, nor do we have responsibility for a number of key decisions that may follow from it, in particular about whether the Attorney General will apply to the High Court to quash the inquest verdicts. But we want to go forward in the spirit of the Panel's work, to seek to ensure that there is a coordinated approach that can encompass all the issues, agencies and individuals involved, and which liaises closely with the families.

III. What potential misconduct is disclosed in the report?

13. The report itself makes no direct allegations against any individual or institution. It sets out a series of disclosures, backed by documents, which raise serious and troubling questions about the actions of many parties, individuals and institutions, both in the public sector and outside it. Some of the disclosures raise potential criminal offences. Others may amount to misconduct that falls short of criminality. Many of the areas covered in the report have been investigated before, and the disclosures raise questions

about both the thoroughness of those investigations and the conclusions that were reached.

14. The potential criminal and misconduct issues disclosed by the report fall into two broad categories:
- Allegations that go to the heart of what happened at Hillsborough on 15 April 1989, that individuals or institutions may be culpable for the deaths;
 - Allegations about what happened after the disaster, including that evidence was fabricated and misinformation was spread in an attempt to avoid blame.

Issues about culpability for the deaths

What has already been considered?

15. A criminal investigation into the deaths at Hillsborough was carried out by West Midlands Police. This followed a request on 16 August 1989 from the South Yorkshire Chief Constable who, on receipt of Lord Taylor's interim report, wrote to the West Midlands Chief Constable.
16. On 31 March 1990 a report on the criminal investigation was presented to the Director of Public Prosecutions. This report ran to over 3,500 pages. The report considered criminal offences against seven South Yorkshire Police officers and four organisations - South Yorkshire Police, Sheffield Wednesday Football Club, Eastwoods (retained by the football club as consultant engineers) and Sheffield City Council.
17. On 6 August 1990, joint counsel Gareth Williams QC and Peter Birts QC provided a written advice to the Director of Public Prosecutions. The QCs considered the offences of manslaughter (on the basis of gross negligence) against the Club, Eastwoods & Partners, the Council, and South Yorkshire Police. They also considered offences of manslaughter & culpable misfeasance (misconduct in public office) against some individual police officers, including Chief Superintendent Duckenfield. They advised that no criminal charges should be brought against any individual or organisation.
18. According to the report, this opinion was "*accepted by the CPS, apparently without further consideration*", and a decision was reached not to bring any criminal proceedings. MPs contested the decision, but on 29 November

1990, the Attorney General wrote to Douglas Hoyle MP stating that he concurred with it.

19. The Police Complaints Authority separately supervised investigations (carried out by West Midlands Police) into a number of complaints against eight South Yorkshire officers including Chief Constable Wright (and some complaints against unnamed officers). The Police Complaints Authority accepted the decision of “no further action” in relation to six of the officers following the CPS decision not to prosecute, but directed that disciplinary proceedings be brought against Chief Superintendent Duckenfield and Superintendent Murray. Following protracted correspondence between South Yorkshire Police and the Police Complaints Authority, events were overtaken by the retirement of Chief Superintendent Duckenfield on ill health grounds in October 1991. Disciplinary charges against Superintendent Murray were dropped on the basis that it would be unfair to proceed with a joint allegation of neglect of duty in the absence of the more senior officer.
20. A private prosecution for manslaughter was brought by members of the Hillsborough Family Support Group in 1998. Chief Superintendent Duckenfield and Superintendent Murray were tried at Leeds Crown Court in 2000; Superintendent Murray was acquitted and the jury was unable to reach a verdict on Chief Superintendent Duckenfield.

What has not been considered?

- **Impact of failure to declare Major Incident**

21. The criminal investigation report to the Director of Public Prosecutions by West Midlands Police highlighted the response of the police in the following way:

“Did the response taken by the police and other emergency services take place efficiently and effectively? Were there any neglects in the response which led to a life or lives failing to be saved? Lord Justice TAYLOR states that it was unlikely, but possible.”

22. A section of the West Midlands Police report sets out evidence in relation to the emergency response:

“The Police Major Incident Plan indicates that in the event of a disaster they will inform other emergency services prefixing messages with the code word “CATASTROPHE.” The Fire Service scheme understands this, but the Ambulance and City Council plans do not. Consequently, the only service effected was the Fire Brigade who on receipt of the code word would automatically have deployed ten pumping appliances and two emergency

tenders. In the event, it is academic because the police started by mobilising Operation Support which gradually developed to the Major Incident Plan. No code word was used to any of the services.”

23. As noted, a crucial new disclosure in the Panel’s report is the revelation that a number of people might have survived had the initial response to the disaster been better. The report sets out the failure to declare a major incident, which was the responsibility of South Yorkshire Police staff in the control box, and the consequences of this failure. At that time, people were working on the assumption that all those who died had suffered injuries from which they could not recover by 3.15pm. This assumption has now been shown on the basis of further evidence to be wrong in a number of cases. Therefore a causation issue may arise in relation to the emergency response, which has not previously been considered.

- **Tunnel Closure**

24. Evidence suggests that the tunnel was closed in 1981, 1987 and 1988 when the pens were full, and officers of Constable and Sergeant rank gave evidence that this was done on instruction in 1988. Evidence about the failure to do this in 1989 formed part of the material that was removed from officers’ statements, which will be considered further below.

25. Senior officers denied knowing that the tunnel had been closed in previous years by police officers to prevent overcrowding. Lord Justice Taylor accepted these statements, as did West Midlands Police, and the Coroner. Officers who had given evidence about tunnel closure were invited by the force solicitor to review that evidence but declined.

26. There is some evidence in the report to suggest that the evidence given by these senior officers was inaccurate, not just because it conflicted with the evidence of junior officers, but also because of comments they themselves made in debriefs or meetings with Counsel. If South Yorkshire Police senior officers did have a contingency plan to close the tunnel and failed to implement it, this has not previously been considered.

The alleged “cover-up” and other recordable conduct

27. Although the report does not use the term “cover-up”, this widely-reported phrase stems from two main chapters in the report – the process of statement taking, and the presentation of the disaster to the media, Parliament and the Taylor Inquiry.

28. The report sets out how within South Yorkshire Police, immediately after the tragedy, two internal teams were set up, one led by Chief Superintendent Denton and one led by Chief Superintendent Wain. The “Wain Team” met on 26 April 1989 following advice from the force solicitor, to discuss a process of statement-taking within South Yorkshire Police, which would also form the basis for the presentation of a “suitable case” for the inquiries that followed. They eventually produced the “Wain Report” which was adapted to form the basis of the South Yorkshire Police written submission to the Taylor Inquiry. According to the Panel’s report the Wain Report placed significant emphasis on fans’ behaviour.

The process of statement-taking

29. A chapter of the report is devoted to the process of statement-taking within South Yorkshire Police. The process was considered in the Stuart-Smith Scrutiny – but the report suggests that there are real questions about the depth of his enquiries, and whether his findings were appropriate.

30. The evidence in the report raises a number of potential conduct issues.

According to the report, the amendments fell into various categories:

- grammatical amendments / removal of redundant language & jargon
- removal of informal or coarse language
- criticisms of the police response or inadequate leadership
- removal of comments about poor communications & inadequate radio contact
- deletion of references to “chaos” etc, and removal of material critical of fans
- removal of other comment and opinion

31. It appears from the report that the amendments were suggested by the solicitor and passed through senior officers to the officer making the statement, who was then invited to sign the amended version – and that this process met with the approval of West Midlands Police. The statements were being provided for the West Midlands Police investigation, and also to assist South Yorkshire Police in drafting a submission for the Taylor inquiry. They were subsequently also used for the inquest as well as for consideration of criminal and disciplinary proceedings.

32. The alleged nature of some of the amendments may amount to the criminal offences of perverting the course of justice or misconduct in a public office. The deliberate alteration of statements may also raise misconduct offences in relation to honesty and integrity.

33. For all these reasons, I consider that the process by which the statements were amended amounts to recordable conduct which should be investigated.

34. We will investigate:

- who gave the instructions to officers not to complete duty statements / notebook entries and whether this was a deliberate attempt to make sure officers did not prepare disclosable accounts or accounts that could not be vetted;
- the activities of both groups of senior officers (The Wain Group, and the group led by Chief Superintendent Denton) and their involvement in this process;
- whether senior officers were aware of an intention by their legal advisors to be selective about what evidence officers would be allowed to put forward, whether they knew or should have known that this was inappropriate but did not challenge it;
- the actions of the officers who agreed to amending their statements;
- whether pressure was put on these officers to make these amendments, and if so by whom;
- the process by which statements were sent to the force solicitors for alteration;
- the role of West Midlands Police in this process;
- specific allegations against West Midlands Police officers that they were involved in attempts to persuade people to alter their evidence, several examples of which are set out in the report.

35. Since the report was published, allegations have also been made by a small number of officers that amended statements were put forward in their name which they had not signed or agreed. We will also investigate this.

36. The report discloses that a similar process was adopted by South Yorkshire Metropolitan Ambulance Service in relation to the taking of statements, and also by South Yorkshire Fire Service. These organisations do not ordinarily fall under IPCC remit, but we will continue to liaise with other organisations to establish whether there is any indication of an attempt to pervert the course of justice, and if so, who should investigate it.

Alleged Misleading of the Media and Parliament

37. Chapter 12 of the report details the way in which misleading material reached the media and others. It is worth putting this chapter into context by reference to Lord Taylor's interim report, paragraph 257, where he said:

“Before this Inquiry began, there were stories reported in the press, and said to have emanated from police officers present at the match, of “mass drunkenness”. It was said that drunken fans urinated on the police while they were pulling the dead and injured out, that others had even urinated on the bodies of the dead and stolen their belongings. Not a single witness was called before the Inquiry to support any of those allegations although every opportunity was afforded for any of the represented parties to have any witness called whom they wished. As soon as the allegations I have mentioned were made in the press, Mr Peter Wright, Chief Constable of South Yorkshire, made a dignified statement dissociating himself from such grave and emotive calumnies. Those who made them, and those who disseminated them, would have done better to hold their peace.”

38. Lord Taylor also said, at paragraph 285:

“It is a matter of regret that at the hearing, and in their submissions, the South Yorkshire Police were not prepared to concede they were in any respect at fault in what occurred. Mr Duckenfield, under pressure of cross-examination, apologised for blaming the Liverpool fans for causing the deaths. But, that apart, the police case was to blame the fans for being late and drunk, and to blame the Club for failing to monitor the pens. It was argued that the fatal crush was not caused by the influx through gate C but was due to barrier 124a being defective. Such an unrealistic approach gives cause for anxiety as to whether lessons have been learnt. It would have been more seemly and encouraging for the future if responsibility had been faced.”

39. The report sets out in detail what appeared to be the attempts by various officers within South Yorkshire Police to undermine Lord Taylor’s conclusions and to continue to present a picture of excessive drunkenness by fans which in some way caused the tragedy. In my view all such attempts could amount to misconduct – they raise issues of honesty and integrity, as well as discreditable conduct. Some may amount to criminal behaviour – for example, perverting the course of justice, or perjury.

40. The following examples are set out in the report:

- the early lie by Chief Superintendent Duckenfield about the gate being forced open, which was corrected by the Chief Constable that evening. This was investigated by the West Midlands Police under the supervision of our predecessor, the Police Complaints Authority. As such, while the IPCC deplores such dishonesty, we are legally prevented from investigating this issue further, and it therefore will not be investigated;

- the comments from the Secretary of the Police Federation, who was named as a source of allegations of fans' drunkenness in the media. We will investigate this – considering both the accuracy of his comments, the motivation behind them, and whether he was encouraged in his activities by the Chief Constable or other senior officers;
- the Police Federation Meeting on 3 October 1989 with Mr Shersby MP at which numerous unnamed police officers told the MP that they had been prevented from giving evidence at the Taylor Inquiry about fans' drunkenness, and gave examples that Mr Shersby could use in Parliamentary debates. We will investigate whether officers deliberately provided the MP with untrue or misleading evidence so that he could defend them in Parliament, and any role which senior officers may have played in this;
- other stories appear to have originated with White's News Agency, who claim four conversations with unnamed police officers (three of those with senior officers) as the source of their information, and with Mr Patnick MP (who passed on stories of bad behaviour by fans), who claimed to have had various conversations with unnamed officers after the incident. It is unclear whether we could identify these officers, but we will investigate this, considering both the accuracy of the comments made, and their motivation;
- The Independent Panel's report contains details of five officers who were referred to in media reports as having given evidence to the Taylor Inquiry which was critical of fans, and which was not supported by other evidence. The question is whether these statements were in fact made in evidence, and if so, whether they were accurate. We will investigate this, and any other evidence which indicates that specific officers may have given false evidence under oath;
- The report also contains a suggestion that the briefing given to the then Home Secretary and Prime Minister who visited Hillsborough on the day after the tragedy also attempted to blame fans for the tragedy. We will investigate this allegation.

Other potential criminal and misconduct allegations

41. In addition to the matters set out above, the evidence disclosed in the report suggests that there may have been other potential criminal offences, including perjury and attempting to pervert the course of justice, as well as other actions

which may amount to misconduct on the part of police officers. The IPCC will investigate the following:

- whether the evidence later given in relation to the tunnel closure (see para 24 above) also raises questions about the integrity of senior officers;
- “The Wain Report”: in addition to looking at the role of the Wain Group in relation to statement taking, it is appropriate to consider whether this report represented an accurate picture of the evidence, or, as implied by the panel (and indeed, by Lord Taylor’s criticisms of the police submissions which were based on the Wain Report), was a biased report which sought to divert criticism from South Yorkshire Police. At its highest this could amount to perverting the course of justice, and at the least, raises questions of discreditable conduct, and honesty and integrity;
- the actions of officers in the gymnasium, which was a temporary mortuary, require investigation. The report described the situation there as “*chaotic*”, and that there was “*an absence of leadership, coordination, systematic triage and basic equipment*”. While this would seem to be primarily an ambulance service responsibility, there are some issues raised for the police. Relatives who went to the gymnasium to identify the dead were subjected to questioning about how much alcohol their loved ones had consumed. It is not clear who decided that these questions would be asked or as to their purpose, but we will need to investigate whether this formed part of the attempts to gather evidence to shift the blame from South Yorkshire Police;
- the checking of blood alcohol levels: The IPCC is aware of the statements of the Coroner who says he directed this. However, a question still remains over how he reached the conclusion that this was a relevant issue. In the context of the other allegations of police focus on alcohol and the evidence of early contact between the police and the Coroner, this should be investigated to establish what, if any, involvement the police had in these decisions and processes, and whether they formed part of a pattern of deflecting blame;
- carrying out of Police National Computer checks on the deceased and others: The documents provided to the panel did not reveal whether this was done by West Midlands Police or South Yorkshire Police, however in the absence of any explanation for these searches, we consider that a conduct matter arises which should be investigated;

42. In relation to actions following the disaster, the report raises questions about the nature of the statements taken for the West Midlands Police investigation, which obtained no evidence which was Criminal Justice Act compliant, since it was reliant on testimony given to the Taylor Inquiry, without officers being cautioned against self-incrimination.
43. This problem of the statements persisted through to the proposed disciplinary proceedings – which were delayed because the evidence was not in a format which could be used against the officers. In part, this delay may have led to disciplinary proceedings not taking place, about which the Police Complaints Authority expressed concerns in the strongest terms but had no power to act. While arguments were being conducted between them and South Yorkshire Police, Chief Superintendent Duckenfield retired on ill health grounds.
44. The report also raises concerns about the conduct of Chief Constable Sharp of Cumbria, who took over supervision of the criminal inquiry and Police Complaints Authority supervised complaint investigations on 1 April 1990. Twenty-three days after taking over the investigations, he concluded the investigation into Chief Constable Wright, three days before Mr Wright's planned retirement. His subsequent correspondence with Chief Constable Wright – praising him, and saying how he had not wanted to conduct the investigation, raises concerns about bias, and whether the investigation had been rushed to reach conclusions which cleared Mr Wright before he retired.
45. Suggestions of bias, or at least pre-judgement, also arise from the disclosures in the report about Chief Constable Sharp's apparent attempt to get Assistant Chief Constable Jones of West Midlands Police removed from the Coroner's inquiry, stating the Coroner had requested it, which appears not to have been the case.
46. These disclosures raise questions about the adequacy and thoroughness of the West Midlands Police investigation and its oversight, which require investigation, although we need to do further work to scope this. This is also likely to be connected to any further work required following the review by the Director of Public Prosecutions and decision of the Attorney General (see paras 64 and 65 below.)

IV. Referrals about police misconduct

South Yorkshire Police referrals

47. The leadership of South Yorkshire Police in 2012 is different from the South Yorkshire Police leadership of 1989 whose failings have been so publicly exposed. As the report notes, the former provided full co-operation to the Panel, disclosing all their documentation no matter how badly it reflected on them. They have provided full co-operation to the IPCC.
48. South Yorkshire Police made immediate contact with the IPCC following publication of the report, and were advised to review the report to identify the relevant conduct matters to be referred. The formal referral was received on 2 October 2012. It refers, without making reference to specific officers, to the potential offences of:
- Manslaughter through gross negligence including corporate manslaughter, including the operational plan, crowd management and the efficacy of the rescue operation;
 - perverting the course of justice by not making pocket notebook entries;
 - perverting the course of justice by altering accounts/ statements;
 - perjury – officers may have given evidence on oath which they knew or believed to be false;
 - perverting the course of justice by misleading the press;
 - perverting the course of justice by taking blood samples from the deceased for alcohol testing;
 - perverting the course of justice by providing copies of statements to White’s News Agency;
 - misconduct in public office.
49. The referral notes that discipline offences may also have been committed under the regulations applicable in 1989. It notes that a number of officers who could potentially be culpable have either died, resigned or retired but that about 200 officers present on the day are still serving.
50. South Yorkshire Police also recorded and referred two complaints from members of the public about Hillsborough. These are of course in addition to the enormous discontent and anger with South Yorkshire Police expressed by the families and the public following publication of the report.
51. I have asked South Yorkshire Police to do further work to identify the specific officers who may have committed either the criminal or disciplinary offences set out above, and whether they are still serving, retired, or deceased. Much more work will be required to establish which of the 200 officers, and others

who may have transferred to other forces, require investigation and on what grounds.

52. The referral for manslaughter needs to be considered in the context of the previous decision not to bring prosecutions, the involvement of our predecessor, the Police Complaints Authority, and the decision-making processes of other relevant bodies. We note the Director of Public Prosecution's intention to review the documentation now available, and the Attorney General's consideration of whether to seek a quashing of the original inquest, to allow new inquests to take place. We will, therefore, liaise with the Director of Public Prosecutions, and will work with him and any Coroner appointed, to carry out any further investigation that may be required, either before or after any new inquests are held. We will take advice on any legal limitations that may be presented by the prior involvement of the Police Complaints Authority or our lack of jurisdiction over other bodies, and identify the appropriate body to investigate any individual or entity we cannot.

53. The other matters referred will be independently investigated by the IPCC.

West Midlands Police referrals

54. West Midlands Police also made early contact with the IPCC and a formal referral on 5 October 2012. The referral is of the conduct of five officers, including the former Chief Constable and Assistant Chief Constable, and refers the following specific matters:

- whether Police National Computer checks were lawful and appropriate;
- whether West Midlands Police officers put pressure on three witnesses to change their statements;
- accuracy and portrayal of evidence at the mini-inquests;
- whether West Midlands Police officers inappropriately provided statements to White's News Agency;
- general concerns in the report about inadequate investigation and failure in its direction and control.

55. The matters referred will be independently investigated by the IPCC.

West Yorkshire Police Authority referrals: Sir Norman Bettison

56. On 18 September 2012 the IPCC received a referral of complaints about Sir Norman Bettison, now the Chief Constable of West Yorkshire, and at the time of Hillsborough, a Chief Inspector at South Yorkshire Police. The complaints related to two matters – Mr Bettison's involvement in disseminating

misleading information, and the statement he made following publication of the Hillsborough report, in September 2012, to the media.

57. On the day of the tragedy, Mr Bettison was attending the match as a spectator, but put himself on duty. Subsequently, he was part of the “Wain Group” referred to in para 28 above. He also attended the Police Federation meeting with Mr Shersby MP on 3 October 1989 (see para 40), where he showed a video compiled from 65 hours of footage from Hillsborough. He later took the video to Parliament and showed it to a group of MPs at the invitation of Mr Shersby.
58. Mr Bettison also provided evidence in preparation for civil proceedings about the issue of tunnel closure.
59. I have already determined that the activities of the Wain Group, their involvement in the process of statement taking, and the report they wrote, and questions around the tunnel closure, should be investigated, and this includes the role of Mr Bettison. We will also investigate his overall role in relation to whether South Yorkshire Police deliberately sought to deflect the blame.
60. In relation to the complaints about his statement on 13 September 2012, I have read his statement, and his “updated comment” issued the following day. It does not seem to me that this is a matter requiring investigation – there is no doubt that he made the first statement, which many people regarded as highly offensive, and which flew in the face of the report’s definitive findings, and that he attempted to explain it with his second statement.
61. It was unwise of Sir Norman Bettison to issue a press statement attempting to exonerate himself immediately after publication of the report. It was also insensitive and inappropriate to make reference to fans’ behaviour at all – bearing in mind that publication of the report represented a vindication for the fans that their behaviour was not a factor. But given that no further investigation is required into these complaints I am referring them back to West Yorkshire Police Authority so that they can decide what action to take in response to these comments.
62. The role of then-Chief Inspector Bettison’s role in the aftermath of the disaster will be independently investigated by the IPCC.
63. On 10 October 2012 we received a further referral from West Yorkshire Police Authority, who recorded conduct alleging that Sir Norman Bettison had attempted to influence the decision-making process of the Authority in connection with the previous referral. This is a serious allegation and we will independently investigate it.

V. What happens now?

64. The Director of Public Prosecutions has announced that he intends to consider all the material now available, to identify what the focus of any further criminal investigation should be in order for the CPS to determine whether there is now sufficient evidence to charge any individual or corporate body with any criminal offence.
65. The Attorney General needs to decide whether to go to the High Court to have the inquest verdict quashed. Should this happen, a new Coroner would be appointed to oversee a new inquest. While it is usual practice for a criminal investigation to precede an inquest, it is not essential. In the unique circumstances of Hillsborough, including the fact that so much time has passed since the deaths, this is likely to be a matter the Coroner would wish to consider and take views on from the families.
66. We are also aware that many of the families would like to see a prosecution for manslaughter. Our role in this is likely to become clearer as other decisions are made. We will work with the Director of Public Prosecutions, and any Coroner appointed, to carry out any further investigation that may be required, either before or after any new inquests are held, and identify the appropriate body to investigate any individual or entity we cannot.
67. In parallel with this, the IPCC will launch an independent investigation into the conduct matters identified above regarding the police actions in the aftermath of the disaster. This may extend to any other conduct matters that come to light in the course of investigation.
68. To the extent that other parties are involved over whom the IPCC has no jurisdiction we will liaise with the appropriate regulatory agency to ensure as far as possible a joined-up approach.
69. The Home Secretary has given us an assurance that we will be given the appropriate resources to be able to undertake this task properly and to do justice to the work of the Panel and the needs and wishes of the families. We have advised her that we will need those resources in addition to our current budget, and we will be setting up a dedicated Hillsborough team to carry out the work that lies ahead. We are currently assessing the size and skills of the team we will need to conduct the investigation and liaise with the families, and will recruit as necessary.

70. The scope of our work is not yet clear – we do not yet know how many officers or retired officers fall to be investigated for the various matters described in the report, how many are still serving or still alive, and work will continue to identify individuals and their circumstances, and what potential offences require investigation. We can investigate both criminal and misconduct offences after an officer has retired, though retirement prevents any misconduct sanction. We are continuing to review the underlying documentation in the report and other conduct matters may come to light.
71. An important part of our work will include liaising with the families and other interested parties, and we will make contact with them, set out the initial scope and projected timing, and keep them in touch with the investigation as the work progresses. I have written to the Bishop of Liverpool who kindly agreed to pass on a letter to the families, asking how they wish to be contacted by us in future.
72. I am very mindful that while many of the families and others in the wider community are eager to see justice after so many years of denial, our investigation will be looking into matters that happened some 23 years ago, and the passage of time is inevitably damaging to an investigation. Potential suspects retire, beyond the reach of misconduct proceedings, and die, beyond the reach of criminal proceedings. Memories fade or disappear and it may not be possible to fill all of the gaps in the documentary records. Nor should we underestimate the massive complexity of the task before us.
73. But justice demands that we do whatever is possible to investigate culpability for any offence that may have been committed, and do so thoroughly and fairly. The families have already waited for twenty-three years. I want to give them my assurance that we will do everything in our power to investigate these serious and disturbing matters with the careful and robust scrutiny they deserve.

Deborah Glass
Deputy Chair

12 October 2012