

Justice for the 96!: The impact of archives in the fight for justice for the 96 victims of the Hillsborough disaster.

Andrew Flinn <https://orcid.org/0000-0002-5356-7460> and Wendy M. Duff <https://orcid.org/0000-0002-5431-473X>

Abstract

Andrew Flinn and Wendy M. Duff examine the three decades long struggle for public access to records of the 1989 Hillsborough Disaster, the worst stadium disaster in British history that resulted in the deaths of 96 individuals. They draw on interviews, public lectures, and records to investigate what was known and accepted about the disaster across time to understand the role archival records played in identifying the actions of the various actors. Their narrative demonstrates how the versions of events long promoted by the police, other public authorities and sections of the media that blamed the victims were ultimately discredited. They highlight that the long and painful struggle for greater access to the record was a critical prerequisite for two distinct steps in a larger path toward justice: firstly, discursive justice, or modifying the public narrative and exonerating the victims of blame for their own suffering, and secondly, retributive justice in the form of legal judgment against the police and other officials responsible for public safety.

Introduction

This chapter focusses on a specific struggle for justice: the fight for justice for the 96 people who died as a result of the Hillsborough disaster and for their families and for the communities to which they

belonged. Hillsborough, the worst stadium disaster in British history, took place on 15 April 1989; ninety-six men, women and children sustained injuries that resulted in death, a further 766 people sustained injuries but survived, and thousands more were traumatised by their experiences that day. Immediately following the event, the police identified drunken, ticketless fans as the cause of the disaster. Though subsequent inquiries, publications and films concluded that the responsibility for the disaster lay with the police and poor adherence to safety standards by the local authorities and stadium owners, Sheffield Wednesday Football Club many continued to believe the narrative promoted by these same authorities and allies in the media that it was the behaviour of Liverpool supporters on the day which was ultimately responsible for the tragedy. The supporters were not fully exonerated until September 2012, with the publication of the Hillsborough Independent Panel's *Report*, although the publication of this report does not represent the end of the struggle for justice (namely the prosecution of those culpable), a frustrating process which at the time of writing is still not completed. This chapter builds on the work of Duff, Flinn, Suurtamm and Wallace (2013) into the impact of archives in a social justice context, particularly the multi-dimensional and temporal (and often delayed) impact by providing a narrative of the role records played in shedding light on the events that led up to the disaster and the actions of the police prior to, during, and after the disaster. It draws on interviews, public lectures, and records to investigate what was known and accepted at key points in the period up to the publication of the report and to understand the role archival records played in identifying the actions of the various actors in the disaster, and ultimately in finally undermining the credibility of the version of events promoted by the police, other public authorities and sections of the media.

Methods

We drew on a number of sources in our study. We interviewed Peter Evans, the archivist of the Sheffield Archives via the phone and Sarah Tyacke, former Keeper of Public Records and a member of the Hillsborough Independent Panel in person. We also gathered insight from other members of the Independent Panel, from a podcast “Hillsborough: the Tangled Web” by Christine Gifford (2013), an expert on access to information and a member of the Independent Panel and a video of lecture “[Recovering Truth, Informing Justice- Researching the Hillsborough Disaster](#)” by Professor Phil Scraton (2013) given at Queens University Belfast on 17 April 2013. We also drew heavily on Lord Justice Taylor's Interim and Final Report, newspaper articles, campaign material, scholarly literature on Hillsborough, the Hillsborough Independent Panel Report and documents in the Hillsborough digital archives.

Hillsborough Disaster

On 15 April 1989, Liverpool Football Club faced Nottingham Forest Football Club in a Football Association Challenge Cup (FA Cup) semi-final match in Hillsborough Stadium in Sheffield England. Traditionally such semi-finals were played at neutral grounds and Hillsborough was a regular venue for these games. (Chief Superintendent David Duckenfield was named as police match commander for the game - replacing Hillsborough's experienced match commander Chief Superintendent Brian Mole. At the time the government, the police in Great Britain and the football authorities were very concerned with the threat of football hooliganism and to reduce the possibility of crowd disturbances football stadiums were modified to ensure the separation (‘segregation’) of supporters. At the time, stadiums contained both standing (terraces) and sitting areas. For this game Liverpool supporters were allocated the Leppings Lane end of the stadium with a capacity for 24,256 ticket holders. Supporters entered the stadium through 23 turnstiles accessed via a narrow concourse. However, 16 turnstiles provided access to 14,156 seats in the North and West stands and only seven turnstiles provided access to 10,100

standing places in the lower tier of the West stands. The terraces, the standing room area of the stadium located behind the goals, were divided into four pens. Lateral fences between the pens further restricted the movement of fans between pens and a high overhanging fence with a narrow locked gate at the front of the pens ensured that supporters could not reach the pitch. The stadium had been modified over the years to ensure the containment of fans and to reduce the possibility of fighting. In general, the police and football authorities were at the time of the disaster more focussed on preventing violence than ensuring public safety.

On the day traffic congestion on the road over the Pennines from Liverpool to Sheffield delayed some fans, while other ticket holders chose, as was the practice with many supporters at the time, not to enter the stadium early. With the game due to kick off at 3pm, problems at the stadium began around 2:15 when crowds began to form in front of turnstiles at the Leppings Lane end of the stadium and between 2:30 and 2:40 the build-up of fans occurred resulted too many people trying to access too few turnstiles into the Lapping Lane terraces. Fearing that excessive crowding would lead to injury, police on the ground requested the start of the game be postponed, an action taken two years previously in similar circumstances but Dickenfield refused this request. With approximately 5000 supporters still trying to enter the stadium minutes before the start of a game, Police Superintendent Marshall radioed Dickenfield and asked permission to open the exit gates to allow fans to enter. Dickenfield agreed and at 2:52 the police opened the gates and the crowding at the turnstiles eased as over 2000 fans immediately entered through the exit gate. These supporters then proceeded unattended into the stadium through a tunnel with a 1 in 6 gradient leading directly to pens already filled to capacity. Rather than blocking off the tunnel and directing supporters to the relatively empty sections on either side, the police left fans to “find their own level.” At 3:04 action on the pitch caused the crowd in the stadium to cheer and supporters entering the pens surged forward to see what was happening.

The capacity of pens 3 and 4 was approximately 1600 people, but around 3000 fans entered the two pens. The crush barriers in that section of the stadium did not meet safety standards and they collapsed under pressure of the crowd. In an attempt to escape the crush, a few fans scaled the outer fence and attempted to get onto the pitch while a few others managed to break a lock on a side gate. The police interpreted these actions as hooliganism and pushed the fans back into the pens. As the true cause and extent of the problem became apparent some constables tried to help fans get out of the pens, but others were paralysed by shock, “The scene was emotive, and chaotic as well as gruesome” (Taylor 1989, p. 15). Dunkenfield finally moved to call the game off at 3:06 but by that time the pressure in the pens, the collapse of the barriers, and the fences and locked gates would cause 96 people to die from asphyxia and over 700 sustained injuries.

Rescue Operations

When the police became aware of the severity of the disaster, they notified the emergency services but failed to declare a major incident. At 3:08 the police requested ambulances but did not use the code word required to implement the major disaster plan. The Deputy Chief Ambulance officer contacted the South Yorkshire Metropolitan Ambulances Service (SYSAM) staff stationed at the stadium for further information. Unfortunately, the SYSAM staff located at the stadium also misinterpreted the problem, assuming that supporters had caused the problems by fighting, initially reporting that just 50-100 people were on the field, with “quite a lot of that’s been crushed, probably just winded” (Hillsborough Independent Panel 2012, p. 135). The first ambulance arrived at the stadium at 3:17 and it was only at 3:21, 15 minutes after the calling off of the game, that a station officer declared a major incident; no one, however, implemented the major incident procedure. Moreover, the South Yorkshire Metropolitan Ambulances Service directed the ambulances to the North end of the stadium. The Leppings Lane end was located at the opposite end of the field from the ambulances; supporters used advertising boards and placards torn from the walls to carry the injured to the ambulances. Some spectators and police

officers tried to resuscitate unconscious victims pulled from the pens, providing mouth-to-mouth resuscitation and CPR. Many of the unconscious had regurgitated their stomach contents, clogging up their throats and mouths. Unconscious supporters were placed on their backs on the field which may have caused more damage. Some fans infuriated by the slow response to assist the injured, vented their anger at the police.

Accusing the Victims

When senior football officials entered the police control room to find out what happened, Duckenfield initially lied alleging that ticketless fans had forced the gate. Officials repeated this lie to the press and the international press published it; immediately following the disaster, the police, football officials, the press and some politicians blamed the Liverpool fans. For example, M. Jacques Georges of the European Football Association, on 17 April, described Liverpool supporters as “beasts waiting to charge into the arena” whose actions were “not far from hooliganism” (Bradbury 2012).

On 18 April, the *Sheffield Star* reported that drunken fans had stolen from the dead and attacked police officers and rescue workers. The Sun, a national daily tabloid newspaper provided the most offensive coverage; under the headline of “The Truth” the newspaper claimed, “Some fans picked pockets of Victims” “Some fans urinated on brave cops” and “Some fans beat up PC giving life kiss.” (*The Sun* 1989, p. 1) In publishing such stories, fed to them by the police and local politicians, the media sought to firmly assign the blame for the tragedy by demonising Liverpool supporters. The press coverage intensified the grief and pain of families dealing with the loss of a loved one, and injured and traumatised spectators, and provoked a furious response from the community.

Inquiries, Inquests, Investigations and Trials

On 17 April 1989, Lord Justice Taylor was appointed to head an inquiry with a mandate to investigate the causes of the disaster as well as to make recommendations into safety at sporting events and the needs of crowd control. The Taylor Inquiry issued an interim report in August 1989 and then a final report in January 1990. From 18 April to 4 May 1990, the Coroner held limited preliminary hearings or 'mini-inquests' into the deaths of each of the 95 victims (Tony Bland, the 96th victim, was not taken off life support until March 1993). In May the inquest adjourned until after the Director of Public Prosecutions made his decision about criminal charges. On 19 November 1990 the inquest resumed in generic form and continued until 28 March 1991. The jury then returned a majority verdict of accidental death in all cases. On 6 April 1992 the High Court allowed six families to request a judicial review but Lord Justice McCowan rejected the request on 5 November 1993, ruling that the inquests had been conducted properly.

In 1996, *Hillsborough* a docudrama by Merseyside writer Jimmy McGovern's broadcast on national television by Granada TV, claimed that new evidence not considered by previous inquests existed. The film also drew attention to two videotapes of the event that went missing from the police control room in the aftermath of the disaster. In 1997 a Labour government was elected and in June of that year the new Home Secretary Jack Straw met with families and agreed to propose a 'scrutiny' of 'new evidence'. Lord Justice Stuart-Smith was appointed to conduct the review and in February 1998, he reported that he felt there was insufficient new evidence to justify a further public inquiry on the matter. The Home Secretary agreed.

In 2000 the families took Duckenfield and Murray, his assistant, to court in private criminal charges for manslaughter. The jury deliberated for 16 hours before returning a verdict of not guilty for Murray; the jury could not come to an agreement on the verdict for Duckenfield. Throughout this period and all these inquiries, the families and their supporters kept up their demands for the truth and their rejection

of the narrative which blamed the supporters advanced by the police and parts of the media and the political establishment. Groups such as the Hillsborough Family Support Group (HFSG) and the Hillsborough Justice Group (HJC) and others in the media continued to demand justice, campaigning for the release of all the records held by the government, the police and other public services and pressurise politicians to re-open the investigations. Finally, in December 2009 reacting to the persistent strength of such campaigns and the advocacy of local politicians like Andy Burnham MP, Home Secretary Alan Johnson announced the establishment of the Hillsborough Independent Panel to oversee the full disclosure of public records related to the Hillsborough Disaster, establish a digital repository of the documents and publish a report on the disaster.

Findings

This research investigates what was known and accepted about the disaster through various inquests, inquiries and published sources prior to the HIP Report and what changed with the Panel's review and public release of the records relating to the disaster and its aftermath.

The Taylor Inquiry

On 17 April 1989, two days after the disaster, the government appointed Lord Justice Taylor to head an inquiry "into the events at Sheffield Wednesday Football Ground on 15 April 1989 and to make recommendations about the needs of crowd control and safety at sports events" (Taylor 1989, p. 1). In August 1989, Taylor published an interim report that focussed on the disaster and a final report published in January 1990 that focussed more generally on safety at sporting events. Taylor had the assistance of two assessors, Brian Johnson, Chief Constable of Lancashire and Leonard Maunder, a

professor of Mechanical Engineering. The West Midlands Police, acted as an independent investigating force and collected the evidence for the inquiry.

The inquiry heard evidence from 174 witnesses and received information from 2,666 telephone calls, 3,776 statements and 1,550 letters. Counsel provided written submissions on 7 July and 14 July. The Inquiry also had access to 71 hours of film covering the period before, during and after the disaster provided by the police, the football stadium and the B.B.C. The report notes 'the material gathered and potentially available for presentation at the oral hearing was enormous. From this mass it was essential to select only sufficient good and reliable evidence necessary to establish the facts and causes of the disaster' (Taylor 1989, p. 2).

In summarising the reasons for the disaster, Taylor identified three broad causes for overcrowding up to 2.52 pm:

- (i) The layout at the Leppings Lane end.
- (ii) Lack of fixed capacities for the pens.
- (iii) Lack of effective monitoring of the terraces.

He identified six other causes for the crushing after 2:52 p.m.:

- (iv) The build-up at the turnstiles.
- (v) The blunder on opening the gates.
- (vi) The barriers in pen 3.
- (vii) The crushing not recognised
- (viii) The response of the police.
- (ix) The perimeter gates were too small. (1989, p. 20)

Taylor exonerated the St. John Ambulance Services, the fire brigade and the South Yorkshire Medical Assistance Services. He highlighted the poor coordination and communication between the police and emergency services but 'in view of the nature and extent of the crushing, the time when police rescue began and the pathetically short period for which those unable to breathe could survive, it is improbable that quicker recourse to the emergency services would have saved more lives' (1989, p. 53).

Taylor reserved his most serious criticism for the senior police officers and their failure to safely steward supporters to the side pens and away from the already dangerously crowded pens 3 and 4 when they opened the exit gates. He noted that Duckenfield lied about the opening of the gate and concluded that Duckenfield froze because he could not face the consequences of agreeing to open the gate. In discussing police testimony Taylor observed:

In all some 65 police officers gave oral evidence at the Inquiry. Sadly I must report that for the most part the quality of their evidence was in inverse proportion to their rank senior officers in command were defensive and evasive witnesses..... neither their handling of problems on the day nor their account of it in evidence showed the qualities of leadership to be expected of their rank (Taylor 1989, p. 50).

He went on:

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 (Taylor 1989, p. 50)

He continued, however that the police had not accepted blame and instead the senior police officers continued to claim (and brief the press) that the disaster was caused by fans who arrived late and drunk, and the failure of the Club to monitor the pens. Taylor concluded that the police also 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 (Taylor 1989, p. 50).

In December 1989 the South Yorkshire police admitted liability and offered limited compensation to the relatives of the deceased.

Coroner's Inquests

The Coroner's inquests were held in two parts. Limited preliminary hearings of the evidence concerning the deaths of each of the then 95 deceased were held before a jury between 18 April and 4 May 1990. At the preliminary hearings the pathologist provided medical evidence on each deceased including blood alcohol levels, the location of bodies prior to death and the identification of the bodies. The coroner, Dr. Popper, ordered blood alcohol level tests on all victims, even children. No evidence was provided on how the people died; a designated West Midlands police officer provided summaries of witness statements and another gave identification information about the photographs. The coroner decided not to gather any evidence on how the victims died until after the Director of Public Prosecutions (DPP) had ruled on criminal charges. Furthermore, he did not allow access to the original witness statements, or to cross-examine the police officers. Scraton (2004, p. 189) suggests the jury were presented with 'a mixture of interpretation, selection and conjecture presented, unchallenged, as fact. Unable to access primary statements and cross-examine the evidence, bereaved families were left with numerous unanswered questions, disqualified as being outside the agreed parameters of the preliminary hearings.

After the completion of mini-inquests on each victim, the coroner adjourned the inquests until after the DPP made his decision about prosecutions. In August 1990, the DPP decided against pressing charges,

citing a lack of evidence to warrant criminal charges against the police, Sheffield Wednesday Football Club or Sheffield City Council. The Police Complaints Authority (PCA) decided to proceed with disciplinary charges for 'neglect of duty' but Duckenfield retired on medical grounds and eventually the Authority decided not to pursue charges against Murray, Duckenfield's assistant, who was directly responsible for ground operations.) After the DPP's decision the Coroner's inquests resumed in generic form between 19 November 1990 and 28 March 1991.

When the inquest reconvened, Dr. Popper controversially decided against admitting evidence of any activities that took place after 3:15pm, when the first ambulance arrived on the field. He explained:

...the overwhelming pathological evidence is and was that the people died as a result of crushing or traumatic asphyxia. ... That does not mean to say that some of them did not in fact respire for a period of time or even have a heart beat thereafter, but the damage was done... I considered the medical evidence. The medical evidence was that once - I am not quoting verbatim - but the sense ...was that once the chest was fixed so that respiration could no longer take place, then irrecoverable brain damage would occur between four and six minutes. (South Yorkshire Coroner 1990, pp. 16-17).

Many of the families asked that evidence of events up to 4:00 o'clock be considered, contending that in terms of accounting for wider capabilities and potential for prevention of some of the deaths consideration of actions post 3:15 pm was essential but Dr Popper refused.

In his direction to the jury, Dr Popper identified the two possible verdicts: unlawful killing and accidental death. He stated:

that the word 'accident' straddles the whole spectrum of events from force majeure or Act of God. In other words, from something over which one has no control - an earthquake, for instance, where most of us would take the view that no-one could be blamed - to a situation

where you are in fact satisfied there has been carelessness, negligence, to a greater or lesser extent and that someone would have to make, for instance, compensation payments in civil litigation. It straddles a whole range of events and the fact that the jury brings in a verdict of accidental death does not mean to say that nothing has not gone wrong. In other words, bringing in this verdict does not mean that you absolve each and every party from all and every measure from blame (South Yorkshire Coroner 1991, pp. 62-63).

He also indicated that to return a verdict of 'unlawful killing' one had "to be satisfied on the evidence beyond reasonable doubt or so that you are sure" that there was a recognition of an obvious and serious risk and a decision to take the risk had occurred (South Yorkshire Coroner, 1991, p. 57). On 28 March 1991 the jury returned verdicts of accidental death in all 95 cases, by a majority of 9 to 2.

The Challenges

A challenge to those verdicts on behalf of six bereaved families, commenced in April 1992. Families asked the verdicts be squashed because of irregularity of proceedings, insufficiency of inquiry and the emergence of new evidence. The main argument presented by the family was the Coroner's bias. As an employee of one of the interested parties, the Sheffield City Council, the families argued that he should have not have overseen the inquests (Stuart-Smith 1998, p. 12). In November 1993 the High Court dismissed the judicial review of the inquests, concluding that no evidence had been suppressed and the direction to the jury was 'impeccable'.

In 1996, Jimmy McGovern's powerful docudrama Hillsborough was shown on national television. Produced by Granada TV, Hillsborough was a work of polemical investigative journalism in dramatic form, drawing upon direct testimony from families and survivors, archive footage and court transcripts to depict the events of the day and the inquests and investigations that followed. McGovern wrote the script to 'empower the powerless' and to present the Liverpool fans' point of view (Hughson and Spaaij

2011). The film suggested that some evidence (including video film from the police control room) had gone missing, other evidence been tampered with, and questioned the official account of what happened. In 1997, when the Labour Party came into office, Jack Straw MP, the new Home Secretary met with families of the victims and commissioned an independent judicial scrutiny of the evidence relating to Hillsborough.

Stuart-Smith Scrutiny

On 30 June 1997 Commissioner Lord Justice Stuart-Smith was appointed to conduct a judicial scrutiny in order to:

ascertain whether any evidence exists relating to the disaster at the Hillsborough Stadium on 15 April 1989 which was not available;

- (a) to the Inquiry conducted by the late Lord Taylor; or,
- (b) to the Director of Public Prosecutions or the Attorney General for the purpose of discharging their respective statutory responsibilities; or,
- (c) to the Chief Officer of South Yorkshire Police in relation to police disciplinary matters;

and *in relation to*

(a) to advise whether any evidence not previously available is of such significance as to justify establishment by the Secretary of State for the Home Department [Home Secretary] of a further public inquiry; ... and to advise whether there is any other action which should be taken in the public interest. (Stuart-Smith Scrutiny, 1998, pp. v-vi)

Stuart-Smith took evidence from 34 families of the deceased, some in private meetings and others

through written submissions. He also consulted with 16 officials. He reviewed the evidence given to the Taylor Inquiry, analysed the written police reports and examined many of the body files of those who died.

His report discussed in detail the various video recordings of the disaster. Stuart-Smith discounted any claims that the Taylor Inquiry did not have access to all recordings. He also investigated claims that a police officer had put improper pressure on a witness to change his or her evidence. He stated:

I have looked into this in great detail because an allegation of improper pressure against a police officer to persuade a witness to change his or her evidence contrary to that witness's recollection and belief, is a very serious matter. But there is all the difference in the world between such conduct and seeking to reconcile, if one can, apparent inconsistencies between witnesses. (Stuart-Smith Scrutiny 1998, p. 67).

He also investigated Professor Scraton claim that officers' statements had been taken in a manner which was 'highly irregular and leaves itself open to accusations of widespread and institutional malpractice; it does smack of getting our stories right before they go to the investigation force' (Stuart-Smith Scrutiny 1998, p. 78).

Stuart-Smith noted that senior police officers told junior officers to submit hand-written recollections of the day on paper and solicitors or senior officers then edited the statements before forwarding them to the Taylor Inquiry. He reviewed all statements and identified only five cases in which factual information were excluded from statements. He indicated, however, that he did 'not think the solicitors were guilty of anything that could be regarded as unprofessional conduct' (Stuart-Smith Scrutiny 1998, p. 80). Furthermore, he noted that Lord Taylor and the Inquiry team were "clearly well aware that original self-written statements were being vetted by the solicitors and in some cases altered" (Stuart-Smith Scrutiny 1998, p. 82). He concluded that Professor Scraton's claims were not substantiated and

he did not “consider that there is any question of misconduct either by the solicitor who gave the police advice upon the statements or by the police officers who suggested alterations to the statements without referring the statements to the solicitors” (Stuart-Smith Scrutiny 1998, p. 107). After reviewing all claims of irregularities, Stuart Smith recommended that no further investigation be conducted. The South Yorkshire Police original and amended statements were then transferred to the House of Lords Library, from July to October 1998 and made available to the public.

It was perhaps hoped that Stuart Smith’s judgement would mark an end to the demands for a new inquiry and justice. But this underestimated the determination and anger felt by the HFSG, HJC and their supporters (Scraton 2013, p. 16), the campaigns kept up the pressure and on the twentieth anniversary of the disaster, the then Minister for Health Andy Burnham addressed the annual Hillsborough memorial service at Liverpool’s Anfield stadium and “announced the Government's intention to effectively waive the 30-year rule withholding public records to enable disclosure of all documents relating to the disaster” (Hillsborough Independent Panel 2012, Summary). In July 2009 the HFSG and a group of Members of Parliament from Merseyside, presented a case to the then Home Secretary Alan Johnson for disclosing all the records related to the Hillsborough disaster. In January 2010, the Home Secretary announced the appointment of the Hillsborough Independent Panel (HIP), chaired by James Jones, Bishop of Liverpool and including Professor Scraton, an access to information expert Christine Gifford, and archivist and former Keeper of Public Records Sarah Tyacke.

Hillsborough Independent Panel

The HIP mandate included:

- Overseeing full public disclosure of relevant government and local information and managing the disclosure process;
- consulting with the Hillsborough families to ensure that the views of those most affected by the

tragedy are taken into account;

- working with the Keeper of Public Records in preparing options for establishing an archive of Hillsborough documentation, including a catalogue of all central Governmental and local public agency information and a commentary on any information withheld for the benefit of the families or on legal or other grounds; and
- producing a report explaining the work of the Panel and illustrating how the information disclosed added to public understanding of the tragedy and its aftermath.

Based on the panel's review of the available documentation and evidence released to them, the HIP Report outlined what was known when the Panel was established, the background and context to the disaster, the response of the emergency services, the subsequent police investigations, litigation, the Coroner's inquiry, the alteration of police statements and the role of the media. The report concludes with a discussion of the provision for a permanent archive of all the documents released and considered by the panel.

The emergency response

The HIP noted that the disclosed documents showed evidence of 'failures in leadership and emergency response coordination'. Neither the South Yorkshire Metropolitan Ambulance Service (SYMAS) nor the police fully activated the major incident procedure; and lack of the procedure greatly hindered the emergency response. Communication problems in the control room also affected the response. Doctors and nurses attending the match were critical of the 'lack of leadership, coordination, triage and equipment'. The SYMAS countered these criticisms with claims they came from ill-informed and impulsive doctors caught up in the emotions of the disaster'. The panel queried the SYMAS criticisms. Furthermore, the HIP found that the SYMAS used a process to review and revise the statements from emergency workers similar to the police, discussed below.

The Coroner's inquest and the 3:15pm cut off

The HIP concluded the inquest process was seriously flawed, that the Coroner's decision to limit the gathering of evidence to events that took place before 3:15pm when the first ambulance arrived on the pitch was not correct. As previously stated the Coroner based this decision on the belief that those that died were beyond assistance, the effects of asphyxia were irreversible, by 3:15. A medical expert reviewed the autopsy reports of all 96 victims and concluded:

There was clear evidence from the post mortem reports that 28 of those who died did not have traumatic asphyxia with obstruction of the blood circulation, and asphyxia may have taken significantly longer to be fatal. There was separate evidence that in 31 the heart and lungs had continued to function after the crush, and in 16 of these this was for a prolonged period. (These numbers cannot be added to the 28 as some featured in both groups.) (Hillsborough Independent Panel 2012, p. 178)

The report found that some of the victims may have been able to be resuscitated and that the victims were made further vulnerable due to inappropriate positioning etc, while unconscious.

The panel also determined that the procedure the Coroner followed, that is allowing police to summarise witness statements and not allowing cross-examination of the witnesses seriously undermined the reliability of the evidence, stating that 'The Coroner's file notes indicate his acceptance, regardless of Lord Justice Taylor's findings, that the relationship between alcohol consumption, late arrivals and crowd behaviour could have contributed to the disaster' (Hillsborough Independent Panel, 2012, p. 20) The panel concluded that the police had influenced the Coroner's decision to record the alcohol levels of the 96 victims.

The Police Statements

As previously noted, the Stuart-Smith Scrutiny analyzed the handwritten statements given by the South

Yorkshire Police and concluded that only 5 statements had factual matter removed. The HIP studied the process the police established for gathering statements from police officers present at Hillsborough Stadium. Senior police officers instructed officers to record their recollections of the disaster over the days following the disaster rather than make notes in their police pocketbooks per normal operating procedures. SYP also set up a small team of investigators led by Chief Superintendent Donald Denton in consultation with Peter Metcalf, a senior partner in Hammond Suddards, the SYP solicitors, to review all handwritten notes. The SYP instructed the investigative team to remove any statements of opinion on the performance of the police and other emergency services on the day from the notes, but to keep matters of fact. The officers reviewed the amended statements and were asked to sign them for submission to the Taylor inquiry. A number of officers raised concerns over the review and alteration of their statements; some officers also raised concerns over the involvement of solicitors in the process. Attempts by Senior SYP officers to address the concerns included 'Hillsborough updates' and the establishment of an inquiry liaison team to assist officers who were called to give evidence to the Taylor Inquiry.

The HIP's detailed review and comparison of all the handwritten and revised statements identified six types of revisions: grammatical clarification; informal or coarse language removed; criticisms of the police response amended; comments on poor communications or inadequate radio contact revised; references to 'chaos', 'fear', 'panic' or 'confusion' among officers deleted; abusive criticism of supporters removed. The HIP indicated that 116 of the 164 modified statements had substantive amendments and 'central to the process was a determination to alter or delete statements "unhelpful to the Force's case"' (Scraton 2013, p. 22). The report concluded that the statements had undergone an irregular process of review and modification.

The Media

Over the years, many of the families had repeatedly raised concerns over the insensitive, and at times, vicious attacks on the Liverpool supporters. The HIP also investigated the source of the stories and why the press blamed the supporters for the disaster immediately afterwards and then continued to do so despite the clear, contrary findings of the Taylor inquiry. The Panel found that the media allegations against the supporters originated with a local Sheffield press agency that had been influenced by the SYP Police Federation spokesperson and by a local MP who had been briefed by the police. The Panel concluded that the SYP Police Federation “sought to develop and publicise a version of events that focussed on several police officers' allegations of drunkenness, ticketlessness and violence among a large number of Liverpool fans. This extended beyond the media to Parliament” (Hillsborough Independent Panel, 2012, p. 24). The Panel found no evidence that supported these allegations and their report fully exonerated the fans.

The Impact

The Panel’s report highlighted the injustices surrounding the disaster and its aftermath and the digital archives provided access to a range of disclosed documents (over 335,000 pages out of the 450,000 disclosed and reviewed by the panel are not available at the time of writing as because of the current court case. Following the publication of the report the Prime Minister David Cameron apologised to the families for the ‘double injustice’ of the ‘failure of the state to protect their loved ones and the indefensible wait to get to the truth’ whilst suffering from the sustained ‘efforts to denigrate the deceased and suggest that they were “somehow at fault for their own deaths”’ (“Hillsborough Papers” 2012). The original inquest verdicts of accidental death were immediately overturned, and new inquests were established (with preliminary hearings in 2013 and full hearings commencing in 2014). In April 2016 the jury rejected the original death by misadventure verdicts and returned a verdict of unlawful killing in respect of all 96 victims.

What was Different about the Hillsborough Independent Panel

During the 20 years following the Hillsborough disaster, the families and supporters of the 96 victims of Hillsborough had fought for justice but, not until the *Report* of the Independent Panel did they feel vindicated. While the disclosure of documents played an important aspect of the work of the Panel many of the archival documents had been available for many years. This fact raises the question of what was different about the Hillsborough Independent Panel. Our analysis points to six factors that lead to the Panel producing a report that exonerated the fans and provided strong evidence of a police cover-up.

Time had passed

The setting up of the Panel and its membership pointed to the government's willingness to acknowledge that the supporters were not to blame for the disaster. Professor Scraton, the leading scholar on the committee had previously written numerous reports, articles and books that blamed the police for their focus on controlling the fans, rather than on crowd safety. The Panel's mandate also included the disclosure of documents and the establishment of a digital archive in which the wishes of the families were to be paramount. This mandate suggests the government was willing to be much more open than in previous inquiries. By 2009 disclosure of the closed papers had also become increasingly inevitable. A Freedom of Information request by the BBC for key papers although initially turned down by the government was upheld by the Information Commissioner on appeal, and the discussions to reduce the 30 year closure rule to 20 years on public records more generally were also on-going. As Duff, et.al. (2013) suggest in the understanding of the contexts for archival social justice impacts "consideration of time and temporalities is crucial."

Frame of reference

The Panel's frame of reference was "Families First." While Parliament, the Coroner's inquest and the Stuart-Smith Scrutiny seems to have been briefed and influenced by the police's view of the event, the Hillsborough Independent Panel was committed to helping the families. The frame of reference of the panellists was considerably different; this frame of reference undoubtedly affected how they interpreted the records and their analysis of the evidence. The difference between Stuart-Smith's conclusion that in only five police statements had matters of fact been altered, and the Panel's very different assertion that 116 statements contained substantial amendments, reflects the different frames of reference of the two investigations.

Records

While many of the records had previously been accessible, e.g., the police statements had been available for years, the disclosure process made many key records easily (digitally) and publicly accessible for the first time. For example, the panel had access to minutes of police meetings, correspondence etc, that were previously closed. These records shed light on how the police influenced the media, the coroner and parliament against Liverpool supporters, and helped publicise a story that transferred the blame from the police to drunk and ticketless fans, etc. In studying the link between the work of the archives and social justice in this case, our interviewees stated that the work of the archivist in acquiring and preserving records, as well as arranging, describing and making them accessible, played a vital role in making justice possible. Gifford (2013) also noted that the panel could not have done its work without the documents. However, in his public lecture, Scraton (2013, p. 25) reminds us that:

The research, however, should not be represented as 'truth recovery' because the documents were never lost. They lay in un-catalogued archives, unfiled cabinets and in personal collections across numerous organisations, each with institutional interests to safeguard. They were available to, but neutralised by, the processes of investigation, inquiry and scrutiny. This allowed their powerful

evidence to remain hidden while myth prevailed. In bringing them together as the Hillsborough Archive, in placing them in a public space curated and referenced, online and in hard copy, their 'truth' has been liberated.

These statements give support for the Duff et.al. (2013, p. 339) conclusion that “the potentiality of archives to impact on social justice may lie dormant until they are utilized and fed into the public arena.”

Information Access and the Digital Archives

Christine Gifford (2013), the panel member with expertise on Access to Information legislation also highlighted the importance of access to information legislation in getting organizations to open up access to their records, “although not always glamorous, and not sexy, it is the day-to-day work that ensures records are available when needed to enable justice to be done and the 'truth' to be known.” While the Panel had access to analog documents the establishment of the digital archives played an important role in changing the narrative around the Hillsborough Disaster. As Gifford(2013) points out “Anything that was said in the report was backed up by a document, and one group of documents would lead to another group of documents.” This created a powerful tool for highlighting the Panel’s analysis of what happened and it also placed all (or nearly all) the documents in the public arena, accessible to the families and the media, diminishing the opportunity for police-led counter-narratives to undermine the panel’s findings as they had previously successfully undermined the Taylor report’s findings that the supporters were not responsible for the disaster.

People who could find and interpret the records

The Independent Panel included individuals with a broad range of expertise, which proved essential for conducting the work of the Panel. The medical expert re-reviewed all the medical files and raised questions about the 3:15 pm cut off time. As previously indicated, the new interpretation of the medical

evidence raises questions about the Coroner's decision to establish a 3:15 cut off and raises doubts about the inquests in a number of different ways. Furthermore, Sarah Tyacke noted that the historian on the panel played an essential role in locating missing documents to fill in gaps. Without the requisite expertise, records could not be located or interpreted. As Scraton suggests above, the records and documents existed and to a large extent were accessible, but they required investigators who had the expertise and the predisposition to recognise those potential qualities and activate the records in the service of social justice.

The People Who Fought for Justice

Without a shift in public opinion the government would not have established the Hillsborough Independent Panel. This shift was brought about by the relentless work of the families, their supporters, groups such as HFSG and HJC, researchers who had investigated police and media misconduct, e.g., Scraton, Jemphrey and Berrington, and film makers, e.g., Jimmy McGovern who presented a different narrative. Many of the family members followed every avenue to keep the story of the disaster and its aftermath in the press. The determination to keep the campaign alive, to never stop reaching out for truth and justice resulted in the panel being established, constituted and focussed. The struggle to have the truth of the events including the individuals responsible for the events publicly established (in place of the official police and establishment narrative), and to ensure that that acknowledgement of responsibility be established in a court of law was part of a sustained fight for justice. However, the public acknowledgement of the truth long known and attested to by the families and their supporters and prime ministerial apology was a significant social justice achievement in of itself. It is no coincidence that Kevin Sampson's HJC endorsed oral history of the Hillsborough (*Hillsborough Voices: The Real Story Told by the People Themselves*) titles the section relating to the HIP process and its report as "The Truth" and the section on the inquiries and court cases that followed as "Justice?". Peter Carney, a Liverpool fan present in the Leppings Lane and founding activist of the

HJC described his feelings on hearing the panel's findings and reflected on what for him represented justice:

“What is justice? Who guards the guards?’ That was my default position, this fundamental philosophical question - what is justice? And my answer was: justice is what we know to have gone on. It's not a judge's decision; it's your own understanding of what has actually occurred. We have our own justice. And we the people, guard the guards. So yes, justice is getting the right outcome; but it's the process too - establishing the platform, giving ourselves a voice so we can validate our own personal histories” (Peter Carney, in Sampson 2016).

The panel's report, its detailed and unequivocal findings, and the Prime Minister's clear and unambiguous public apology for the Double Injustice done to the Hillsborough families (“the failure of the state to protect their loved ones and the indefensible wait to get to the truth” [“Hillsborough Papers,” 12 September 2012]) set in train a series of legal and government actions, some more conclusive than others. First the original (and for the families, most devastating) verdicts of accidental death were quashed and new inquests were begun in 2014 and concluding in April 2016 with new verdicts of unlawful killing and complete exoneration of the supporters. In January 2017 after investigations by the Independent Police Complaints Commission and the police files on 23 individuals and organisations were passed on to the Crown Prosecution Service and in June 2017, it was announced that six people including Former Chief Inspector Sir Norman Bettinson, Former Chief Superintendent David Duckenfield and former Sheffield Wednesday club secretary Graham Mackrell, were to be charged with regard to their responsibility for the events at Hillsborough. The challenges of these ongoing struggles for justice can be judged from repeated attempts throughout this process to reintroduce now discredited material implicating fans and the failure to get guilty verdicts in the courts. Charges were dropped against Bettinson and then in November 2019 in his second trial the jury found Duckenfield not guilty of the charge of gross negligence manslaughter. At the time of writing in the winter of 2019 further charges relating to events after the disaster (the cover up) remain to be heard.

The process is therefore an incomplete one. For the families and campaigners the changes brought about by the acknowledgement of the bringing “the truth into light” by the panel (“the truth existed from the outset but had been withheld from them by the family”) was a real achievement but it also “allowed the families to move to the next stage of their protest, the demand for justice” in terms of the legal responsibility for the unlawful killing (Cronin 2017, p. 263). In the words of one family member and campaigner the results of panel were:

...excellent, the judgment was excellent, and when he quashed that accidental death verdict it was amazing, I was so pleased. Because everyone knows that Hillsborough was not an accident, so that sort of got rid of that one. The accidental verdict used to really, really upset me, because it let them off the hook didn't it? Let's just hope we get the right verdict in place now, and that the people who are really to blame will get punished” (Anne Williams¹, mother of Kevin Williams who died at Hillsborough, and lifelong Hillsborough justice campaigner, in Sampson 2016).

However the failure to successfully prosecute those in charge on the day has left the families and campaigners angry and frustrated. Justice delayed and justice prevented. As Margaret Aspinall (2019), chair of the Hillsborough Family Support Group, said on the day of Duckinfield's acquittal on 28 November 2019, if the 96 were unlawfully killed then “who the hell unlawfully killed them.”

The long, evolving and certainly ongoing struggle for justice and continuing grief felt by the Hillsborough families and supporters is clearly expressed by The Right Reverend James Jones, former Bishop of Liverpool and chair of the HIP. Commissioned by the government to prepare a report on the lessons for the treatment of future victims and survivors, he looked at what could be learnt from the experience of the Hillsborough families in facing the injustices of what he refers to as “the patronising disposition of unaccountable power.” He addressed his introduction directly to the Prime Minister and

the Home Secretary and towards the end of this open letter he turned to the continuing grief and feelings of the family:

Furthermore, grief is a journey without a destination. The bereaved travel through a landscape of memories and thoughts of what might have been. It is a journey marked by milestones, some you seek, some you stumble on. For the families and survivors of Hillsborough these milestones have included the search for truth, accountability and justice. But even these are not the end of the road. They are still travelling (James 2017, p. 3)

Conclusion

After numerous inquiries, and studies, the search for justice continues in the courts. The 2016 inquest verdict that the fans were unlawfully killed and that they had played no part in those events marks an end to one part of the campaign for justice for the 96—clearing the names of all the supporters present that day of responsibility for the events that took place. As we have made clear the next stage, seeking legal judgements of culpability on the police officers is a longer process and ultimately harder to achieve. Making the records related to Hillsborough disaster public and the building of a digital archive which makes available the distributed records consulted and disclosed by the HIP via one portal has played an important role in revealing what happened during and after the Hillsborough disaster. But many other factors played an important role. As Sarah Tyacke indicated, the archival role is to get records and keep them safe. In the Hillsborough case, different archives and archivists took possession of many records and preserved them. While dormant in the archives, the records remained silent. For the archives to have an impact on social justice, records must be preserved, disclosed, made available, used and interpreted. So, while the identification and preservation of records with justice, accountability and social justice potential is a crucial archival role, there is also a role or archivists (amongst others) in making those records speak by making them accessible and drawing them to the

attention of others who might be able to activate that potential. For Sarah Tyacke, membership on the HIP represented a moment when an archivist was invited to serve into the ‘boardroom’ and given the opportunity to provide input into this a nationally significant review.

The Hillsborough disaster and its aftermath was a tragedy for the individuals, families and communities directly affected and also represented a profound injustice perpetrated on the same families and communities over more than two decades. The police who viewed Liverpool supporters as drunken hooligans needing to be controlled rather than as excited individuals, whose safety should have been prioritised, precipitated the tragedy. Thereafter, the police who could not acknowledge their culpability and an establishment who viewed football supporters as representatives of ‘the enemy within’ lied, falsified documents and maligned the victims in the aftermath of the disaster. Drawing on Cohen’s work on “techniques of denial,” Scraton (2013, p. 23) describes this process by the police of defending and directing attention away from their own culpability by attacking someone else, in this case the supporters, as ‘interpretative denial’, creating a powerful and dominant discourse which crowds out other voices:

Hillsborough illustrates the capacity within state institutions to engage in discourses of deceit, denial and neutralisation that protect and exonerate those in positions of power, those who stand highest in established hierarchies of credibility. Politically and ideologically the ‘view from below’ was subordinated and disqualified. Official discourse and legal defences were orchestrated to protect powerful public and private interests responsible for the disaster (Scraton 2013, p. 24). This point was also embedded in on John James’ 2017 report *‘The patronising disposition of unaccountable power’ A report to ensure the pain and suffering of the Hillsborough families is not repeated* which makes a number of recommendations on the treatment of families and survivors and responses of public authorities which should not seek to prioritise the protection their own reputation over the rights to

justice of the victims. Describing as a “real barrier to accountability”:

“a ‘patronising disposition’ is a cultural condition, a mindset which defines how organisations and people within them behave and which can act as an unwritten, even unspoken, connection between individuals in organisations. One of its core features is an instinctive prioritisation of the reputation of an organisation over the citizen’s right to expect people to be held to account for their actions” (Jones 2017, p. 6).

Hillsborough however, also illustrates that records and evidence are not enough alone to change hegemonic state narratives of “deceit and denial.” Instead the struggle justice requires the commitment of dedicated individuals and communities working together to fight for justice, activating the evidence and operationalising expertise, to promote the ‘view from below’ and to successfully challenge and transform the discourse. In arguing that contemporary accountability technologies have been developed to hinder the accountability of the neo-liberal state, Cooper and Lapsley (2019, p.18) make the point that as important as the records and information were “without an incredibly tenacious social movement, [the records] would not brought anyone to account....the collective questioning of power.” Ultimately, the panel report and the disclosed records which underpinned it, only described a narrative that those who were there had always known and had always sought to assert as the truth but had struggled to be heard. Now that narrative was undeniable and publicly attested to by an archive available for all to check and this was attested to by the final and complete exoneration of the supporters by the inquiry in 2016, although successful prosecutions of those responsible remain tragically elusive:

We have campaigned for 23 years for this but we never thought it would happen. It’s unbelievable – not the findings – but that it was all there and is now made public. All along we’ve been lied to, even our own lawyers let us down, but now it’s there for all to see (family member, quoted in Scraton 2013, p. 22).

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¹ Williams died in April 2013, after the original verdicts had been quashed but before the new inquests had returned the unlawful killing verdicts in April 2016.