

# Reporters' spy saga gives glimpse of UK surveillance culture

February 1 2017, by Raphael Satter

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In this photo dated Saturday, Jan. 14, 2017, journalist Julia Breen works on a story in the newsroom of The Northern Echo newspaper in Darlington, England. The newspaper's journalists are among scores of reporters who have been spied on by British police over the past 5 years, according to court documents, although Cleveland Police issued a statement to deny allegations. (AP Photo/Raphael Satter)

British journalist Julia Breen's scoop about racism at her local police

force didn't just get her on the front page, it got her put under surveillance.

In the months that followed Breen's exclusive, investigators logged her calls, those of her colleague Graeme Hetherington and even their modest-sized newspaper's busy switchboard in an effort to unmask their sources. The two were stunned when they eventually discovered the scale of the spying.

"It just never even crossed our minds," Breen said in a recent interview in the newsroom of The Northern Echo, in the English market town of Darlington. "I don't know if I was quite naive, but on a regional newspaper you don't expect your local police force to do this."

The Echo's editor, Andy Richardson, said his paper's brush with police spying carries a warning as surveillance laws stiffen up and down the continent .

"This case might be about a relatively obscure newspaper in the northeast of England, but it asks much bigger questions about where we're headed as democratic societies all across Europe," Richardson said.

Breen and Hetherington make for unlikely targets of state surveillance. On a wintry day earlier this month, Breen was looking into reports of flooding. Hetherington was writing a story about an attack on a cat. Above them, a flat screen television kept a running tally of the day's most-clicked stories. "Traffic 'back to normal' on A19 northbound," was No. 1. "Weather pictures: Snow leads to accidents" was a close second.

Nevertheless the Echo has often provided painful reading for Cleveland Police , a department responsible for a Chicago-sized patch of England's industrial northeast.



In this photo dated Friday, Jan. 13, 2017, people walk past the offices of The Northern Echo newspaper in Darlington, England. The newspaper's journalists are among scores of reporters who have been spied on by British police over the past 5-years, according to court documents, although Cleveland Police issued a statement to deny allegations. (AP Photo/Raphael Satter)

The small force has weathered a series of scandals. A minority officer, Sultan Alam, was awarded 800,000 pounds in 2012 (then worth \$1.26 million) after allegedly being framed by colleagues in retaliation for a discrimination lawsuit. When the judgment made national headlines on April 16 of that year, Cleveland Police issued a statement insisting the force wasn't racist.

The next day, an anonymous caller told Breen an internal police report suggested otherwise.

Working the phones, Breen confirmed the story. The following morning her byline was across the front page beneath the words: "Institutional racism uncovered within Cleveland Police ."

It caused a stir, but news cycles change. Breen, who had just returned from maternity leave, eventually forgot the episode.

Cleveland Police didn't.

Officer Mark Dias confessed to being Breen's anonymous tipster the day the Echo's story ran, but higher-ups wanted to get to the bottom of other leaks. The force secretly began logging calls to and from Breen, Hetherington and a third journalist from another newspaper. Dias was put under surveillance, as was a police union leader and a lawyer associated with the pair. The next month, police seized three days' worth of calls made to The Northern Echo's switchboard.

Although none of the seized records included the content of the individuals' conversations, collectively the length, timing and nature of hundreds of phone calls can be extraordinarily revealing. It was later calculated that the surveillance covered over 1 million minutes of calling time.



In this photo dated Friday, Jan. 13, 2017, the blue sign of Cleveland Police station is seen in Stockton-on-Tees, England. Stories in the local Northern Echo newspaper about racism in the local police force, prompted police to spy on journalists over the past 5-years, according to court documents, although Cleveland Police issued a statement to deny allegations. (AP Photo/Raphael Satter)

The Echo isn't unique. Britain's wiretapping watchdog—the Interception of Communications Commissioner's Office—revealed in 2015 that 82 journalists' communications records had been seized as part of leak investigations across the country over a three-year period.

The watchdog said those figures were "artificially inflated" by the investigation into Britain's tabloid bribery scandal, which centered on industrial-scale abuses by journalists working for London-based titles. But it also said that 19 reporters caught up in leak investigations worked for local or regional papers, publications far from the center of the

scandal.

A law passed in the wake of the findings required police to seek judicial authorization before monitoring reporters' calls, but old habits die hard. Last March, a senior Scottish police official resigned after it was revealed that his force failed to seek proper approval for a media leak investigation.

The commissioner's office said it could not immediately provide further information on media surveillance, including up-to-date figures.

Journalists are targeted by law enforcement in other countries. While Cleveland Police were combing through Breen's calls, for example, the U.S. Department of Justice was rifling through the telephone records of Associated Press journalists in an attempt to learn who leaked them details of a botched al-Qaida bomb plot.

When news of the Justice Department's leak investigation broke the following year, the scandal lit up Washington. Republican National Committee Chairman Reince Priebus—now U.S. President Donald Trump's chief of staff—accused then-Attorney General Eric Holder of having "trampled on the First Amendment."

The reaction to the seizure of the Echo's call records, news of which emerged late last year, has been far more muted.



In this photo dated Saturday, Jan. 14, 2017, university of Sunderland journalism expert Neil Macfarlane, who teaches journalism at the University of Sunderland, speaks to The Associated Press over coffee in Gateshead, England. The newspaper's journalists are among scores of reporters who have been spied on by British police over the past 5 years, according to court documents, although Cleveland Police issued a statement to deny allegations. (AP Photo/Raphael Satter)

Neil Macfarlane, who teaches journalism at the University of Sunderland and has followed the Echo case closely, said "it takes a lot" for the U.K.'s London-centric press corps to take an interest in what happens outside the capital.

Then again, there could just be greater tolerance in Britain for police prying into journalists' affairs.

"There has been a culture of surveillance when it comes to journalists for

a while now," he said.

Cleveland Police has apologized to the reporters, as well as to Dias, its now-former officer, and to Steve Matthews, the police union boss. In a ruling issued Tuesday, Britain's surveillance court, the Investigatory Powers Tribunal, ruled that the spying was unjustified. Cleveland Police, which declined interview requests ahead of the judgment, did not immediately return messages seeking comment, but in a statement posted to its Facebook page it noted the force was reviewing its internal affairs department as well as the past six years' worth of police surveillance work.

"When we get things wrong, as we did here, we will say sorry and work to make things right," Chief Constable Iain Spittal said in the statement.

Speaking ahead of the judgment, Matthews said he was pleased lawyers and journalists now enjoy judicial oversight of police requests for their call records, protection they didn't have in 2012.

But he wondered where that left ordinary people.

"If you can do it to us," Matthews said, "You can do it anyone."

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