

TOWARDS JUSTICE: LAW ENFORCEMENT & RECONCILIATION

Bishop James Jones – 1 February 2022

Introduction – opening words

Thank you, Chair [Ed] and good morning Ladies and Gentlemen, both to those in the room and those joining us through the video link.

2. It is an honour as well as a pleasure to be participating in the launch of your Report, and as its title suggests, to be discussing how we move “Towards Justice”. I am familiar both with the well deserved reputation of Cumberland Lodge for prompting and shaping informed debate and with last year’s Conference and the excellence and timely Report it has generated.

3. In the Foreword to the Report, Ed, you say:

“Underlying the Report is the recognition that the passing of time is not healing for victims if injustice persists and risks making issues more contentious, problematic – and costly – for all concerned.”

4. These words are wise and apt. Certainly, they capture my experience since the day Ken Sutton [who is with me here today] visited me in Liverpool and asked if I could consider chairing the Hillsborough Independent Panel. In the time available this morning what I would like to do is to set out some of the conclusions I have reached since that day; and the steps which I believe should be taken now and to change things for the future.

Hillsborough

5. For me, the launch of the Report falls on a day which is also apt. On the equivalent day 12 years ago, the Hillsborough Independent Panel met for the first time.

6. As I explain in my recent book “Justice for Christ’s Sake”, we made a conscious decision that the Panel would meet the Hillsborough families on the day of our first meeting as a Panel. We met each of the three family groups separately: Margaret Aspinall and the Hillsborough Family Support Group; Sheila Coleman and the Hillsborough Justice Campaign; and Hope for Hillsborough, the group established by Anne Williams. Some of today’s themes will be familiar to you again through watching ITV’s drama, Anne, where Maxine Peake gave such a powerful performance as Anne Williams. Demonstrating exactly your words: that the passing

of time is not healing where injustice persists and does indeed risk making issues more contentious, problematic and costly for all concerned.

7. It is sobering indeed that twelve years after the Panel met Anne that her experience and that of the other Hillsborough families we met that day is still informative in guiding us as to the lessons to be learnt if, indeed, we are to be moving “towards justice”.

Patronising Disposition of Unaccountable Power

8. The Report of the Hillsborough Independent Panel led to the Attorney General applying to the High Court to quash the original inquest verdicts, As a result, the verdict of accidental death was quashed and the new inquests replaced that with a determination of unlawful killing. It had taken 27 years for the system to correct the injustice of the original inquests. At that point, Theresa May, then Home Secretary, asked me to write a further report identifying the lessons from the experience of the Hillsborough families.

9. When my second report, “The Patronising Disposition of Unaccountable Power”, was presented to Parliament the following year, Theresa May told me that she wanted to see the lessons embedded across Government. Four years on, and now with the criminal trials completed, the Government will shortly publish its Response. My report identifies 25 points of learning and these are the three most significant.

10. Firstly, there should be statutory duty of candour on the police so that the public know that this is the role the police are following and that when there is any subsequent investigation the police should co-operate and share the documents they have.

11. Secondly, there should be a Charter for those bereaved through public tragedy. Basically committing the state authorities to putting the needs of the families ahead of defending their organisation’s own reputation.

12. The third major point of learning is that there should be an equality of arms ensuring that families can participate in inquests properly and do not find themselves legally defenceless where the state authorities have equipped themselves with powerful legal representation. The current situation is an affront to natural justice.

13. It is now over four years since my Report was presented to Government and these three points of learning remain the most significant together with the support which would come from an Independent Public Advocate. Let me say a word as to why that is the case and what I believe should be the underlying principles.

14. The statutory duty of candour is needed, in part, because the public cannot be assured that the documents and information relevant to the investigation of historic injustices will have been retained. The Public Records Act is not a full guarantee of that. But the fact that the Act does not apply to police records removes one source of assuring the public that there is an independent framework for retaining what may be key documents.

15. The circumstances in which the last Hillsborough criminal case was dismissed are now also relevant. The case collapsed when the judge ruled that the amendment of police statements that had occurred could not constitute perverting the course of justice because their submission to a public inquiry was not in the course of justice. I'm afraid that if police statements can be relied on only if they are given to statutory inquiries this will further erode trust in the police. Furthermore, I note that when police officers take up office they commit at all times to uphold the law 'with fairness, integrity, diligence and impartiality, upholding fundamental human rights.' As a lay person I humbly suggest that this constitutes the cause and the course of justice.

16. On the Charter, I would like to take this opportunity to thank the National Police Chiefs Council for its adoption and setting an example to other public bodies.

17. On the equality of arms, some changes have now been made to help families to secure legal representation at inquests. I am assessing their significance, but I look to the Government to further recognise the principle that no family should enter an inquest in all innocence and good conscience only to find that the state authorities have out-powered them with expensive legal counsel paid for by the public purse.

Principles of straightforwardness and trustworthiness

18. I want to turn now to what I see as essential principles: these are being straightforward and earning trust.

19. Shortly after my appointment as Bishop of Liverpool, Trevor and Jenni Hicks came to see me to ask me to preside at the 10th Anniversary Memorial Service. They told me about some of the many unresolved issues relating to the tragedy and its aftermath. Immediately I could see two things. First, the questions they were pursuing appeared reasonable and legitimate. Second, they were describing a wound, deep and wide, that had yet to heal.

20. These were signs that the way the families had been treated - not just by the police - had not been straightforward and that where the resulting injustice persists, then, as you say in your Report, the issues become ever more contentious, problematic and costly for all concerned.

21. I make no comment on politics. But I do say that, at this moment in time, it should be evident to everyone that in the modern era straightforwardness is not just the right thing to do. It is the only route to satisfying legitimate expectations that people in authority, whoever they are, must be accountable for what they do.

22. There is a change which has taken place in my lifetime. There was a time when individuals and organisations could expect to be trusted by reason of the deference shown to their role or position. That era is no more. Every organisation and individual has to earn and retain trust through demonstrating that they are speaking plainly and truthfully and not seeking, instead, to distort the truth because of the impact on their reputation.

23. So while the three major points of learning, the duty of candour, the Charter and equality of arms are the principal changes I am advocating for now, I would like to finish with a proposal designed to set us on a course for the future.

Royal Commission on the Future of Policing

24. My conclusion, having reflected on the continuing experience of the Hillsborough families and others, is that there should be a Royal Commission on the Future of Policing. This goes beyond the remit of your Report today, but I hope you will allow me one word of explanation.

25. It is now 60 years since the last Royal Commission on policing in 1962. Society has changed dramatically and the criminal landscape even more so. Non-recent cases, cybercrime, child sexual abuse, international fraud, misconduct in public office, hate speech, discrimination, trafficking and modern slavery are but some examples that call into question whether our police services are properly established for the 21st Century.

26. Maintaining law and order in the modern world requires the police service to have the right recruitment, training, skills, expertise, ethics, emotional intelligence and professional development. This is foundational to the pursuit of justice.

27. Fundamentally it will not be possible for the police service to steer its future without the benefit of the analysis and debate which a Royal Commission, operating beyond the reach of government departments will provide.

28. I would invite Cumberland Lodge to turn its talent for “exchanging views, inspiring minds” to reflect on this suggestion in due course. But for today, I congratulate you, Ed, Professor Martina Feilzer and everyone involved. Your Report is substantial and significant and it will resonate far beyond those involved in the conference from which it is drawn.

