

2014 EVE SAVILLE LECTURE

Policing in Britain: Corruption, Surveillance
and Institutional Racism.

by

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THE MURDER: 22nd April 1993



Stephen Lawrence is stabbed to death in an unprovoked racist attack by a gang of white youths as he waits at a bus stop in Eltham, south-east London.

Arrests: 7th May 1993

- Police start making arrests of the following suspects:
 - - Neil Acourt
 - - Jamie Acourt
 - - David Norris
 - - Gary Dobson; and
 - - Luke Knight

CPS Drop Charges: 29th July 1993

The CPS drops the charges against those arrested as it says the identification evidence from a key eye-witness is unreliable.

Private Prosecution: April 1994

Doreen and Neville Lawrence, launch a private prosecution against Gary Dobson, Luke Knight and Neil Acourt.

Private Prosecution Fails: 25th April 1996

- The case collapses after Mr Justice Curtis rules that identification evidence from a key eye-witness is inadmissible. All three defendants are formally acquitted.

Public Inquiry: 31st July 1997

A judicial inquiry into the case, led by Sir William MacPherson, is announced by the home secretary, Jack Straw.

The Terms of Reference are:

“To Inquire into the matters arising from the death of Stephen Lawrence on 22 April 1993 to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.”

Report of the Public Inquiry: 24th February 1999

A report into the case and its wider implications by Sir William Macpherson concluded that the police investigation was "marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers".

The Inquiry was not presented with evidence to persuade it that collusion or corruption infected the investigation of the murder. Having decided that the criminal standard of proof had to be applied to allegations of corruption, the Inquiry concluded that it could not be sure that corruption or collusion had also been a cause of the flawed investigation.

Institutional Racism

- The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

Corruption: 2012

Soon after the convictions in January 2012 media articles suggested:

- Scotland Yard files existed at the time of the Inquiry containing allegations of corruption against DS Davidson
- Further files contained allegations against Commander Ray Adams
- Claim by Neil Putnam (former detective who had admitted acting corruptly with DS Davidson and others) that DS Davidson had admitted he had been in a corrupt relationship with the father of David Norris and that he raised this in July 1998 when the Stephen Lawrence Inquiry was taking place.

A corrupt investigation?

- Commander Ray Adams
- DS John Davidson
- Surveillance
- Arrest of Suspects

Commander Ray Adams

- 30th April 1993 - letter to solicitors
- 7th May 1993 - long term sick leave
- 31st August 1993 – retirement
- Corruption Allegation - His nominal role masked his true purpose: to influence the investigation so that named suspects were not expeditiously arrested because of his previous links to Kenneth Noye who in turn had links with Clifford Norris.
- MacPherson Conclusion: Nothing in evidence or in personal and intelligence files to suggest Adams involved in collusion or corruptly involved in efforts to hold back prosecution.

DS John Davidson

- 23rd April 1993 at 13:50 Acourt's and David Norris named as suspects
- 23rd April 1993 at 19:45 James Grant attends police station to give valuable information.
- 24th April 1993 Davidson questions Grant
- Corruption Allegation: Davidson guilty of a combination of failures and mistakes which if unexplained were sufficiently fundamental that they provide a basis for inferring either gross negligence, or worse, an attempt to thwart the effectiveness of the investigation.
- MacPherson Conclusion: We are not convinced that DS Davidson positively tried to thwart the effectiveness of the investigation.

Surveillance

- 26th April 1993 – Surveillance of suspects address
- At 16:40 suspect seen leaving house with clothing in black bin liner (believed to be going to dry cleaners)
- Camera not set up
- No means of communication to incident room
- MacPherson Conclusion: All those who heard the evidence about this aspect of the case were understandably aghast. Furthermore, the use of the surveillance team to observe a young black man suspected of theft in apparent priority to surveillance of the Stephen Lawrence suspects is remarkable.

Arrest of Suspects

- 7th May 1993 Gary Dobson, Neil Acourt and Jamie Acourt arrested at their home addresses.
- David Norris not at home. He is arrested on the 10th May 1993
- 6th May 1993:



Conclusion on Corruption/Racism

- Collusion/Corruption:

- Standard of proof must be criminal standard.
- No collusion or corruption is proved to have infected the investigation of Stephen Lawrence's murder.

- Racism:

- We do believe that institutional racism is apparent in those areas described. But we do not accept that it was universally the cause of the failure of this investigation.....

MPS Review: 31st May 2012

MPS published a review of the corruption issue concluding:

- The MPS had disclosed all available material relating to officers of concern to the Inquiry;
- There was no other material known to be held by the MPS that touched on corruption or collusion having played a part in the initial investigation;
- None of the media allegations were new.

Public Inquiry v Review

The Home Secretary was asked to set up a Public Inquiry to consider the corruption issue afresh. Instead she decided to set up an independent review led by Mark Ellison QC with Alison Morgan.

Terms of Reference 11th July 2012

1. Is there evidence providing reasonable grounds for suspecting that any officer associated with the initial investigation of the murder of Stephen Lawrence acted corruptly?
2. Are there any further lines of investigation connected to the issue of possible corrupt activity by any officer associated with the initial investigation of the murder of Stephen Lawrence?
3. Was the MacPherson Inquiry provided with all relevant material connected to the issue of possible corrupt activity by any officer associated with the initial investigation of the murder of Stephen Lawrence? If not, what impact might that have had on the Inquiry?

Undercover Officers: 24th June 2013

The Guardian Newspaper and Channel 4 Dispatches programme suggest that an undercover police officer had been tasked by the MPS to gather intelligence to smear or discredit the Lawrence family in 1993 and that this had been deliberately withheld from the Inquiry in 1997/1998.

Undercover Policing

- March 1968: Grosvenor Square Demonstration
- 10th September 1968: Six page memo from Special Branch chief inspector (Conrad Hepworth Dixon) to the most senior officers in Scotland Yard. It was stamped “Secret” and outlined how peaceful protest had now changed to active confrontation. It was stamped “Secret” and outlined how peaceful protest had now changed to active confrontation. When asked for his solution to the problem it is said that he replied “Give me a £1 million and 10 men, and I can deal with the problem for you”. He got what he asked for.
- Special Demonstration Squad (SDS) set up.

Legal Safeguards

- Human Rights Act came into force in October 2000
- House of Lords in the case of Loosely set out various principles relating to entrapment and, simply put, it was held that the use of evidence obtained by entrapment (“as a result of police enticement”) may deprive a defendant of the right to a fair trial embodied in Article 6 of the ECHR.
- Regulation of Investigatory Powers Act 2000 which provided the statutory framework for covert surveillance and interception of calls.
- National Public Order Unit set up. SDS closed in 2008

Terms of Reference 2: July 2013

4. What was the role of undercover policing in the Lawrence case, who ordered it and why? Was information on the involvement of undercover police withheld from the MacPherson Inquiry, and if it had been made available what impact may that information have had on the inquiry?
5. What was the extent of the intelligence and surveillance activity carried out by police forces nationally in respect of the MacPherson Inquiry, Stephen Lawrence's family or any other person connected with the inquiry or the family?
6. What was the extent, purpose and authorisation for any surveillance of Duwayne Brookes and his solicitor?

Findings Question 1

Any evidence of corruption?

No evidence, **but** intelligence that DS Davidson may have been corrupt in the Stephen Lawrence investigation.

Findings Question 2

Any further lines of investigation connected to possible corruption?

Not all lines of enquiries were pursued. Therefore, enquiries remain open. But, due to lapse of time and loss of records, obtaining evidence of corruption diminished.

Findings Question 3

Was MacPherson provided with all relevant material?

Serious concerns that relevant material was not revealed to MacPherson.

The intelligence suggested that DS Davidson was a corrupt officer and the content of Putnam's debriefing should have been revealed to MacPherson.

If evidence emerges to support Putnam's claims the issue of criminal proceedings would need to be considered.

Findings Question 4

Undercover policing?

There was undercover deployment at the time of the Inquiry which reported back personal details of the Lawrences' and decisions made by the family in connection with the Inquiry.

Information regarding undercover policing was withheld from the Inquiry.

Unable to make any definitive findings concerning allegations of undercover policing from 1993 onwards.

A Public Inquiry might be better placed to make definitive findings.

Findings Question 5

Extent of intelligence or surveillance nationwide?

Some research was carried out into the background of a limited number of individuals.

Findings Question 6

Extent, purpose and authorisation of surveillance of Duwayne Brooks?

Such activity was neither necessary nor justified but was not unlawful.

Home Secretary's Announcement: 6th March 2014

- Public Inquiry into the work of undercover policing
- Outstanding lines of enquiry into corruption to be examined by head of National Crime Agency
- New offence of “police corruption” alongside misconduct in public office
- Ellison to carry out review into undercover policing and miscarriages of justice

Operation Herne

- Despite the public claims of Peter Francis, this report will not breach the principle of “Neither Confirm Nor Deny” – NCND – and therefore will not confirm or deny if Peter Francis was ever an undercover police officer.
- No evidence has been discovered to confirm that Peter Francis was tasked to smear the Lawrence family or their campaign.
- Operation Herne has focused upon the public allegations of Peter Francis and found that...his claims lack credibility and cannot be substantiated.

IPCC – 2nd June 2014

- Investigation into allegations of discreditable conduct and breaches of honesty and integrity on the part of Commander Richard Walton. During the Stephen Lawrence Inquiry in 1998, Commander Richard Walton (then an acting Detective Inspector) met with an undercover officer and obtained information pertaining to the Lawrence family and their supporters, potentially undermining the Inquiry and public confidence. It is also alleged that Commander Walton provided inconsistent accounts to Mr Ellison's review team regarding his actions.
- Investigation into allegations of discreditable conduct on the part of two former MPS officers, then Detective Inspector Robert Lambert and Commander Colin Black, who were both identified in the review as having played a part in facilitating the meeting with the undercover officer.

Corruption

- HMIC Report 2011/12
- Anti-corruption units across the UK report 245 new investigations every month, a rise of 62% on the previous year
- 8 out of 10 police officers being investigated for illegally disclosing information
- 67 officers under investigation left the police service through dismissal, retirement or resignation.
- Some 45 cases referred to external bodies for further investigation and 643 officers given warnings or advice.
- Just over 700 of the 2,207 investigations that took place between September 2011 and May 2012 were still live.
- 50 Metropolitan Police officers were suspended for corruption during 2009 and 2012.

Undercover Surveillance

- HMIC Report 2014
- There are more than 1,200 undercover police officers operating in 39 units across England and Wales.
- 3,466 undercover operations in England and Wales between October 2009 and September 2013.
- The inspectors said that the “generally poor knowledge and lack of expertise of senior officers” was unacceptable and called for a root-and-branch reform of the secretive national group that oversees the deployment of undercover officers.
- 49 recommendations made to improve the “policies, systems, training and leadership of undercover operations which if implemented should address the unacceptable inconsistencies and shortcomings that we have found”.

“9 Principles of Policing”

Two of the principles set out in the ‘General Instructions’ that were issued to every new police officer from 1829 were:

1. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
2. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.

The Future

- Ellison's ongoing review into miscarriages of justice arising from undercover policing: Awaited
- Head of National Crime Agency to look into outstanding lines of enquiry into corruption: Awaited
- New offence of police corruption: Awaited
- Public Inquiry into undercover policing:
 - What type?
 - Terms of Reference?
 - Chair/Panel?
 - When?

Purpose of a Public Inquiry: Ex Parte Amin

- The purposes of such an investigation are clear: to ensure so far as possible that the full facts are brought to light; that culpable and discreditable conduct is exposed and brought to public notice; that suspicion of deliberate wrongdoing (if unjustified) is allayed; that dangerous practices and procedures are rectified; and that those who have lost their relative may at least have the satisfaction of knowing that lessons learned from his death may save the lives of others.