

*Return to an Address of the Honourable the House of Commons  
dated 6 March 2014  
for*

**THE STEPHEN LAWRENCE INDEPENDENT REVIEW**  
**Possible corruption and the role of undercover policing  
in the Stephen Lawrence case**

Volume One

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# I. Introduction

On 4 January 2012, when sentencing Gary Dobson and David Norris for their part in the murder of Stephen Lawrence, Mr Justice Treacy said:

“The murder of Stephen Lawrence on the night of 22nd April 1993 was a terrible and evil crime. Recently the Lord Chief Justice described it as ‘a murder which scarred the conscience of the nation’. A totally innocent 18-year-old youth on the threshold of a promising life was brutally cut down in the street in front of eyewitnesses by a racist thuggish gang. You were members of that gang... This crime was committed for no other reason than racial hatred. You did not know Stephen Lawrence or Duwayne Brooks. Neither of them had done anything to harm, threaten or offend you in any way, apart from being black and making their way peaceably to the bus stop on their way home.”

Mr Lawrence and Baroness Lawrence had been seeking justice with a dignified persistence for over 18 years by the time of these convictions. They continue so to do.

Only two of the group of five or six white youths who killed their son have been convicted of their crime. The convictions of Gary Dobson and David Norris came only after the application of improved forensic science in the mid to late 2000s, which revealed hitherto undetected incriminating evidence on clothing connected to them at the time of the attack.

The Stephen Lawrence Public Inquiry in 1998 officially recognised that the initial investigation into the murder of Stephen Lawrence by the Metropolitan Police Service (MPS) had been seriously flawed as a result of, at least, serious incompetence and institutional racism.

The issue of whether corruption or dishonest collusion had also played a part in producing such a flawed investigation was considered in depth at the Inquiry. Having decided that the high criminal standard of proof had to be applied to allegations of corruption – unlike other issues that it considered – the Inquiry concluded that it could not be sure that corruption or collusion had also been a cause of the flawed investigation.

Nevertheless, the suspicion that corruption or collusion must also have played a part in the failed investigation has lingered over the case during the ensuing years.

Following the conclusion of the trial of Gary Dobson and David Norris in early 2012, articles were published in the media that revisited the corruption issue. The articles questioned whether the MPS had fully informed the Stephen Lawrence Inquiry Panel of all potentially relevant material available at the time on the issue of corruption.

The main topics highlighted in the media in 2012 were:

- a) Scotland Yard files said to have been in existence at the time of the Stephen Lawrence Inquiry which contained allegations of corruption against Detective Sergeant John Davidson, a lead detective investigating the murder;
- b) further files containing allegations made against Ray Adams, then a commander, who had played a part in the investigation; and
- c) a claim made by Neil Putnam (a former MPS detective who had admitted acting corruptly with DS Davidson and others in the South East Regional Crime Squad, and had been relied

on as a witness by the MPS in a series of prosecutions of corrupt officers) that DS Davidson had admitted he had been in a corrupt relationship with the father of David Norris (the suspect) at the time he had worked on the Stephen Lawrence murder investigation; and that he (Putnam) had told his police debriefers of this in July 1998, when the Stephen Lawrence Inquiry was taking place, and expected disclosure to be made by the MPS to the Inquiry.

Within a few weeks of these articles having been published, on 31 May 2012 the MPS published a review of the corruption issue, which concluded that:

- a) the MPS had disclosed all available material relating to the officers of concern to the Inquiry;
- b) 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; and
- c) none of the media allegations were new.

Mr Lawrence and Baroness Lawrence asked the Home Secretary to consider setting up a new Public Inquiry to consider the corruption issue afresh.

The Home Secretary decided instead to set up this Independent Review. Following some discussions of my previous involvement in the trial of Dobson and Norris, and in recent proceedings in which Mr Putnam had featured as a witness, I agreed to carry out the Review.

I was very fortunate that Alison Morgan, another barrister in independent practice who was junior counsel in the Dobson and Norris prosecution, agreed to assist me.

I take full and sole responsibility for the Review, and for the views expressed in this report, but her assistance has been of such value that it is appropriate to refer to what "we", rather than "I", have done and found following the Review we have together carried out.



Mark Ellison QC  
3 March 2014

## 2. Terms of reference

The original terms of reference for the Review (Appendix 1) were announced by way of a Written Ministerial Statement to Parliament on 11 July 2012, and posed the following questions:

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?**

In June and July 2013, serious allegations were published in the media suggesting that an undercover Special Branch officer had been tasked by the Metropolitan Police Service (MPS) to gather intelligence that could be used to 'smear' or 'discredit' the Lawrence family and/or Duwayne Brooks. It was suggested that this had occurred in 1993, after the Lawrence family's campaign had become high profile, and that this aspect of MPS activity had later been deliberately withheld from the Stephen Lawrence Inquiry in 1997/1998.

Further media reporting in the summer of 2013 suggested that wider police intelligence gathering and/or surveillance activity had occurred around Part Two of the Stephen Lawrence Inquiry (when the Inquiry travelled to take evidence in various locations outside London in the autumn of 1998). It was further alleged that similar activity had occurred relating to Duwayne Brooks that might also have involved impropriety.

Consequent upon these publications, Mr and Mrs Lawrence (and others) again invited the Home Secretary to set up a Public Inquiry. At that time there was an on-going police investigation (Operation Herne) into aspects of undercover policing, under the supervision of the Chief Constable of Derbyshire, Mick Creedon. It was agreed that the investigation would prioritise the 'Lawrence-related' aspects. The Home Secretary also asked our Review to examine the new 'Lawrence-related' issues that had arisen, and we agreed.

The terms of reference of this Review were accordingly extended as follows (Appendix 2):

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 might that have had on the Inquiry?**
5. **What was the extent of intelligence or surveillance activity ordered or carried out by police forces nationally in respect of the Macpherson Inquiry, Stephen Lawrence's family or any others connected with the Inquiry or the family?**
6. **What was the extent, purpose and authorisation for any surveillance of Duwayne Brooks and his solicitor?**

We also agreed to report to the Home Secretary on whether the Review has:

- a) identified information that should lead to further action, including whether any evidence should be passed to the Director of Public Prosecutions; and
- b) been able to uncover all material evidence relating to the issues covered by the terms of reference and, if not, whether a Public Inquiry would have a greater chance of doing so.

### 3. Conduct of the Review

Unlike a Public Inquiry, set up under statute, an Independent Review commissioned by a Secretary of State, such as this, has no legal status and no legal powers.

The Home Secretary has, however, indicated within our terms of reference that we should be:

- a) given access to all files held by the Metropolitan Police Service (MPS) relating to the investigations into the murder of Stephen Lawrence;
- b) given access to any files that we consider necessary, including police, Independent Police Complaints Commission (IPCC) or Home Office files; and
- c) able to speak to anyone, including serving police officers, that we wish.

Over the course of our Review, we have requested a wide range of potentially relevant material from a variety of sources. We have asked to speak with many individuals who we believed could improve our knowledge relevant to the questions posed by our terms of reference.

The vast majority of those who we have approached have agreed to speak to us and we are grateful to them for their co-operation.

We are also grateful to Temporary Detective Superintendent Chris Robson who acted as our contact point for the MPS and to Operation Herne. We thank them, and their supporting officers, for their patience and co-operation in dealing with our numerous requests for material.

We have found that the potential to uncover relevant material or information that might inform an assessment of whether there is evidence for suspecting that any officer associated with the initial investigation into the murder of Stephen Lawrence acted corruptly is almost without limit. This is particularly true if the issues are examined from a wider perspective than the more 'silo-based' investigation, which appears to have been typical of historical police discipline investigations.

Inevitably, we have had to make choices as to which paths we have taken and how far down them we should travel. Ultimately we are dependent on what material is provided to us on any particular topic about which we seek information. We do not have the authority to conduct searches ourselves. The searches that have been made at our request, particularly using the various computerised databases or other file index systems, are also dependent on the precise search terms used.

We believe that we have received genuine co-operation both from Operation Herne and from the MPS. However, as we will describe in the sections that follow, there remain a number of potentially important areas of documentation that have not been provided to us. The explanation for this absence varies between:

- a) a suspicion (or sometimes hard evidence) that they have been destroyed;
- b) a belief that they must exist but cannot be found; or
- c) that there simply is no record available and no way of knowing if one was ever made.

We will try to highlight as we go through the various sections of our report:

- a) where we have found an absence of records that might be expected to have existed; and

- b) where there is an apparent conflict or contradiction between what individuals have said to us on a topic.

This is part of the exercise of highlighting where any of our terms of reference may be better answered by a formal Public Inquiry. Such an Inquiry would be able to require the production of documents, and would provide a public forum for an adversarial examination or cross-examination of witnesses. We have considered whether such an Inquiry would have greater success at getting to the truth.

The Review has considered files, boxes and electronic media which we estimate to contain over 300,000 pages of documents. These have come from the MPS, the Home Office, the IPCC, other police forces and members of the public.

It was our hope that we would be able to publish a report in July 2013. As a result of the media publicity in June 2013 and the consequential extension of our terms of reference, we extended our deadline to December 2013. This deadline had to be extended again as a result of Peter Francis' indication at the end of December that he would speak to us, and as a result of the late delivery of significant material by the MPS.

We also concluded that it would be appropriate to conduct a 'Maxwellisation' process at the conclusion of the Review, in relation to any criticisms that we might make about individuals. This is a procedure established for Public Inquiries, pursuant to Rule 13 of the Inquiry Rules 2006, which requires notification to an individual in writing of any proposed criticism, allowing them the opportunity to respond. Where appropriate, we have incorporated a summary of the responses we received in this report, and we have taken account of all the responses in arriving at the findings we have made.

## 4. The Stephen Lawrence Inquiry

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To answer the questions posed by our terms of reference, it is obviously necessary to identify, in some detail, how relevant issues were developed and determined at the Stephen Lawrence Inquiry in 1998 and to establish what material was, and was not, made available to the Inquiry Panel and to the interested parties by the Metropolitan Police Service (MPS).

The Inquiry sat hearing evidence for 59 days in what it described as 'Part One'. This involved considering the evidence of 88 witnesses, which generated over 10,000 pages of transcript. It also received a vast quantity of documentary evidence (estimated to be more than 100,000 pages). Interested parties were represented and made submissions in writing (running to over 1,000 pages) and then orally to the Inquiry after the evidence had concluded as to the correct interpretation of the evidence that the Inquiry had received.

No summary can act as a complete substitute for a full reading and understanding of the extensive evidence heard and the submissions made. But in order to assist the reader, and because of the importance of the evidence provided to, and findings made by, the Stephen Lawrence Inquiry to answering the questions posed by our terms of reference, we have set out at some length in this section a summary of:

- a) the cases advanced by the Lawrence family; Duwayne Brooks; and the MPS (sections 4.1–4.3); and
- b) the findings made by the Inquiry relevant to our terms of reference (section 4.4).

A more concise summary of the key findings of the Public Inquiry appears in the first section of the Summary of Findings.

We have set out the cases advanced by the represented parties first as that seemed to us to be the most logical order. To make sense of some of the submissions made, it is necessary also to consider the Inquiry's factual findings, which follow.

## 4.1 The case advanced by Mr and Mrs Lawrence

Mr and Mrs Lawrence's case was summarised within the oral submissions made on their behalf by Michael Mansfield QC [Transcript Day 57, 16 September 1998] and in more detailed written submissions. In headline terms the main points appear to have been as follows.

### 4.1.1 On the investigation as a whole

- a) Within two weeks of their son's murder, the Lawrences became convinced that something was going fundamentally wrong with the investigation, and that the loss of a young black life counted for little. They were aware that people had named suspects, yet no arrests had been made by the police.
- b) They believed that if Nelson Mandela had not spoken in support of their predicament in London on 6 May 1993, no arrests would have been made the following day.
- c) Hopes which had been raised following the arrests made on and after 7 May 1993, and the charges brought against Neil Acourt and Luke Knight following Mr Brooks' identification of them as attackers, were then dashed when the Crown Prosecution Service (CPS) dropped the case on 29 July 1993.
- d) From September 1993 to the conclusion of the Inquest at the end of February 1997, they had been assured constantly by senior officers, including the Commissioner, that their misgivings were misplaced. In the autumn of 1993, some senior officers went so far as to advise the Commissioner that "patience was wearing thin on 3 Area with the Lawrence family" [DAC Osland, 8 September 1993].
- e) After the Inquest verdict (February 1997) of "unlawful killing in a completely unprovoked racist attack by five youths", and with no admissions or concessions from the police, they once again reiterated their beliefs and submitted a formal complaint.
- f) Fundamentally they argued that the enormity of the investigative deficiencies in the initial murder investigation, and the fact that these deficiencies were allowed to go unchecked and undetected, could not adequately be explained by accident, oversight or aberration. The evidence before the Inquiry suggested that three main potential forces had been at work: **racism, institutional lethargy and collusion.**

#### Comment

- The task facing the Inquiry was accordingly to assess whether, within the overall circumstances proved by the evidence before it, the existence of one or more of these discrete forces could be isolated and confirmed. Each of the contended forces had the potential to result in a similar manifest deficiency or flaw. Therefore, an assessment of the strength of the evidence that any one of the three contended forces existed and was operative had to be made in the context of considering any of the other forces that may have played a part.
- Our assessment of the Inquiry evidence and its findings is that this complicating factor was identified and considered by all. For our purposes, it means that our summary of the cases advanced by the relevant parties and of the Inquiry's findings must inevitably cover racism and institutional lethargy, as well as corruption or collusion. It is for that reason that we have considered these issues in the summary below.

#### **4.1.2 Mr and Mrs Lawrence's submissions on racism**

Evidence of racism at work in the initial investigation could be discerned, it was argued, from a number of features of the evidence before the Inquiry.

They drew attention to learning as to the nature and manifestation of racism across society, both as a direct factor motivating specific acts of violence and prejudice, and also as an insidious and unarticulated form of 'institutional racism'.

Evidence before the Inquiry demonstrated that Stephen Lawrence's murder was undoubtedly a racially motivated incident, falling within the MPS's *Guidance Manual* and the Association of Chief Police Officers (ACPO) definition of a racist crime. Yet there was an extraordinary unwillingness to acknowledge the nature of the crime by a substantial, and central, number of the Area Major Incident Pool (AMIP) Squad, for example Detective Sergeant John Davidson.

Other examples of racism permeating the initial investigation included:

- a) the failure to administer proper first aid;
- b) the evidence indicating that blood emanating from Stephen's body must have been clearly visible to those arriving at the scene, yet no attempt was made to investigate where its source was. At a very early stage, this led the family to feel that the reason that Stephen was left in the street was that there was no wish on the part of the police officers to get a black man's blood on their hands;
- c) the fact that there had been no attempt on the night to access recorded information in relation to other local racial incidents; and when this was done it was apparent that there was no useful data kept by the recently established Racial Incident Unit. The disturbing result of this was that violent racists like the five suspects were able to exist within the community, and come to the attention of the police (in particular David Norris and Jamie Acourt) without their racist propensities being properly ascertained and recorded;
- d) the evidence of the police attitude to and the handling of Mr Brooks, which demonstrated stereotyping of him in a way that revealed a form of institutional racism;
- e) failures in family liaison at the hospital; and
- f) failures in family liaison generally.

The family wanted straightforward information about the suspects, and whether and when there might be arrests. The impression that they were left with was that the police were not prepared for, and were put out by, an articulate black family asking pertinent questions about the progress of the investigation.

The outside enquiries made by the investigation were debilitated by a lack of awareness and commitment to pursuing evidence of racial motivation and culpability; as clearly demonstrated by the saga of the red Astra.

### **4.1.3 Mr and Mrs Lawrence's submissions on institutional lethargy**

This was a heading intended to cover examples of straightforward incompetence, hidebound approaches to problem solving, and a general lack of initiative and imagination. The family highlighted the following areas:

- a) Inactivity in the first 24 hours after the attack. Lack of manpower could not be the explanation. Between 22.50 and 03.00 on the night of the murder something in the order of 44 police constables, five sergeants, one detective inspector, one chief inspector, one detective superintendent and two chief superintendents were available. Nevertheless some very obvious lines of enquiry and actions were either not pursued at all, or pursued only in a very inadequate way.
- b) There was no clear overall command strategy, let alone a chain of command.
- c) Had the officers listened carefully to the detail provided by Mr Brooks, they would have gleaned a very clear picture of what had happened; and his account was rapidly supported by a local resident, Barry Nugent, and by Joseph Shepherd, who had been at the bus stop at the time of the attack.
- d) There should have been a planned search strategy for the area and there should have been an attempt to access information about the streets within the area and those who lived there.
- e) There were two obvious forms of search that could have been carried out. Firstly, a search of the streets, both mobile and on foot, to seek offenders or weapons. Secondly, a house-to-house search, not only for the purpose of eliciting eyewitness accounts, but also to see if the offenders might be present.
- f) There was a failure to act on the anonymous information being received by the Incident Room at Eltham Police Station from members of the public as early as 13.50 on Friday 23 April 1993. It specified the Kidbrooke Estate, named two specific individuals, Neil Acourt and David Norris, of 102 Bournbrook Road, and indicated that they always carried knives.

### **4.1.4 Mr and Mrs Lawrence's submissions on corruption or collusion**

The family recognised that this was a sensitive and controversial area, which was even more difficult to demonstrate than racism. The Inquiry was invited to consider corruption in its widest form, not necessarily involving or limited to money changing hands. Where police officers manipulate an investigation they may do so for a variety of reasons. Obtaining evidence of this can rarely be achieved by outside bodies, let alone private individuals. It is usually the product of an internal and highly secret probe of the kind recently made public by the use of 'ghost squads' in the MPS.

The Inquiry was invited to draw the inference that there must have been collusion in this case between members of the criminal fraternity and some police officers in the light of the following circumstances proved by the evidence:

- a) The occurrence in terms of the quantity and the nature of serious basic errors made by senior and experienced officers in this investigation, which could not be explained by accident, oversight or overwork. These included:

- the failure to arrest the suspects, as known by Monday 26 April 1993, or at the very least to obtain a search warrant for specific addresses, 102 Bournbrook Road being the most obvious;
- the failure to consolidate eyewitness identification evidence;
- the failure to pursue a line of enquiry relating to a possible sixth suspect who could have been the blond offender, and the failure to eliminate potential candidates properly;
- the failure to develop information expeditiously and effectively in order to convert that information into evidence;
- the failure to make contemporaneous records and, where some were made, the failure to ensure their retention;
- the failure to establish an effective surveillance operation and to put the product that was obtained to any use; and
- the failure to ensure the completion of the scientific examination of exhibits.

In particular, there appeared to have been both inordinate delay and a 'ham-fisted' approach to turning intelligence into evidence. The prime example was the mishandling of "James Grant", which was so bad, and about which so many lies had been told, that it demonstrated a desire to undermine the efficacy of the investigation.

- b) The second example of collusion between senior officers was the Barker Review. This review was the first to be instigated in relation to an AMIP murder enquiry. There are two ways in which the outcome was predetermined. At inception it was necessary both for internal and external purposes to reassure senior management within the police, and inquisitive politicians, that the public misgivings about the murder investigation were not warranted. Later it became necessary to attempt 'damage limitation' when the original findings of the review were found to be palpably wanting. It was at this stage that Detective Chief Superintendent John Barker was left to man the sinking ship with whatever life-saving devices he could muster.
- c) **Commander Ray Adams:** The peculiar role that he appeared to have played in the investigation left much still to be explained. What was an officer who was about to go off on sick leave and then retire doing signing a family liaison letter? He had no knowledge of the investigation, yet an examination of the policy file and the letter suggested that he was being given the role of liaising with the family through their solicitor.
- d) **The 'Norris factor':** It was suggested that behind the extraordinary deficiencies in this investigation lay the 'Norris factor'. Namely, that someone behind the scenes was protecting David Norris and his friends, not only in respect of the Stacey Benefield allegation, but also in this murder investigation. This was based on the following:
- The first information provided to the murder squad specified the name David Norris, along with Neil Acourt. Thereafter David Norris' name was repeated with regularity as a suspect for the murder.

- His father Clifford was a notorious and dangerous South London criminal, who was well known to officers who worked in that area. Although he was wanted for major crime, he had managed to successfully evade arrest since 1988. This was in spite of the presence of his wife and son David in a prominent and spacious house in Chislehurst, which was well known to the police.
- The day before Customs and Excise closed in on the Norris family drug importation enterprise in 1988, Clifford Norris was seen by Customs officers in the presence of a Metropolitan Police officer, "DS XX", as he had been on two previous occasions over the previous six months. When Customs arrested the majority of the gang in June 1988, it was only Clifford Norris and one of his close henchmen who managed to escape. Customs and Excise reported "DS XX" to the Police Complaints Bureau, which investigated the matter. When "DS XX" was questioned he initially denied the contact that he had had the day before with Clifford Norris. Surprisingly, he was not disciplined for his plainly illicit association with Clifford Norris but instead for falsification of documents as to his whereabouts on the final occasion. The tribunal recommended that he be dismissed from the force. At the hearing of the complaint, a letter of character reference was provided by Detective Superintendent Ian Crampton, who had, at one time, been supervising officer for the detective. "DS XX" had his dismissal reduced to a reduction in rank and he remained a DC within the detective ranks of South London. He came to provide an escort for Mr Brooks at the end of the private prosecution of the suspects in April 1996. This role was subsequently regretted by senior officers.
- No one at any time has doubted the power, criminal influence and fear exerted by Clifford Norris. Is it to be supposed that this stops short of the police themselves?
- Once the police had the name David Norris and some nominal research had been completed over the first weekend, there then followed a remarkable 'haze of vagueness' about whether they had really established his address or knew what he looked like. What was even more unbelievable was that, in spite of the collective intelligence background of the three key senior officers, Detective Chief Superintendent William Ilsley, Detective Superintendent Ian Crampton and Detective Chief Superintendent Brian Weeden (who had worked at Orpington in 1982 to 1983 when Clifford Norris was active), no bells rang when the name David Norris came into the murder investigation. Nor was any assistance proffered by these officers to the murder squad detectives deputed to research David Norris over the first weekend.
- Kent Police discovered that in 1989 a meeting had taken place between the David Norris who was murdered in 1991 and a man called Gary French. Gary French's sister is married to Alex Norris, who is the brother and criminal associate of Clifford Norris. When stopped on the occasion of that meeting by the police, David Norris (deceased) told them that he was the cousin of Clifford Norris. No evidence had been provided to the Inquiry, whether by way of Somerset House or by other members of David Norris (deceased)'s family that could categorically exclude this relationship.

- When police officers attended 7 Berryfield Close in Chislehurst in the early hours of 7 May 1993 to arrest David Norris (the suspect) and search the addresses of the four suspects raided that day, David Norris was the only one not to be at home. The search of the Norris house was cursory in the extreme. Detective Sergeant John Bevan seemed overwhelmed by the magnificence of the carpets and did not employ the intelligence provided by "James Grant" that at the very least the Acourts were in the habit of hiding their weaponry under the floorboards.
- When David Norris was interviewed, the interview lasted barely more than 19 minutes. He had been advised not to answer questions. None of the surveillance material establishing his movements and association with other suspects in the murder was used.
- The only suspect who did answer questions after his arrest was Gary Dobson. It is significant that the one name he sought to protect, by denying association with it, was David Norris. The absence of Norris from his home, and the Dobson denial of association, were not unrelated. There was a strong inference that David Norris had been tipped off about the impending arrests and that it had been agreed that if anyone talked to the police, association with him would be denied.
- There is a link between the family of Clifford and David Norris and the Acourt family.
- On 13 May 1993, David Norris was identified by Stacey Benefield for the serious assault upon him which had taken place a few weeks before Stephen's murder. He was charged. The Norris family would have realised that this case was going to proceed. Stacey Benefield was then approached by someone who fitted the description of Clifford Norris and was bribed with £2,000 and an offer of £3,000 more to change his account to the police, with particular reference to David Norris. He was led to believe that the man bribing him could 'take care' of the police. The Benefield case proceeded and was tried at the Old Bailey. David Norris was acquitted at the end of a short trial during which the foreman of the jury had approached David Norris, prior to the verdict, to reassure him as to the result. The same juror subsequently attempted to offer David Norris employment.
- Clifford Norris remained at large until Detective Superintendent William Mellish took over the murder investigation. How was it that Clifford Norris was able to remain at large, possibly in this country, possibly bribing people, until an officer of D Supt Mellish's stature managed to remove him?
- The covert recordings at Footscray Road revealed that both Neil Acourt and Gary Dobson appeared to be aware of the presence of covert recording equipment. It suggested that they had been tipped off as to the possibility of this technique.

## 4.2 The case advanced by Duwayne Brooks

Mr Brooks was a key witness and the surviving victim of this racist attack. He had co-operated fully with the police and continued to co-operate long after other key witnesses gave up. He had been helpful and straightforward. He provided nine witness statements and attended three identity parades, two court hearings and three inquest hearings, yet he was treated with suspicion and disrespect.

He was falsely accused of breaking a window in Plumstead Police Station. He was charged with offences arising out of the Welling demonstration long after he had been identified by PC Simon Bull, and the Crown Prosecution Service (CPS) persisted in his prosecution despite strong representations by his solicitor, by very senior police officers, and in the face of the indications of the trial judge.

In that sense, it was submitted, he was literally 'criminalised' because he was a young black man; because of the nature of the crime; and because of the state of a police service disabled by racism. What happened to him offered a unique opportunity to see how racial stereotyping and institutional racism worked in practice during the course of a live murder investigation and, more importantly, to learn important lessons from it.

Evidence before the Inquiry, for example the pro forma questionnaires filled in by police officers during the course of the Welling demonstration prosecution, and the officers' evidence to the Kent Inquiry, demonstrated that Mr Brooks was racially stereotyped by those police officers. The consequence was that he was never asked or given an opportunity to go around the area in a police car with a view to spotting suspects. It also meant that the house-to-house searches were conducted without the benefit of his descriptions.

Mr Brooks gave his first statement to PC Anthony Gleason at the hospital. It was copied into PC Gleason's notebook. He gave a description including the hair colour of one of the attackers. Yet this statement did not get onto the computer-aided dispatch (CAD) system and it does not appear that it was ever circulated to police officers at that time. In short, it got lost somewhere in the system, not to emerge until the Kent Inquiry. How it was lost for so many years, and whether it was PC Gleason or another officer who was responsible for failing to convey its contents to investigating officers, we will probably never know. The consequence of this was to undermine Mr Brooks' credibility as an identification witness when he came to give evidence. The loss of the notebook was consistent with other early failures to treat him and the information that he had with appropriate seriousness.

It was submitted that if speedy arrests of the suspects had been made, then Mr Brooks would have been in a far better position to make identifications, as would the bus stop witnesses.

The credibility of Mr Brooks' identification evidence was seriously undermined by Detective Sergeant Christopher Crowley's account of the identification parade of 3 June 1993. It was submitted that DS Crowley was either lying about, or seriously misunderstood, much of what Mr Brooks told him, and that the police investigation into the whole saga was incomplete and inadequate.

It was further submitted that the Inquiry had not unearthed the whole truth about DS Crowley. There was the possibility that he might be mistaken or had misunderstood what was being said. It was, however, accepted that on the evidence before the Inquiry there was not enough to prove a racial motive or a corrupt motive. It was suggested that there was enough evidence to lead to the conclusion that DS Crowley may well have 'sugared the pill' because he did not like Mr Brooks or his attitude.

It was accepted that no assistance could be derived from DS Crowley's role in the Rolan Adams investigation, but it was submitted that there was more to DS Crowley than the Inquiry had been able to unearth. The Selwood Report had been neither thorough nor complete.

As both a witness and a victim, Mr Brooks should have been treated in accordance with the principles of the Victim's Charter:

Mr Brooks was charged in connection with the Welling demonstration in May 1993, long after he had been identified by PC Bull. The piece of paper on which PC Bull set out his identification had been marked by someone as "for intelligence purposes only". It was only after he had been 'junked' as a witness in the murder case that he was charged, and it was not accepted that that was because it took a lot of time for officers to view the video footage of the demonstration.

After he was charged, the CPS persisted in the prosecution, going ahead notwithstanding strong representations persistently made by his solicitor and also by very senior police officers, and finally in the face of indications by the trial judge. There were ample reasons for discontinuing the case: evidence that Mr Brooks was then suffering from post-traumatic stress disorder; and the public interest representations which senior police officers made. It was a pointless prosecution to proceed with.

The Inquiry had revealed that the focus of policing was too much on how the black community would react and too little on how to catch the criminals – in particular, how to put in place the necessary intelligence gathering, structures and procedures for catching the criminals involved in violent racism.

The prime concern of the police was public order and whether these racist murders would produce a backlash or a violent reaction in the black community and sympathetic sections of the white community.

Mr Brooks became a triple victim: firstly of the violent racism of the attack; secondly of the police failure to take seriously or understand the implications of his account as to the nature of the attack; and thirdly of the police and CPS attempts to turn him into a criminal.

On 'corruption and institutional lethargy', Mr Brooks adopted the submissions made on behalf of the Lawrence family.

On the subject of corrupt relationships between organised criminals and police officers, the additional point was made that there was a worrying possibility of a link between organised crime and racist extremists. This was a matter that the police had no intelligence on at the time of Stephen Lawrence's murder, and there was no evidence that the full implications had been taken on board or would be by Deputy Assistant Commissioner John Grieve in his newly allotted task in the Racial and Violent Crime Task Force (CO24).

### **4.3 The case advanced by the Metropolitan Police Service and by individual officers**

Deep regret was expressed by the Commissioner (Paul Condon) in his foreword to the written submissions provided to the Inquiry. It was accepted that the Metropolitan Police Service (MPS) had fallen short of the standards to which it aspired and which the public had every right to expect from it in its handling of the investigation of Stephen Lawrence's murder.

The MPS welcomed the constructive criticism that was justified, but would not "roll over" and accept the blame for everything that was wrong with society. It was conceded that, as the parents of a son who had been brutally and senselessly murdered, Mr and Mrs Lawrence were entitled to expect the best possible response from the police and did not get it.

It was noted that some parties had complained about non-disclosure of documents by the MPS, but it asserted that it had co-operated to the full in the production of documents requested by the Inquiry, in particular: voluminous discipline files, personal records and investigative files had been disclosed to the Inquiry pursuant to requests by Counsel for Mr and Mrs Lawrence in relation to allegations of corruption. It had been a matter for the Inquiry to decide whether any of the material had any relevance to the issues and should be disclosed.

It was accepted by the MPS that there had been many mistakes, including those made during the first investigation, some of which had been serious. Cumulatively they might amount to systemic breakdown, but it should be noted that so-called "stranger murders" are notoriously difficult to investigate and solve. The nature of the crime and the lack of evidence were partially responsible for a mediocre first investigation. It was not accepted that the number of errors, or their gravity, showed that there must have been either racism or corruption at work in the investigative team.

The three senior officers, Detective Chief Superintendent William Ilsley, Detective Superintendent Ian Crampton and Detective Superintendent Brian Weeden, began to acknowledge that from the time of the Kent Inquiry, with the benefit of hindsight, certain areas of criticism concerning the conduct of the initial investigation were well founded. Mistakes were made, albeit honestly and in good faith. They totally rejected the suggestion that they were in any way influenced by racism, whether conscious or subliminal. They were outraged to be accused of corruption and/or collusion – an accusation which, it was submitted, was baseless and without foundation. The decision to delay arrests was not motivated by indifference, racism or dishonesty, but reflected a judgement call based on an identifiable strategy and had been honestly made.

The MPS did not seek to defend the Barker Review at the Inquiry. Indeed it explained why the Service had got it wrong for so long. It was responsible for senior officers being seriously misled as to the quality of the first investigation. There was a lack of precedent for such a review. As soon as it was realised that both the first investigation and the review were seriously flawed, the MPS immediately acknowledged the incompetence that characterised them both.

The MPS accepted that there had been some insensitivity by some police officers that might have been perceived as racism, but denied that the investigation was permeated by racism, whether overt or subconscious.

### **4.3.1 The Metropolitan Police Service submissions on the issue of corruption**

- a) It was submitted that there was no evidence of corruption. Corruption played no part in the failed investigation. There was not a shred of evidence to support the allegations made. The allegations should be laid to rest by the Inquiry.
- b) The suggested link between David Norris (deceased) and D Supt Crampton via Clifford Norris was not supported by the evidence.
- c) It was accepted that there was a link between "Officer XX" and Clifford Norris via the meetings between them which were observed by Customs and Excise. There was, however, no evidence to link D Supt Crampton via "Officer XX" to Clifford Norris. Equally, there was no evidence that "Officer XX" in any way interfered with or sought to undermine the investigation of the murder of Stephen Lawrence. The only part that "Officer XX" had played in the Lawrence case was to act as an escort for Mr Brooks after he had given his evidence in the private prosecution, and there had been no suggestion of impropriety on that occasion.
- d) The Inquiry had examined the personal and discipline files of "Officer XX" and found no evidence to substantiate any link between Clifford Norris and D Supt Crampton or D Supt Weeden – or, indeed, any other officer in the Stephen Lawrence investigations, whether directly or otherwise.
- e) The MPS dismissed any significance in the fact that D Supt Weeden, then an acting detective inspector, certified authority to cancel the warrant on which Clifford Norris had been arrested for failing to answer bail on 24 April 1976 (when Clifford Norris was 18 years old).
- f) The question of a possible relationship between retired Commander Ray Adams and Clifford Norris was investigated at length during the course of the hearings. It was suggested that his evidence had been adjourned so that voluminous documentation could be sought and produced to the Inquiry which dealt with:
  - Adams' medical retirement;
  - Adams' record as contained in his personal file;
  - Adams' involvement with David Norris (deceased) as an informant; and
  - disciplinary investigations and allegations against Adams.

The Inquiry had reached conclusions which were circulated to the interested parties in a memorandum dated 25 June 1998: namely that there was no material in any of the files that would assist the Lawrence legal team in pursuit of the allegations. Mr Adams' sole involvement with the Stephen Lawrence investigation was to sign the letter of 30 April 1993, which had been drafted by a staff officer in the absence of other senior officers, and to enquire on the telephone as to whether Imran Khan's four letters to senior investigating officers were to be taken as a complaint against the police. These actions do not suggest involvement or motivation to protect Clifford Norris' son and his associates.

- g) It was submitted that there was no evidence that DS Crowley deliberately attempted to undermine the evidence of Mr Brooks by inventing the conversation after the identification

parade on 3 June 1993. There is no evidence of DS Crowley being motivated to so act through racism or corruption. The evidence before the Inquiry demonstrated that DS Crowley's involvement in the Rolan Adams murder investigation was irrelevant, albeit that it had been exhaustively explored during the Inquiry.

- h) The MPS invited the Inquiry to consider the motive for the alleged corruption. It was conceded that financial corruption could not be established. If it was right that so much was missed by so many as a result of corruption, then that corruption must have been very widespread. In the absence of any financial factor, such all-embracing corruption is inherently improbable, since there is no other credible motive which might have operated on the minds of corrupt officers.
- i) It was submitted that there was no evidence of a conspiracy between officers. The sheer volume of work carried out in the early stages of the investigation militated against any suggestion of the officers going easy in order to protect the prime suspects.
- j) The fact of Detective Sergeant John Davidson's involvement in the arrest of Clifford Norris on 8 August 1994 makes it highly improbable that he was a party to such a conspiracy to protect him or his son. This had come about as the result of Detective Superintendent William Mellish contacting the local Regional Crime Squad shortly before the arrest was to take place, requesting that it supply a team to assist in the arrest. DS Davidson's inclusion in the team was not suspicious. The statements taken by the first investigation team to secure the conviction of David Norris for the attempted murder of Stacey Benefield, and the attempts to resuscitate the prosecution of David Norris and Jamie Acourt in respect of the Witham incident, are also wholly inconsistent with the object of the alleged conspiracy. When the spectre of 'jury nobbling' arose in the trial of David Norris for the Stacey Benefield stabbing, Detective Inspector Benjamin Bullock and other officers did their best to have the suspect jury discharged and to secure retrial.
- k) None of the so-called basic errors listed by Michael Mansfield QC can be attributed to corruption unless there is some evidence to form the link. They are far more realistically classified as incompetence or, as he puts it, institutional lethargy.
- l) It was submitted that the Commissioner had mounted a campaign to rid the MPS of corrupt officers. He said so publicly. If there was the slightest whiff of corruption in the Stephen Lawrence investigation, or in the Barker Review, no one would have been more enthusiastic than the Commissioner to expose it and to root it out.

#### **4.3.2 The Metropolitan Police Service submissions on the question of racism**

- a) Within the murder investigation, there was no evidence of explicit racist comments or behaviour which could be considered unequivocally prejudiced or discriminatory towards another because of race. The far more difficult question was whether racism should be inferred.
- b) The MPS accepted that it was necessary for the Inquiry to consider very carefully whether racism motivated the errors which had been exposed in this case. It was, however, a non sequitur to claim that because grave mistakes had been made by many people, the actions and omissions in question were not mistakes, but must be attributable either to racism or corruption.

- c) The MPS submitted that a racist mentality and racist behaviour should not be inferred from the few occasions when witnesses had used inappropriate language. Many officers who gave evidence to the Inquiry claimed that they treated everyone the same, regardless of origin. The principle of fairness, irrespective of race or sex, is explained to officers from the first day of their service. The MPS recognised the need for training to update the perceptions of police officers.
- d) The MPS conceded that there was a lack of sensitivity in the treatment of the Lawrence family at the hospital.
- e) As to stereotyping, given the nature of police work and the common features of particular crimes of violence witnessed and experienced by officers, it is not surprising that the first officers at the scene might have considered that the suspect was amongst those present. Good practice around officer safety means treating everyone in such unpredictable and chaotic situations with a degree of caution. Officers inevitably make decisions based on their experience and training and it was legitimate initially to treat Mr Brooks as a suspect.
- f) It was quite wrong to describe the treatment of Mr Brooks as “demonisation”.
- g) The MPS did not seek to dispute Mr Mansfield's summary as to how police officers dealt unsatisfactorily with the classification of the murder as a racial crime. However, the Commissioner did not support the suggestion that, in respect of the views expressed by a number of officers when giving evidence that the murder was not racially motivated, racist inferences could be drawn from those opinions.
- h) The MPS emphatically denied any suggestion that inadequate first aid was given to Stephen Lawrence because he was black.

### **4.3.3 Other submissions advanced by the Metropolitan Police Service**

On the decision not to arrest, the MPS conceded that reasonable grounds to suspect Neil Acourt, Jamie Acourt and David Norris of the murder of Stephen Lawrence existed once “James Grant” had given his information to Detective Constable Christopher Budgen at 19.45 on 23 April 1993.

Therefore, those three people could have been lawfully arrested at any time thereafter. From a practical standpoint, however, before arresting the suspects it would have been necessary to research the suspects, recruit appropriate personnel and deliver a briefing. The earliest reasonable time to mount an arrest operation would have been 06.00 the next morning. The decision whether to arrest or not was a matter of judgement for the Senior Investigating Officer, an important factor being whether there existed any evidence, as opposed to information, upon which it would be possible to charge.

It was conceded that criticism could be made of the strategy which was used in place of making early arrests, namely the surveillance operation. It was accepted that this was poorly executed. Had it not been, evidence might well have been obtained to prove association, to identify unknown suspects, and to corroborate witnesses' accounts of clothing worn by the attackers.

The MPS and the senior officers submitted that the decision to delay arrests was a sound and reasonable one, taken by D Supt Crampton and endorsed by D Supt Weeden and DCS Ilesley. The decision should not be criticised by the Inquiry. There is no evidence to support the suggestion that it was due to racism or corruption.

## **4.4 The findings of the Stephen Lawrence Inquiry relevant to our terms of reference**

The summary which follows contains much of the actual wording used in the report. It necessarily omits a great deal of the text as well. In some passages we have produced our own summary, paraphrasing the detail of the report.

### **4.4.1 The circumstances of the murder**

The whole incident which led to Stephen Lawrence's murder probably lasted no more than 15 to 20 seconds. Stephen Lawrence had been with his friend Duwayne Brooks during the afternoon of 22 April 1993. They were on their way home when they came, at 22.30, to be at the bus stop in Well Hall Road for some minutes.

Stephen walked towards the roundabout to see if a bus was coming and reached a position almost in the centre of the mouth of Dickson Road. Mr Brooks was between Dickson Road and the roundabout when he saw the group of five or six white youths who were responsible for Stephen's death on the opposite side of the road.

Mr Brooks called out to ask if Stephen had seen a bus coming. One of the youths must have heard something said, since he called out "What, what, nigger?" With that the group came quickly across the road and literally engulfed Stephen. One or more of the group stabbed Stephen twice.

One witness said that Mr Brooks was also attacked in the physical assault but it appeared from his own evidence that he was a little distance away from the group when the killing actually took place. He turned and ran. He called out to Stephen to run and to follow him. The group of white murderers then disappeared down Dickson Road and into the Brook Estate.

Mr Brooks ran across the road in the direction of Shooters Hill and was followed by Stephen, who managed somehow to get to his feet and run over 100 yards to the point where he fell.

Both stab wounds had severed arteries and blood must literally have been pumping out of and into his body as he ran up the road to join his friend. No great quantities of blood marked the scene of the attack or the path taken by Stephen because he wore five layers of clothing. But when he fell he was bleeding freely, the probability being that the blood came out in front of his body as he lay, by chance, in a position which appeared to many witnesses to be the recovery position.

The medical evidence indicates that he was dead before he was removed by the ambulance men some time later.

His murder was simply and solely and unequivocally motivated by racism. It was the deepest tragedy for his family.

It was an affront to society, and especially to the local black community in Greenwich.

### **4.4.2 Overview of subsequent events**

Those violent seconds in 1993 had been followed by extraordinary activity, without satisfactory result. From the Lawrence family's point of view it was a sequence of disasters and disappointments.

Prolonged police investigations, in two distinct phases, produced no witnesses other than Mr Brooks who could properly purport to identify any of the attackers.

Other sound evidence against the prime suspects, or against anybody else, was conspicuous by its absence. Even then, after the unprecedented publicity of the Inquiry, nobody had come forward to advance the case.

Three of the prime suspects were taken to trial in 1996 in a private prosecution which failed because of the absence of any firm and sustainable evidence. Two other suspects were discharged at the committal stage of the prosecution.

After a full hearing in 1997, the Inquest jury returned a unanimous verdict that "Stephen Lawrence was unlawfully killed in a completely unprovoked racist attack by five white youths".

The Police Complaints Authority engaged the Kent Police to investigate Mr and Mrs Lawrence's complaint that the first Metropolitan Police Service (MPS) investigation had been bungled. The Kent investigation report runs to 459 pages and roundly criticises many aspects of the MPS investigation.

At the request of Mr and Mrs Lawrence the Inquiry was established by the Right Honourable Jack Straw MP, the Home Secretary, in July 1997:

"To enquire 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."

The first preliminary hearing of the Inquiry took place in Woolwich on 8 October 1997. It is to the credit of the MPS and its officers, many of whom are retired, that all those involved had co-operated fully with the Inquiry and it had full assistance from all involved in the production of relevant documents. It did not believe that in the end anything relevant had been held back. No party could justifiably complain that it had been denied full access to relevant material or representation in order to make its views known.

### **4.4.3 Key findings**

The Inquiry had no doubt whatsoever that the first MPS investigation was palpably flawed and deserved severe criticism. Nobody listening to the evidence could reach any other conclusion. This was only latterly accepted by the MPS.

The underlying causes of that failure were more troublesome and potentially more sinister. The impact of incompetence and racism, and the aura of corruption or collusion, had been the subject of much evidence and debate.

The investigation had been marred by a combination of professional incompetence, institutional racism and a failure of leadership by senior officers.

A flawed MPS review had failed to expose these inadequacies. The second investigation could not salvage the faults of the first.

For too long the family and the public had been led to think that the investigation had been satisfactorily carried out. The belated apologies offered at the Inquiry acknowledged the truth: that there was no remedy for the grief that the unsuccessful investigation piled upon the grief caused by the murder itself.

#### **4.4.4 Racism**

'Racism' in general terms consists of conduct, words or practices which advantage or disadvantage people because of their colour, culture or ethnic origin.

In its more subtle form it is as damaging as in its overt form. 'Institutional racism' consists of 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 and detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance and racist stereotyping that disadvantages minority ethnic people.

At its most stark, the case against the police was that racism infected the MPS and that the catalogue of errors could only be accounted for by something more than incompetence. If corruption and collusion did not play their part then, said the critics, the case must have been thrown, or at least slowed down, because officers approached the murder of a black man less energetically than if the victim had been white and the murderers black. The Inquiry understood why this view was held.

The Inquiry had examined with anxiety and care all the evidence and heeded all the arguments both ways.

It believed that institutional racism was apparent in those areas described. It did not accept that it was universally the cause of the failure of this investigation, any more than the finding of institutional racism within the Police Service meant that all police officers were racist.

All members of the Inquiry Panel agreed that institutional racism affected the MPS, and police services elsewhere. Furthermore its conclusions regarding police services should not lead to complacency in other institutions and organisations. Collective failure was apparent in many of them, including the criminal justice system. It was incumbent upon every institution to examine its policies and the outcome of its practices, to guard against disadvantaging any section of our communities.

There was unwitting racism in the following:

- a) Inspector Grove's insensitive and stereotypical racist behaviour at the scene. He assumed that there had been a fight. He failed to assess that Mr Brooks was a primary victim. He failed thus to take advantage of the help which Mr Brooks could have given. His conduct in going to the Welcome Inn and failing to direct proper searches was conditioned by his wrong and insensitive appreciation and conclusions.
- b) Inspector Little's conduct at the hospital, and the whole history of later family liaison, was marred by the patronising and thoughtless approach of the officers involved. The treatment of Mr and Mrs Lawrence was collective in the sense that officers from the team and those controlling or supervising them together failed to ensure that Mr and Mrs Lawrence were dealt with and looked after according to their needs. The officers allocated to be family liaison officers, Detective Sergeant John Bevan and Detective Constable Linda Holden, had (as Mrs Lawrence accepted) good intentions, yet they offended Mr and Mrs Lawrence by questioning those present in their house as to their identity, and by failing to realise how their approach to Mr and Mrs Lawrence might be both upsetting and thoughtless. This sad failure was never appreciated and corrected by senior officers, in particular Detective Superintendent Brian Weeden, who in turn tended to blame Mr and Mrs Lawrence and

their solicitor for the failure of family liaison. This failure was compounded by Detective Chief Superintendent John Barker in his review.

- c) Mr Brooks was sidelined and ignored by some officers because of racist stereotyping, particularly at the scene and in the hospital. He was never treated properly as a victim.
- d) At least five officers, Detective Sergeant John Davidson, Detective Constable Christopher Budgen, Detective Constable Dennis Chase, DS Bevan and DC Holden, simply refused to accept that this was purely a racist murder. This must have skewed their approach to their work.
- e) Detective Sergeant Peter Flook allowed untrue statements about Mr and Mrs Lawrence and Imran Khan to appear in his statement to Kent Police. Such hostility resulted from unquestioning acceptance and repetition of negative views regarding demands for information which Mr and Mrs Lawrence were fully entitled to make. DS Flook's attitude influenced the work that he did.
- f) The use of inappropriate and offensive language. Racism awareness training was almost non-existent at every level.

#### **4.4.5 Corruption and collusion**

The Inquiry was not presented with evidence to persuade it that collusion or corruption infected the investigation of the murder.

During the Kent Police investigation of the complaint made by Mr and Mrs Lawrence against the MPS, the question of corruption and collusion was raised at a fairly late stage. Mr and Mrs Lawrence did not at first feel that they could co-operate with the Kent investigation, but during September 1997 they both gave all the help that they could. On 29 September 1997 Mr and Mrs Lawrence expressed the opinion that the quality and conduct of the first investigation could have been deliberately affected by collusion between one or more of the officers involved and one or more of the prime suspects or their families.

In evidence before the Inquiry, Mr Lawrence said:

“I would say that both racism and corruption played a part in this investigation... As to corruption I think that some police officers investigating my son's death were connected to the murderers in some way or other. We keep hearing all sorts of rumours...”

As recognised by Michael Mansfield QC on behalf of the family, corruption and collusion is a sensitive and controversial area, even more difficult to demonstrate than racism. Such allegations must be carefully considered and responsibly framed. Like many prosecution cases in relation to criminal allegations, the courts are asked to draw inferences from circumstantial evidence which can only be susceptible to one explanation.

Furthermore, in this area of the Inquiry it was necessary to indicate that the standard of proof to be applied must be the criminal standard. That is to say, the Inquiry could only reach a conclusion adverse to the MPS or individual officers if it was satisfied beyond reasonable doubt that collusion or corruption had been established. In other areas it was entitled to reach conclusions upon the balance of probability and was also entitled to voice suspicions should they be found to exist. The standard of proof is not so rigid that the Inquiry could not make findings or indicate that a situation may exist

other than by applying the well-known principles which govern litigation. But where such a serious allegation as collusion with criminals or corruption is made, it would be wholly unfair to reach any adverse conclusion without being sure that such a conclusion was justified as a matter of evidence and proper inference.

The Inquiry looked at the evidence and issues with these principles in mind, addressing both the serious basic errors identified in the case and the specific examples of collusion particularised by Mr Mansfield, namely:

- a) the handling and non-registration of "James Grant" (the principal informant); and
- b) consequent events relating to witnesses "B" and "K" and all the events surrounding the now discredited Barker Review.

Perhaps more significantly, it took account of the 'Norris factor' and Mr Mansfield's allegation that:

"there is a matrix of quite exceptional coincidences and connections which have such a tight web around this investigation that only an ability to suspend disbelief can provide an innocent explanation."

The trouble with such a broad and highly stated case, however, is that it may in the end make proof that much more difficult.

There was undoubtedly evidence of corruption or attempted corruption of a vital witness in the Stacey Benefield stabbing case, in which the suspect David Norris was accused. The strong inference was that Clifford Norris, David Norris' father, was behind that corruption, and that he was closely involved in trying to pervert the course of justice by bribing Stacey Benefield and another witness involved in the case, namely Matthew Farman.

In the Stephen Lawrence case there was, however, no evidence of such interference with witnesses. The 'Norris factor' was said to have involved the "pulling of punches" and the deliberate slowing down and "fudging" of the investigation, so that the suspects, and in particular the suspect David Norris, were protected and ineffectively pursued during the whole of the first investigation.

#### **4.4.6 First aid and the attitude towards Duwayne Brooks**

No police officer performed anything by way of first aid, apart from a small amount of testing to see whether Stephen Lawrence was still breathing and whether his pulse was beating.

The Inquiry strongly criticised the training and retraining of police officers in first aid. It found the lack of training, rather than any lack of will to help, or racism, to have been the cause of any inadequacies in the steps taken by the officers at the scene.

There was also, for the same reason, some misapprehension as to the nature of the injuries.

The Inquiry concluded that PC Anthony Gleason had to some extent embellished his evidence by indicating that he had done more than he did do by way of examination at the scene.

A senior officer (Inspector Steven Groves) singularly failed to assess the situation properly, and to ensure that steps were being taken to recognise and deal with Stephen Lawrence's gross injuries.

Far more interest in and sympathy for Mr Brooks, who was a victim and a vital witness, should have been shown by officers at the scene. He should have been used to assist in immediate searches for possible perpetrators. At the hospital he should have been dealt with carefully as a potential witness and as a victim.

Mr Brooks was wholly and understandably in a state of great distress and agitation. Nobody should blame him for the things he said. He was a primary victim of terrible conduct by the perpetrators, and the virtual abandonment of him at the hospital was deplorable.

#### **4.4.7 Initial response**

The Inquiry was astonished at the lack of direction and organisation during the vital hours after the murder, which the officers who gave evidence believed to have been properly organised and professional.

It had been difficult to reconstruct with any accuracy or confidence exactly what had been done, as there was an almost total lack of proper documentation in connection with the whole of the first night's operations.

Not a single officer initiated a log to record decisions made and actions taken. There was a conspicuous absence of imagination and properly co-ordinated action and planning which might have led to the discovery and arrest of suspects.

The whole picture was one of disarray and uncertainty. Early on at the scene, no officers took any proper steps to pursue the suspects. Large numbers of officers were available, but inadequate measures were taken to use them actively and properly. The later presence of Criminal Investigation Department (CID) officers during the first night at the scene added little.

This was due to failure of direction by senior officers, many of whom attended the scene and seemed simply to have accepted that everything was being done satisfactorily by someone else.

They failed to grapple with the disorganisation that was taking place and to attack the situation with energy and imagination. They lost opportunities for full and proper searches and investigation during the vital first hours after the murder.

In this respect the Inquiry fundamentally disagreed with the Kent Police Police Complaints Authority (PCA) investigation, which had found that the initial response and early actions were to be commended.

#### **4.4.8 The five suspects**

Neil Acourt was born on 5 July 1975. Jamie Acourt was born on 3 June 1976. In 1993 they lived on the Brook Estate at 102 Bournbrook Road, Eltham, and were 17 and 16 years old respectively at the time of the murder.

David Norris was born on 22 August 1976. In 1993 he was 16 years old and lived with his mother at Berryfield Close, Chislehurst, in Kent.

Gary Dobson was born on 16 June 1975. In 1993 he was 17 years old and lived with his parents on the Brook Estate at Phineas Pett Road.

Luke Knight was born on 2 November 1976. In 1993 he was 16 years old and lived with his parents at Well Hall Road, Eltham, just over the road from the Brook Estate.

When the names of this gang came repeatedly to the investigating team, it was apparent that they were known to be potentially violent, and that the Acourts fancied themselves as gang leaders. They apparently referred to themselves as "the Krays".

It was a feature of the case from the start that people who knew these youths, or knew of them, had considerable knowledge of their antisocial character, yet little if anything was available or discovered about them by immediate research, or from formal intelligence sources.

The Inquiry was satisfied that their names were researched when the early messages naming them had started to come in. For example, Message Number 4, from an anonymous source, named Neil Acourt and David Norris as members of a "group of youths on the Kidbrooke Estate who always carry large knives and threaten people... may have been involved in last night's stabbing." This was the message received at 13.50 on 23 April. An action to research Mr Acourt and Mr Norris was allocated to Detective Constable Dennis Chase. But it was much later, on 10 May, after the arrests had been made, that there was a report as to the action taken, which indicated that there was no trace of Neil Acourt amongst the Collator's cards (a local intelligence source).

The Inquiry felt that any research and intelligence gathering that did take place was sporadic and delayed. There was no separate research unit in the investigation team. D Supt Weeden indicated that he would have liked such a unit, but he did not have enough officers to create and staff it.

The Inquiry found that another feature of the case was that, although the names of prime suspects repeatedly came in from many directions, there had been no concerted action taken to discover whether corroborating information could be obtained from other sources. For example, DC Chase was asked whether or not he or others had thought of checking at the schools or clubs attended by the named youths. Apparently nobody had ordered or suggested that this be done.

The Inquiry had been informed that in the case of Neil Acourt, when an enquiry was eventually made at Kidbrooke School in July 1993, it had revealed that in September 1991 he had pushed a boy called Kalitis down the stairs. In 1993 there was another confrontation between Neil Acourt and Kalitis, who was on this occasion supported by some black boys. Neil Acourt was armed with a lump of wood. The incident plainly had racist overtones. Both Neil Acourt and Kalitis were expelled. Furthermore, at the Montague Boys Club in 1992, Neil Acourt had brandished a knife and threatened a black boy. Neil Acourt was banned from the club.

There were some records available both in the Collator's cards and, to a limited extent, in the Racial Incident Unit card index at Plumstead Police Station. Furthermore, convictions recorded at the Criminal Records Office and central intelligence records could have been consulted.

There appears to have been little, if any, local intelligence available to the investigating team to help immediate research into those whose names were coming forward with such regularity. The Acourts and others associated with them were plainly well known locally, but the local police had not picked up on, or been made aware of, that information. This may have been due to the lack of contact with local people on and around the estate.

William Panton, acting for Greenwich Council, stressed the fact that there appeared to be limited policing on the ground, with the result that valuable information of this kind was lacking.

The flow of information from the public about this murder, and the clear information about the Stacey Benefield case, did, however, in itself clearly give reasonable grounds for sufficient suspicion to justify arrests in the view of the Inquiry.

In May 1992, both Jamie Acourt and David Norris, as well as Luke Knight, had allegedly been involved in assaulting two brothers by the name of Witham, one of whom had been stabbed with a butterfly knife. David Norris was charged with wounding, and Jamie Acourt was charged with possession of an offensive weapon. Those charges were subsequently withdrawn by the CPS in January and May 1993 respectively on the basis that it was not in the public interest to pursue them "on the grounds of staleness". D Supt Weeden later secured additional evidence of identification, yet these prosecutions were not restored. The information about these charges, which supported the suggestion that these youths might be violent knife users, was not immediately available to the murder investigation team when research was ordered. It would surely have been available from the Chislehurst Collator, who should have notified the home collator of Jamie Acourt of the arrest and charge, together with the details of his association with David Norris.

In 1991, a youth named Lee Pearson was stabbed outside a kebab shop in Tudor Parade, Well Hall Road, by members of a gang of white youths which Mr Pearson said included both the Acourts. This assault was referred to specifically by "James Grant" on 23 April 1993. Mr Pearson would not sign a statement implicating the Acourts. This information did not surface until after the murder, and the offences were never proved. This allegation was part of the information available from 23 April about the suspects.

Racist crime and violence were not new to the district. Both Eltham and Thamesmead had bitter experience of such crime by 1993.

In May 1991 a black youth called Orville Blair was killed by a white man who was convicted of manslaughter on the grounds of provocation. There is some doubt about whether this was in fact a racist crime, but it was so regarded by the community.

In February 1991 a white man called Thornburrow murdered a 15-year-old black youth named Rolan Adams in a gross racist attack at a bus stop after an altercation between rival gangs of white and black youths. Thornburrow did not contest the fact that he had killed Rolan Adams, but he pleaded various alternative defences which were rejected. He was sentenced to life imprisonment. Other youths, some of whom feature in the evidence about the red Astra car seen in Well Hall Road after Stephen Lawrence's murder, were sentenced for other offences committed during the same violent incident.

On 11 July 1992 an Asian boy called Rohit Duggal was stabbed to death by a white youth named Peter Thompson outside the kebab shop in Tudor Parade. Thompson was found guilty of the murder in February 1993. Amongst the information received from "James Grant" on 23 April was an allegation that Thompson was a member of the Acourts' gang.

On 16 November 1992, Kevin London, a 16-year-old black youth, was confronted by a gang of white youths. He said that Gary Dobson was one of that gang, and that Dobson threatened him with a large knife. No full report was made to the police at that time. On 28 April 1993, as a result of other information, the matter came to light and statements were taken from Mr London and his girlfriend. No case followed. Gary Dobson denied his involvement in the incident during his interviews after he was arrested for Stephen Lawrence's murder.

On 11 March 1993, Gurdeep Bhangal, a 22-year-old Asian youth, was stabbed by a white youth while serving in a Wimpy Bar in Eltham High Street. Information indicated that some of the suspects in the Stephen Lawrence murder were implicated. Witnesses failed to identify any of the suspects at later identification parades.

The Inquiry referred to these cases to highlight both the regularity of such offences and the lack of co-ordinated information about them in 1993.

#### **4.4.9 The stabbing of Stacey Benefield**

On 18 March 1993, a few weeks before Stephen Lawrence's murder, a young white man named Stacey Benefield was stabbed in the chest whilst walking in an Eltham street with another young man named Matthew Farman. Later Mr Benefield named and identified David Norris as his assailant and said that Neil Acourt was with David Norris at the time. It appears that David Norris accused Mr Farman of calling him names, and produced a miniature sword about nine inches long. Mr Farman ran off, and Mr Norris and Mr Acourt chased him. Mr Benefield followed, asking what the problem was. Mr Norris told Mr Benefield to shut up and stabbed him in the chest. Neil Acourt was described as standing by and watching.

Neither Mr Benefield nor Mr Farman were prepared to give statements or to help the police at first. Thus, although the attack was reported, no arrests could be made.

It was suggested that the reason for the young men's reluctance may have been that they knew that David Norris' father was Clifford Norris. Both witnesses may have believed that if they helped the police then there would be some form of retribution meted out to them by or on behalf of the Norris family.

Early information reaching the Stephen Lawrence murder investigation team, in particular from the informant known as "James Grant" who walked into the police station on 23 April 1993, but also in other messages received, included the allegation that David Norris and the Acourts had been responsible for the attack on Stacey Benefield.

Stacey Benefield was seen by DS Davidson on Sunday 25 April and gave a full witness statement, naming David Norris as his attacker and Neil Acourt as his accomplice.

#### **4.4.10 The senior officers**

##### **Detective Superintendent Ian Crampton**

D Supt Crampton was Senior Investigating Officer (SIO) until Monday 26 April.

Revealing and detailed information reached the investigation team from 23 April onwards. There was no wall of silence. A vital and fundamental mistake was made in failing to arrest the suspects named in that information by the morning of 26 April. Enough information was available to make the arrests by the evening of 24 April at about the time when D Supt Crampton says that he made a "strategical" decision not to arrest. This decision is nowhere recorded.

By Monday 26 April evidence, in the statement signed by Stacey Benefield, reinforced the information available about two of the suspects. That evidence would in itself have justified the arrest of David Norris and Neil Acourt and would have entitled the team to search their premises in connection

with the murder of Stephen Lawrence. This flawed decision not to arrest was fundamental. Its consequences were plain to see.

Significant events in the first few days of the investigation included:

- a) The detailed 'Area Major Incident Pool (AMIP) investigation job description', regarding the tasks to be undertaken by the superintendent acting as SIO in 1993, indicated that there should be briefings "usually twice a day". This was in order to "review cases, canvas and assess opinions and suggestions, set out immediate and long-term actions and policies". D Supt Crampton gave evidence that a meeting was held once a day and was noted by DI Bullock (those typed notes being available to the Inquiry). However, there was no indication that the striking information reaching the team by Friday 23 and Saturday 24 April had been discussed. The Inquiry found this to be an early indication of the problems as to the flow of information within the investigation caused by inadequate staffing and lack of knowledge of the Home Office Large Major Enquiry System (HOLMES).
- b) "James Grant": The most important information of all to reach the team during the first weekend came from a man whose identity was established from the start. He was, for obvious reasons, given a pseudonym, namely "James Grant". At 19.45 on Friday 23 April this young man, later described by DS Davidson as "a skinhead", walked into Plumstead Police Station. DC Budgen, who had been recruited on that day as a member of the team, was sent to see the young man. The information was vital and illuminating and was recorded in Message Number 40 as follows:

"A male attended RM [Plumstead] and stated that the persons responsible for the murder of the black youth, are Jamie and Neil Acourt of 102 Bournbrook Road SE3 together with David Norris and two males identity unknown. That the Acourt brothers call themselves 'the Krays'. In fact you can only join a gang if you stab someone. They carry knives and weapons most days. Also, David Norris stabbed Stacey Benefield a month ago in order to prove himself. Benefield was taken to the Brook Hospital and told police he did not know who assaulted him. He then went on to say that a young Pakistani boy was murdered last year in Well Hall, that Peter Thompson who is serving life was part of the Acourts' gang. That in fact one of the Acourts killed this lad. They also stabbed the young lad at Woolwich town centre called 'Lee'. He had a bag placed over his head and was stabbed in his legs and arms in order to torture him. Jamie is described as white, 17 years, about 5'9", black hair, medium build. Neil is described as white, also 17 years, about 5'5", black hair, stocky build. Both are 'twins' and apparently the house they live in was occupied by their mum, who has since left. Believed identity of informant established."
- c) DC Budgen reported this meeting to DI Bullock, who appeared to receive the news with some lack of interest, simply telling him to put the information on a message form for entry into the HOLMES system. The SIO did not know about the message until 24 April. DS Davidson said he saw "James Grant" with DC Budgen on Saturday 24 April, when virtually the same information was repeated verbally. No note was made. Research was ordered as a result of Message Number 40, resulting in the statement obtained from Stacey Benefield on Sunday 25 April.
- d) During Saturday 24 April, two letters were recovered from a local telephone kiosk and from the windscreen of a police car, both of which were shown to have been written by the same person, known as "Witness FF". "Witness FF" said that the people involved in the previous night's stabbing were Neil Acourt, David Norris, Jamie Acourt and Gary Dobson and gave

details similar to those provided by “James Grant” as to their notoriety and background offending, indicating that they must be stopped, were very dangerous and should be approached with care.

- e) D Supt Crampton told the Kent investigation that he realised full well that the information coming into the investigation, particularly from “James Grant”, had to be taken seriously and that it appeared to be good information, but that the action taken was to research it and to make enquiries in order to try to turn the information that had been obtained into hard evidence. He said that at some stage on 24 April, in consultation with others, he made a positive decision that there should be no immediate arrests. By Sunday 25 April a formal decision had been made to utilise the surveillance team in order to observe 102 Bournbrook Road and, if possible, other addresses, in order to advance the case, particularly in connection with possible association between the named suspects. He was emphatic that a “strategical” decision was made that no arrest should take place, at least until after the surveillance had thrown up further information, or until further evidence had been gleaned, perhaps by other witnesses coming forward.
- f) He had in his possession from very early on a full statement from Mr Brooks which indicated he might well be able to identify at least one of the suspects and that there had been other people at the bus stop, and so the investigation team must have known that there was at least a possibility of an identification being made by one or more of those witnesses. Nobody had been asked to make an e-fit or photo-fit, however, which D Supt Crampton said would have been inappropriate as it might have tainted any identification. The Inquiry did not agree with this and was of the view that steps ought to have been taken which might have led to early identifications of those involved, including e-fit or photo-fit sessions.
- g) D Supt Crampton stated that at the Saturday evening office meeting the decisions made and strategy adopted, namely that there would be no immediate arrests, would have been thrown open for discussion and anybody’s ideas or comments. There was no record in the Saturday meeting notes in this regard at all, but there was reference to consideration being given to setting up an observation point “on suspect address”. Contact was not in fact made with the sergeant in charge of the surveillance team until Sunday 25 April, when it was indicated that they could not start their observations until 27 April as they were otherwise engaged on Monday 26 April in what turned out to be a comparatively trivial case. There was also a total absence from D Supt Crampton’s policy file and records of any reference to the decision that there should be no immediate arrests or the decision to institute surveillance. D Supt Crampton had made nine entries in the policy file, all of them short, dealing with relevant decisions – but it was clear to the Inquiry that the major and most important decision made was that these young men should not be arrested. If this decision was truly made after detailed consideration and proper consultation this should undoubtedly have been recorded in the policy file, which must record important and vital decisions of this kind, particularly when the SIO knows he is going to hand over within 48 hours of making them.
- h) D Supt Crampton indicated in evidence that his “negative strategy” involved trying to obtain evidence in order to arrest as opposed to arresting in the hope of finding evidence. He also justified the decision on the basis that the probability was that after 36 hours any obviously bloodstained clothing or weapons would in any event have been disposed of. But, as was pointed out, there is always the possibility that those involved in crime may not have taken the fullest steps in order to protect themselves from detection as a result of blood staining. Speed is always of the essence in connection with the obtaining of scientific evidence, and

the longer matters are delayed the more there will be an opportunity for those involved to take even further steps to prevent detection.

- i) The Inquiry doubted the considered nature of the decision, both because it seems to have been mistaken and because there is no reference at all in any document to that strategic decision, said to have been made on Saturday 24 April. If the right decision had been made the consequences were obvious: searches could have been done wholly in accordance with the law of the premises of the suspects; identification parades could have been set up at short notice so that witnesses attended while their memories were at their freshest; interviews could have taken place in the more immediate aftermath of the murder; and the suspects might not have reached their own considered decision that they would make no comment and remain silent. The failure to make arrests was the most fundamental fault in the investigation of this murder.
- j) When the suspects were eventually arrested on 7 May 1993, the grounds of arrest then had applied with just as much force on Saturday 24 April to Monday 26 April. The arrests were made without any significant progress having been made in developing the information which had literally poured into the investigation room in the early stages. It seemed to the Inquiry that the main hope of the investigators was that a witness would 'turn up' and solve the case for them, and that the glaring lack of an entry in the policy log reflected the fact that no proper considered decision making took place and the investigation was allowed to drift in the hope that a significant witness might emerge.
- k) On Monday 26 April D Supt Crampton handed over to D Supt Weeden. They met at a general meeting of detective superintendents chaired by DCS Ilsley, and the three of them had a discussion after that meeting about the Lawrence case. D Supt Weeden's handwritten note of the information he was given includes no reference to the decision not to arrest the suspects or the reasons for it, or to the Stacey Benefield statement.

The Inquiry found it so remarkable that such a fundamental decision was neither mentioned nor queried at such a meeting that it reflected: the fact that D Supt Crampton had in truth not made any such strategic decision but had rather allowed the investigation to drift until the point at which he handed it over; that DCS Ilsley had acquiesced in this; and that D Supt Weeden had failed to pick up the central issues of the investigation with sufficient grasp and urgency. D Supt Weeden failed to focus upon this vital area of decision making and to ascertain the reasons for it during his conference with the two officers responsible, D Supt Crampton and DCS Ilsley, who must bear responsibility for not 'bridging the gap' between the two SIOs and not focusing upon the central question as to arrests.

### ***Clifford Norris***

The Inquiry reiterated that no contact during the investigation between Clifford Norris or his agents and any AMIP police officer directly involved in the investigation had been alleged. The Inquiry was asked to conclude by inference and because of earlier or indirect association that the influence of Clifford Norris must have been at work from the earliest days after Stephen Lawrence's murder and right through to the Barker Review. We are asked to conclude that the influence must in particular have governed or affected the decisions of the more senior officers almost from the start and that such influence must have been widespread.

Clifford Norris was, at the time of the Inquiry, in prison, serving a long sentence for offences involving drug dealing. HM Customs and Excise had sought to arrest him in 1988, but he avoided arrest and was not in fact caught until D Supt Mellish's team, running the second investigation into Stephen

Lawrence's murder, found him in Kent in August 1994, having quickly decided that if possible he should be removed from the scene.

It appeared to those officers that his influence while at large was potentially very damaging. D Supt Mellish rightly suspected that Clifford Norris was directly in touch with his son and also some of the other suspects. Indeed D Supt Mellish believed that Mr Norris could well have 'schooled' the suspects, both in connection with their arrests and interviews, and in respect of the possibility of intrusive surveillance, which may account for their behaviour when subject to audio/visual surveillance in 1994.

Although 'on the run', Clifford Norris had plainly been keeping in touch with his family in 1993. It was alleged that he was behind the bribing of Stacy Benefield when the case involving his son came to trial, and that he must also have known about his son's alleged involvement in Stephen Lawrence's murder. DI Bullock and others positively sensed this early on.

Yet even with the knowledge that the evil influence of Clifford Norris was at work, the first investigation team had failed to seek him out. Positive efforts should have been made to remove him, and the Inquiry found it inexplicable that more was not done to arrest him until the summer of 1994, particularly after the Benefield bribery had been uncovered.

The sequence of events concerning the Benefield case, after Mr Benefield had made his statement to DS Davidson on 25 April 1993, had been:

- a) David Norris was identified both by Mr Benefield and Mr Farman as the attacker at an identification parade held at Southwark on 13 May 1993.
- b) Neil Acourt was also identified by both witnesses as having been with David Norris at the time of the attack. They were both charged on the same day with attempted murder.
- c) Shortly after David Norris had been charged, both Mr Benefield and Mr Farman were approached by a man named Raymond Dewar, who was known to both of them. Mr Dewar wanted them to meet somebody else who he said "wished to make things right" and would give them money in order that they should not support the charge against David Norris. Both men resisted these approaches, but Mr Benefield eventually gave way and was taken by Mr Dewar and another man to Eltham Park, where he met a man who is believed to have been Clifford Norris. This man made a veiled threat to him before he was handed £2,000 in cash and told there would be more to follow, intimating that he wanted the case against David Norris dropped. He told Benefield, "This is how I saw people out, not by shooting them", or words to that effect.
- d) A further meeting was arranged by Mr Dewar at which the same man, presumed to be Clifford Norris, demanded that Mr Benefield contact a firm of solicitors whose name he was given and change his story with a view to the prosecution being abandoned. A further sum of £3,000 was promised to be paid when the charges were dropped. Mr Benefield said he took the first £2,000 because he was too frightened to refuse. A third meeting was held at the Black Prince Hotel in Bexley, when the man presumed to be Clifford Norris became more insistent that Mr Benefield should follow his instructions.
- e) It was after that meeting that Mr Benefield decided to contact the police, having spoken to others, which he did on 12 June 1993. Thereafter both he and Farman were treated as protected witnesses.

- f) In the meantime David Norris and Neil Acourt had faced committal proceedings on 27 May 1993. Only David Norris was sent for trial.
- g) Mr Dewar was arrested on 19 June 1993 and was charged with perverting the course of justice. On 9 December 1993 that case was heard and he was found not guilty.
- h) David Norris' trial started at the Central Criminal Court on 15 November 1993. Both Mr Benefield and Mr Farman gave evidence and so did David Norris. Just before the judge began to sum up the case to the jury, the court was informed that a juror had approached one of David Norris' custody escorts and told him that the verdict would be one of not guilty. The officer in the case, Detective Constable Martin Hughes, emphasised to Prosecuting Counsel that the history of the case suggested impropriety and asked that application be made to discharge the juror, despite the judge having indicated that he would "think hard" before allowing such an application by the Prosecution if it was not supported by the Defence. Prosecuting Counsel declined to make the application, but DC Hughes informed DI Bullock once the court had adjourned, who in turn contacted the Crown Prosecution Service (CPS), and a conference with Counsel was arranged for the following morning to discuss the matter. It appeared that the judge was told what the police view was, but that no application was made by the Prosecution to discharge the jury or for a fresh trial. Accordingly the trial continued. David Norris was acquitted.
- i) The juror had been the foreman and subsequent enquiries revealed that he was arrested in September 1993 on suspicion of dishonestly handling a cheque for £23,000 at his place of work.
- j) On 18 November 1993 DI Bullock was contacted by the escort, who told him that at the end of the trial, after David Norris had been released from custody, the same juror had again approached the escort and asked to be furnished with David Norris' home address so that he could offer him employment.

The Inquiry found the whole incident most disturbing. The judge had since died and no further information was available as to why no formal application had been made to him. The most sinister aspect concerned the bribery of Mr Benefield. It was not known, and presumably will never be known, what in fact prompted the juror to act as he did, nor what led the jury to acquit David Norris.

The matter of most concern to the Inquiry was whether or not the clear evidence of the payment of money by Clifford Norris in the Benefield case supported the suggestion that his evil influence must have been brought to bear on the Stephen Lawrence investigation.

His presence in the background clearly raised much suspicion. On the other hand it was apparent from the Benefield case that Clifford Norris' chosen technique had been bribery of witnesses. There was no indication that he approached the police or that he made contact with any police officer directly or indirectly. It was also apparent to the Inquiry that police officers involved in the Lawrence case had been keen that the Benefield case should be put right, if possible, either by discharging the juror or seeking a fresh trial, steps which it seemed to the Inquiry ought to have been taken.

It was also of significance that after David Norris had been arrested in May 1993, both in connection with the Stephen Lawrence murder and the Benefield case, no further steps were taken against him in the Stephen Lawrence case until after his further arrest in April 1995 leading up to the private prosecution brought by the family. He had refused to answer questions about the Lawrence case in 1993. He was not identified and was not charged with the murder at that stage, and the case had

been discontinued against the two men who had been charged, Neil Acourt and Luke Knight, in July 1993.

David Norris was therefore not in direct peril of trial for Stephen Lawrence's murder during 1993 or 1994 while Clifford Norris was still at large. But it must also be borne in mind that David Norris told the Inquiry that Clifford Norris had known both the Acourts since they were five or six years old, and that Neil Acourt liked Clifford Norris because "he thought he was a nice man".

There was, however, no evidence of any approach being made to the witnesses in respect of the Stephen Lawrence murder. The only witness to identify anybody was Mr Brooks, and he has never indicated that there was any kind of approach made to him. Nor is there any evidence that any approach was made by Clifford Norris to any of the police officers connected with the Lawrence murder investigation.

The sinister nature of the Stacey Benefield case and of Clifford Norris' involvement is self-evident, but in the Inquiry's view there was no evidence to support the suggestion that the Benefield case should cast a direct adverse shadow upon anybody involved in the Stephen Lawrence investigation, either witnesses or police officers, in order to support allegations of collusion or corruption in connection with the Stephen Lawrence case.

Mr Mansfield's allegation against D Supt Crampton was clear and uncompromising. He said that, either through fear of Clifford Norris or for corrupt reasons, D Supt Crampton was influenced by his knowledge of Clifford Norris and his probable connection, direct or indirect, with Mr Norris and his family.

The Inquiry found it to be a notable coincidence that when D Supt Crampton was given the short-term duty of investigating the Stephen Lawrence murder, he was actually engaged in connection with the trial of a man who was alleged to have killed David Norris (an informant) some time previously. The trial in connection with that David Norris' death was current and required D Supt Crampton's attendance at the Central Criminal Court on Monday 26 April 1993. Plainly the name David Norris must for that reason have been in the forefront of D Supt Crampton's mind. D Supt Crampton also accepted that the 'Deptford Norrises', with Clifford at their head, were notorious at the time.

Both Clifford and his brother Alex Norris had become involved in allegations of major crime, involving drugs and murder, from around 1987 onwards, including high-level drug activity. Alex Norris was arrested in June 1988 and was sentenced to nine years' imprisonment in 1989 and ordered to forfeit more than £750,000 in connection with his drug-dealing activities. Clifford Norris had evaded arrest in June 1988.

During the investigation into the David Norris murder, D Supt Crampton knew that the dead man had claimed to police officers that he was a cousin of Clifford Norris. Indeed this matter was positively investigated, and statements were taken from the dead man's two brothers which had been seen by the Inquiry. Both brothers denied that there was any relationship between them and Clifford Norris. Of course this was not conclusive, since the two brothers may have been wrong and the dead brother may have been right. Searches at Somerset House revealed no close blood relationship between the dead David Norris and Clifford Norris. Be that as it may, it is plain that D Supt Crampton knew that there was a suggested relationship in the sense that David Norris had claimed, when he was stopped by police in the company of a man called Gary French, that he was a cousin of Clifford Norris. Gary French's sister was also apparently married to Alex Norris, so that there was an oblique connection by marriage between the families.

Of real significance to the Inquiry was that D Supt Crampton indicated emphatically that he did not, between 23 and 26 April 1993, make the connection in his own mind between the young 17-year-old David Norris, who was named by several informants, and the villainous Clifford Norris. Mr Mansfield regularly returned to the suggestion that it was inconceivable that such a connection was not made. D Supt Crampton was equally positive that he did not make the connection, although he accepted that he knew about the existence of Clifford Norris and his notoriety.

Any conspiracy or attempted corruption of police officers would necessarily have involved action by members of the team who were making the early and important decisions. There is no evidence of contact by Clifford Norris or by any of his agents with any member of the team. His chosen method in the Benefield case was to try to bribe witnesses.

### **“Officer XX”**

As the cross-examination developed, a further connection emerged which is of great concern to the Lawrence family. Information from HM Customs and Excise was given to the MPS in 1988, in connection with its investigation of Clifford and Alex Norris, that Clifford and Alex Norris were associating with a Flying Squad detective sergeant (who the Inquiry referred to as “Sgt XX”) who had been seen on four occasions in the company of one or both of the Norrises in public houses at a time when both were under observation and investigation by HM Customs and Excise. Once reported to the MPS a comprehensive enquiry took place, leading to disciplinary proceedings against “Sgt XX”.

The Inquiry noted that the disciplinary proceedings were not brought in connection with “Sgt XX’s” association with Clifford and Alex Norris, although “Sgt XX” had been seen in most suspicious circumstances with them. That association was not the subject of a charge of the discipline code. The documents showed only that “Sgt XX” was warned as to his behaviour in that regard and, moreover, the fact of his association with the Norrises was never pursued or adduced in the disciplinary proceedings.

“Sgt XX” had denied any corrupt motive for his association with the Norrises and stated that he was seeking to develop Clifford Norris as an informant. Since this assertion was never tested in formal disciplinary proceedings, no firm conclusion appears to have been reached by the MPS as to the real nature and motivation of “Sgt XX’s” involvement with Clifford Norris.

The Inquiry registered its concern that “Sgt XX’s” association with Clifford Norris was not formally pursued and that the disciplinary penalties imposed on the charges that were proved in connection with false entries on his duty state, and other matters connected with his absence from duty when he was supposedly at court (on the last day he went to meet them), appeared lax, particularly since they resulted in the continued employment of “Sgt XX” in the CID in the same area of London. Regardless of the fact that the association was not subject to formal discipline procedures, it was in the view of the Inquiry “plainly highly suspect”.

“Sgt XX” was, however, never part of the Lawrence murder investigation team. His limited appearance was in 1996, during the trial of the private prosecution. It occurred after D Supt Mellish was in charge and involved “Sgt XX” being selected, in ignorance of the Norris connection, to escort Mr Brooks from court after he had given some evidence on the day before the judge ruled that there was no evidence fit to go before a jury. There has been no complaint as to any attempt by “Sgt XX” on that occasion to interfere with Mr Brooks or the evidence he had, or might in the future have, given.

It was discovered from the complaints file in connection with "Sgt XX's" meetings with the Norrises that D Supt Crampton had given a reference to the disciplinary board that dealt with him in 1989. That reference was in the form of a written statement, setting out a 'professional' reference indicating D Supt Crampton's view that the officer was to be commended for his work, and indeed his honesty, during the time when he served under D Supt Crampton in 1987. At that time "Sgt XX" had been stationed in South East London, and was serving immediately under D Supt Crampton.

At the behest of the Inquiry all the relevant intelligence files in connection with Clifford Norris were obtained by the Inquiry, as were the personal files of the senior officers, including D Supt Crampton. These had been most carefully surveyed by all four members of the Inquiry team. The files included a full report of the disciplinary investigation carried out into "Sgt XX" and the statement he made in connection with the disciplinary matters. He was required to resign by the disciplinary board, but at a later appeal before the Assistant Commissioner he was allowed to continue his service, reduced to the rank of detective constable. The Inquiry felt bound to say that, having seen the discipline file, the appeal decision was unduly lenient.

The question was whether that connection between D Supt Crampton and "Sgt XX" involved any reverberation or connection which should have persuaded the Inquiry that D Supt Crampton was more closely involved with Clifford Norris than he was prepared to say.

D Supt Crampton's evidence in this regard was categorical. He said he simply did not know of the association between "Sgt XX" and the Norrises, since the disciplinary proceedings did not involve that allegation. The Inquiry did not believe that the circumstances established that D Supt Crampton must have known, or did not know, of the association between Clifford Norris and "Sgt XX". The Inquiry thought it strange that this was not within D Supt Crampton's knowledge, as rumours or talk about such things must have been rife and D Supt Crampton was concerned enough to give his reference, but accepted his evidence in this respect. The matter had required anxious and careful consideration, since if there were improper influences bearing upon D Supt Crampton that would most seriously affect the conclusion reached by the Inquiry in connection with D Supt Crampton's decisions made during his short tenure of office as SIO.

Mr Mansfield also questioned D Supt Crampton closely about his career and his positions both in SO 11 (Criminal Intelligence Branch) and his professional positions in South London, which he suggested must have rendered D Supt Crampton alive to the existence and character of Clifford Norris, so that he could not possibly have failed to forge a connection between the suspect David Norris and his notorious father.

In the end the Inquiry stated that it simply had to form a view of D Supt Crampton based upon his prolonged evidence and what it had seen in the relevant documents disclosed during the days spent pursuing this important matter and searching the intelligence and other files to which it had referred. D Supt Crampton had given positive and repeated evidence that there was in any event no kind of corrupt or improper holding back or fudging of his part of the investigation for any reason. Even if he had made the connection between the suspect David Norris and Clifford Norris at once, there was no evidence before the Inquiry that D Supt Crampton was himself fearful of what Clifford Norris might do, or that he was in contact with him in any way, or that he was holding back (or would have been likely to wish to hold back) the prosecution of these vicious young men for any reason connected with Clifford Norris.

There was no indication of any contact whatsoever between him and Clifford Norris. Furthermore he knew from the start of this high-profile case that both he and his officers were acting under the closest scrutiny, both from the media and the local community, and from Mr and Mrs Lawrence and

those around them. The Inquiry rejected any suggestion that D Supt Crampton was corrupt or that he acted in collusion with any member of the Norris family, or that he acted because of fear or because of the Norris connections. His assertion has always been that he could have “rushed in and arrested on their evidence and only on information”, but that he sought to achieve the proper result in a different way, namely by waiting until there was firm evidence before making arrests. This amounted to misjudgement and error, but there is no evidence that D Supt Crampton was involved in corruption or collusion.

The Inquiry was convinced that there was no proof that D Supt Crampton’s knowledge of Clifford Norris in any way affected his conduct. No allegation of this kind should be made lightly, and no allegation of this kind should be dispersed without the most careful and strenuous examination of the relevant documents and facts. However, it would be wrong to make any conclusion to draw any inferences against D Supt Crampton without satisfactory proof that such a conclusion or such deduction was justified. We do not believe that D Supt Crampton was corruptly connected with Clifford Norris, or indeed that he acted out of fear or because of any other wrong motive in the actions that he took over the first weekend. It would be wholly unfair to D Supt Crampton in all the circumstances to conclude or to hint otherwise.

## **Detective Superintendent Brian Weeden**

When the investigation was handed over to D Supt Weeden, he perpetuated the wrong decisions made in the vital early days. He did not exercise his own critical faculties in order to test whether the right decisions had been made. He was confused as to his power of arrest. His fundamental misjudgement delayed arrests until 7 May, at which time the arrests were made because of outside pressures. His decisions and actions show a lack of imagination and a tendency simply to allow things to drift. He failed to address with sensitivity the problems of family liaison.

In 1993 D Supt Weeden’s senior officer summarised him as “highly competent, sensitive, conscientious, thoughtful and caring”. The Inquiry’s impression of him was that he was a meticulous and fastidious man, who took upon himself much of the detail and burden of the investigation but was prepared to accept the situation handed over to him by D Supt Crampton on 26 April 1993 without exercising his own critical faculties in order to test whether the right decisions had been made by D Supt Crampton – both in connection with the strategy to be applied to the murder investigation and in connection with the allocation of tasks for which D Supt Crampton had been responsible. Thus he perpetuated the wrong decisions made in the vital early days.

D Supt Weeden made detailed notes, partly because of his doubt as to the efficiency or efficacy of the HOLMES system. DI Bullock, the Deputy SIO, was not HOLMES trained, and so D Supt Weeden felt that accessing the database was not going to be easy or possible in the early stages. This was an inauspicious start, considering that the system was at the heart of the recording and processing of all information received and actions to be taken by the team.

D Supt Weeden said in evidence that the Stacey Benefield statement did not prompt arrests because such a step would have made an absolute nonsense of the surveillance operation. The Inquiry found that this revealed a basic misjudgement and a mistaken assessment of the relative importance of arrests and the opportunities that arrests would potentially provide, as compared with the limited objective of trying to establish association between some of the suspects by the surveillance operation. He said that he had never before in any murder case arrested anyone without evidence as opposed to information, and he shared the view that the best opportunity for securing scientific

evidence had passed and that there was a strong possibility of further witnesses coming forward. He accepted, with some reservation, that arrests could indeed have taken place by 26 April, if not earlier; but added almost in the same breath that he had always looked for some means of corroborating the information. This led to the astonishing situation revealed during the Kent Inquiry when D Supt Weeden said that he believed he did not have the power of arrest until he had firm evidence – an assertion which Mr Mansfield pointed out was disturbing in revealing that a senior officer did not recognise a basic tenet of the criminal law. D Supt Weeden would not accept that it was disturbing but indicated that he thought it was regrettable. The Inquiry regarded that to be an understatement and that the truth was that D Supt Weeden was, both on and after 26 April, far too ready simply to accept the situation handed over to him, and that his meticulous nature made it difficult for him to see the wood for the trees.

D Supt Weeden had simply accepted that the surveillance operation, with its very limited objectives at the time, was an operation which should not be prejudiced. In fact there was a mass of information as to the association of the suspects, and positive evidence of their association, if only as a result of Stacey Benefield's damning statement. Furthermore the surveillance operation was itself badly flawed, and D Supt Weeden never exercised adequate supervision or control over it. The right course would have been to strike down the strategy that D Supt Crampton passed on to him and to arrest at once. Again this is the most fundamental misjudgement made by this officer.

### ***“James Grant”, “Witness K” and “Witness B”***

D Supt Weeden accepted that he knew that “James Grant” was not an anonymous informer, and that his information might have provided the key to the solution in the case in quick time. This is because his source was close to the suspects, if not involved with them. Both “Witness K” and “Witness B” could have been vitally important links in the chain. Neither was processed properly by the right people at the earliest opportunity.

The action allocated to DS Davidson to see “Witness K” was raised on 5 May. DS Davidson saw “Witness K” probably for the first time on 13 May. The statement made by “Witness K” was in fact made to DS Davidson on 17 May 1993. When “James Grant” was interviewed by the Kent investigation he said that he had told his handler, DS Davidson, the identity of his source at an early stage.

D Supt Weeden was staggered at this news when he had it in 1997. If it was true, and if the matter was not at once followed up, there would indeed be grounds for heavy criticism. Since DS Davidson was told that the source of “James Grant's” information was “Witness K”, that must have led to immediate action by D Supt Crampton or D Supt Weeden. DS Davidson denies that “James Grant” provided this information, asserting that he would not disclose it, even though he gave him quite a hard time over it. DC Budgen supports him.

The Inquiry believed it most unlikely that “James Grant” did in fact tell DS Davidson who was the source of his information, but the information was so important and revealing that it should have been followed up by more senior officers, at least by officers with characteristics different from those of DS Davidson.

DS Davidson was a strong character, and he was given the heavy tasks in this investigation. Both in connection with “James Grant” and the other young and hesitant potential witnesses involved in this case, much more care should have been taken in the selection of those allocated to develop the relevant lines of enquiry. As to “Witness B”, DS Davidson was tasked on 6 May 1993 with finding and investigating him. He was a witness who was reported to have said that he had seen four men running

into Rochester Way when he was on top of a bus around the time of the murder. DS Davidson was given a name and a street in connection with "Witness B" by "James Grant" on a date which has never been established. Eventually he saw "Witness B", but indicated on 19 May that he was a "Walter Mitty" character and that his information suggested that his evidence would be of little value since he was (according to his mother) a habitual liar. D Supt Weeden suggested that the message on 4 May indicated that the girl who provided information about "Witness B" was going to try to find out his name on or after that date. This was inconsistent with DS Davidson having already discovered his identity by about that date. These conflicting actions may reflect the inadequate operation of the HOLMES system and the lack of knowledge and control of information which resulted from its inefficient use.

Counter to that assertion is the suggestion made by Mr Mansfield to D Supt Weeden that the investigation of these witnesses was all a complete fudge and that the police were simply neither seeking nor indeed wanting to develop the information given by "James Grant". Mr Mansfield alleged that the whole matter of "James Grant" and his information was being marginalised in importance and kept in the wings.

It is a feature of this part of the case that no documents exist in connection with the purported registration of "James Grant" as an informant. Nor is there a log of authorised visits, which should exist if an informant is registered. DS Davidson and DC Budgen indicated that there was in existence an informant's docket, the contents of which would have set out in some detail all that had taken place in the early days in connection with interviewing and testing "James Grant". They both say that the information was properly and formally set out in that docket and that the relevant papers were handed to the proper officer in connection with the registration of an informant, namely Detective Chief Inspector Leslie Owens at Greenwich Police Station. If that had occurred, the Inquiry was told that relevant inevitable steps would have resulted in the file being transmitted to the Area office, and from there at least a profile of the informant would have gone to New Scotland Yard. Searches have not revealed any documentation at all in connection with the registration of "James Grant" as an informant. This is a serious aspect of the "James Grant" affair, which creates obvious difficulties from the police point of view if there was no proper documentation or registration that supported the suggestion made by Mr Mansfield that "James Grant's" information was not properly dealt with.

Later D Supt Weeden, at the suggestion of DS Davidson, did forward a recommendation that £50 should be paid to "James Grant", which D Supt Weeden hoped might keep him interested and encourage him to provide further information in the future, for somewhat larger sums. That action might be thought to support the suggestion that "James Grant" had indeed been registered. But the truth is that no registration was ever properly made, and DS Davidson appears wrongly to have been allowed a free hand to see "James Grant" without proper control.

The Inquiry accepted that D Supt Weeden was to be criticised for being too ready to accept that DS Davidson was the right and only person to be left in charge of that part of the investigation, but was not satisfied that D Supt Weeden purposefully ignored or delayed the investigation of "Witness K" and "Witness B" – and "James Grant's" information – or that he did so for any ulterior motive. The lack of focus by D Supt Weeden upon "James Grant" and the lack of any documentation from DS Davidson as regards the content of his meetings, particularly after he was supposed to have been registered, was a matter of concern and criticism of D Supt Weeden as well as DS Davidson. Prioritising "James Grant" and the earliest possible development of the evidence of "Witness K" and "Witness B" might have led to the provision of some satisfactory evidence. In the end the evidence of "Witness K" as set out in his only written statement was of limited value, and he totally failed to co-operate thereafter, remaining elusive to the second investigation as well. He should have been

sensitively handled early on. "Witness B's" statement of November 1993 suggested that he might provide valuable evidence, since he indicated that he had seen Neil Acourt and David Norris near the murder scene at the relevant time from the top of a bus, but his evidence was virtually eliminated at the committal proceedings when he was unable to say which Acourt he had seen and, having indicated that he knew David Norris well, was unable to pick him out from an identification parade arranged during the hearing.

D Supt Weeden was also to be criticised for poor processing of the information that was made available to him. The Inquiry found there were no grounds for alleging that D Supt Weeden's failures occurred because the victim was black or because he was in some way involved in collusion or corruption.

### ***The surveillance operation***

If a strategic and considered decision was taken to delay arrests, then the alternative road forward should have been carefully planned and recorded. The only discernible entry about surveillance in briefing notes or in the policy file was DI Bullock's note for Saturday 24 April, "consideration being given to observation post on suspects' address".

At some time on Sunday 25 April, DI Bullock said that D Supt Crampton told him to make contact with the 3 Area Surveillance Team, which operated from the Force Intelligence Bureau at East Dulwich. If surveillance was a considered option on 24 April, it is remarkable that it was not mounted at once on that day, or on Sunday at the latest.

No formal or proper contact was made so that at least research observation points could have been carried out over the weekend. Such priority could have been arranged through DCS Ilsley, who had the authority to cancel any range surveillance in respect of relatively minor crime, as was said to prevent surveillance on Monday 26 April.

Some contact did take place on the Sunday, and on Monday PC Victor Smith from the surveillance team met DI Bullock at Eltham at 12.15, who told him what was required – namely evidence of association between suspects – and that he wanted photographic evidence because his team was not sure who was who. There had already been an inexcusable delay since the original note on 24 April. Checks were then made as regards various addresses and their occupants, and by about 16.00 a point had been chosen for observation of 102 Bournbrook Road. Peter Finch, the photographer, and PC Smith were present from then until about 20.00.

At around 16.40 on Monday 26 April, a young white man was seen to leave the house with what appeared to be clothing covered by a black bin liner. The camera was not set up, so that no photograph was obtained of this event. Nor was it notified to the Incident Room, since there was no means of communication from the observation point to the Incident Room. We will never know what was removed at that time, PC Smith's memo book recording "silver sapphire carrying dry-cleaning". The Inquiry noted that it was unusual to place a bin liner over clothes en route to the dry cleaners.

In the ensuing days of that week the only full team operation mounted on 102 Bournbrook Road took place on 27 April, but extraordinarily the log showed that observation did not begin until 19.47 and ended about 21.10. The photographer, Mr Finch, was however observing No. 102 on the morning of 27 April, and he took some photographs between 08.00 and 11.00. One, taken at 08.16, showed Jamie Acourt leaving the premises with a black bin liner. There was no means of following him, because there was no communication and the surveillance team was not on parade at that time. This showed a gross lack of planning and indeed of common sense. If surveillance is to be fully effective there must

be the means of communication to and from the base. There must be arrangements in place for following those who leave in suspicious circumstances. When the full team was on duty in the evening at least one vehicle was followed.

Many photographs were taken, which were processed and forwarded to the investigation team in albums on 27 April. For 26 April there were pictures of various cars and of Zachary Stuart, Jamie and Neil Acourt, Gary Dobson, Darren Davis (David Norris' cousin) and David Norris. Gary Dobson and David Norris appeared together at about 19.55 in three separate photographs.

There is no record of other surveillance performed by the team. Other photographs were taken at No. 102 on 5 May, which again showed the Acourts carrying items of clothing (Neil) and a plastic bag (Jamie).

These photographs were never properly researched or used. They were at the Incident Room from 27 April, but nobody appears ever to have realised their importance. Officers involved in the interviews of those eventually arrested had little, if any, knowledge of the surveillance and its product. DC Hughes states that he was not sure if he knew that surveillance had taken place. DC Budgen was aware that there had been surveillance but was not aware of its outcome. DS Bevan only knew about the surveillance in general terms. DC Chase states that he was not aware of the surveillance at all. Most particularly the photographs were not made available to DS Davidson prior to his interview with Gary Dobson, who denied knowing David Norris. The photographs would have been a vital shot in DS Davidson's locker: who knows what effect establishing Mr Dobson as a liar might have had upon him, the only one ready to speak and the one rumoured to be the most likely to crack.

The surveillance operation was ill planned, badly carried out and inadequately documented. The whole history revealed inefficiency and incompetence. If this surveillance was a substitution for arrests as part of the SIO's strategy, the decision making in this regard was flawed and incompetent. The indications are that the team was simply going through the motions in order to establish association. There was inadequate direction and lack of urgency in this operation.

D Supt Weeden was in charge of the surveillance operation and must share the blame for its deficiencies. He was prepared to accept that it was extraordinary that there had not been the fullest investigation and identification of those who appeared in the photographs and their cars at an early stage.

Information could have been obtained by a proper analysis of the photographs as to the persons who were connected with the suspects. Fundamentally there was a failure in the lack of ability to investigate what was being removed from the property as seen from the observation post. Even more eloquent was the fact that important photographs showing Gary Dobson and David Norris together were never made available to the officers who interviewed Gary Dobson, who denied in interview knowing David Norris. Nor was any attempt made to reinterview him and put the photographs to him to show that he was telling palpable lies.

D Supt Weeden believed that the lack of action and the deficiencies were probably caused because they were "either overlooked or because people were overstretched". The Inquiry condemned the surveillance operation.

### ***The red Astra and elimination of suspects***

The Inquiry found it to be a cause of concern and criticism that there was serious delay and failure to take necessary action in connection with the occupants of the red Astra car seen twice on the night

of the murder. Furthermore there were serious omissions and failures in the steps taken properly to investigate and eliminate from the investigation associates of the five suspects who were also reported to be suspected of involvement in the murder.

The red Astra, occupied by five white youths, had been seen shortly after the murder had taken place, by officers standing near the cordon and at the point where Stephen Lawrence had collapsed. It was travelling down Well Hall Road from the direction of Shooters Hill. It slowed down at the cordoned area and the occupants appeared to be laughing; it then continued towards the Well Hall roundabout. A description of the vehicle was circulated across police radio. A few minutes later the vehicle came back in the opposite direction and again a description of the car was circulated. On neither occasion was the car stopped. No steps appear to have been taken to see that the car was followed. Most of the registration number was gained and it was recorded as AGW 55Y. The officers at the scene felt the five youths in the car could match the description given of five youths together, who were the suspects, or could have provided further information. The details appeared to have been passed to the night duty detective at the scene, Detective Constable Steven Pye, and Message Number 2, timed at 08.34 on 23 April, referred to the incident. An action was raised from Message Number 2 and on 29 April it was recorded that there were 28 Astras with the registration AGW ...Y. However, no further action seems to have been taken to check these vehicles. D Supt Weeden classed the action as "non-priority and no further enquiries to be made at this time".

By sheer chance the vehicle, whose correct registration proved to be AGW 115Y, was seen by Sergeant Jeffrey Clements on 30 April. He stopped it and obtained details of the occupants. Those details were passed to the investigation team and recorded on Action 20. They showed that the driver was Daniel Copley and the passengers were Kieran Hyland and Jason Goatley. An action was raised to research them and was given to DS Flook to allocate on 1 May. DS Flook was already performing five separate tasks: office manager, statement reader, receiver, action allocator and bag carrier. No trace of the action emerged until 8 June, 39 days later, when it was allocated to Detective Constable Mick Tomlin. There is no satisfactory explanation whatsoever for this delay. D Supt Weeden felt it may have been attributable to the misplacement of paperwork, but this is pure supposition. This is a classic example of the delay in information flowing through the Incident Room and the resulting actions being markedly delayed.

When statements were taken from Daniel Copley, Kieran Hyland and Jason Goatley on 8 June, all three indicated that they had been drinking in Thamesmead on the night of the murder at the Wildfowler Public House, a notorious haunt of racist white youths from Thamesmead, and that they had driven past the scene of the murder purely by coincidence en route to drop off Goatley at his girlfriend's address. Two said there had only been three people in the vehicle; Mr Hyland said there had been five, but that he did not want to say who the other two were. This palpable anomaly has never been addressed and was a matter of serious neglect. It was made worse by the lack of any background research by Detective Constable Thomson before or after the statements were taken, and the failure of his superiors to address the obvious need for further investigation once the statements were logged on the system. Simple local research would have established that Messrs Copley, Goatley and Hyland were well known in Thamesmead and had convictions for racist attacks. Messrs Copley and Goatley had been arrested and convicted of threatening behaviour connected with the circumstances surrounding the murder of Rolan Adams. Mr Hyland had been convicted of a separate racist attack. All three were members of a local and notorious gang referred to as the NTO (Nutty or Nazi Turnout). Mr Hyland was on record in the Racial Incident Unit at Plumstead, and all three were on record in the Collator's index.

DC Tomlin's attitude in the witness box was condescending and casual and the Inquiry felt that it probably mirrored his attitude during the investigation. These three men were simply not eliminated by virtue of the statements taken; indeed the opposite was the case. The statements were seen by DS Flook, DI Bullock and D Supt Weeden. Nobody indicated the need for further investigative action. It is possible that the occupants of the red Astra had knowledge of or involvement with those who were involved in the attack upon Stephen Lawrence. The crucial point is that such obvious and potentially significant enquiries simply did not take place. This shows professional incompetence of a serious nature by DC Tomlin, and an equally serious lack of supervision and management of the investigation by DI Bullock, D Supt Weeden and DS Flook. It was too late to expect any productive information to be gained on the topic, and it would simply never be known what might have emerged if the task of investigating the three men had been properly carried out at the right time.

### ***Arrest and searches***

Mr Mansfield's case was that the arrests which were made on 7 May were simply "a sham to satisfy the pressures" – a spur of the moment decision by D Supt Weeden and his team when they became concerned about the extraneous pressure, in particular the visit of Nelson Mandela to the Lawrence family and a planned demonstration in relation to racist murders and activity which was to take place on 8 May.

D Supt Weeden said that by 6 May he had become extremely disappointed at the progress that had been made, and on that day decided to make the arrests because his judgement was that additional matters had come into consideration which made them justifiable. The three matters he referred to were: the finding of a knife in Wendover Road; the evidence of a lady who indicated that she had heard someone call out "J or Jamie" on the night in question; and the arrival of e-fits which had been compiled by Joseph Shepherd. He said that the 13.30 office meeting on 6 May was held to review the evidence with his senior team members, and that after that meeting he told DI Bullock to bring forward and finalise the arrest, search and interview plans and then later in the afternoon to inform his team that arrests were to take place. The notes of the office meeting make no reference to any decision to arrest. More than one member of the team told the Inquiry that they were completely taken by surprise by the decision made that day. DI Bullock's note of the meeting gives no indication that a decision to arrest had even been made.

The Inquiry found the decision made on 6 May and the reason given for it to be further unsatisfactory features of the case. Virtually nothing had changed between 26 April and 6 May, which supported its conclusion that D Supt Weeden did not properly review the strategy or the decisions made as to arrest in the early days of his command. If outside pressures did not contribute to the decision, there was no fresh reason to make the arrest and the justification for it was feeble. The probability was that by the afternoon of 6 May outside pressures did weigh upon D Supt Weeden's mind, and the Inquiry was not satisfied that the additional material cited by D Supt Weeden could have been the spur which made it right to arrest on 6 May.

At the 16.00 office meeting on 6 May, DC Budgen gave information which had come from "James Grant" that day: that the Acourts were fascinated by knives and usually hid them under floorboards. Search warrants were obtained at 20.45, officers were alerted and a briefing appears to have been fixed for 05.30 on 7 May.

It seemed certain to the Inquiry that no proper steps were taken to ensure that the four suspects to be arrested were at home. In fact the Acourts and Gary Dobson were at their addresses when the arrests were made at 06.30 on 7 May. David Norris was not at home; his mother was seen at

Berryfield Close and he attended a police station with his solicitor on 10 May. Mr Norris' address was known much earlier, and indeed there had been surveillance at that address on 29 and 30 April, but nobody seems to have known what David Norris looked like. Plainly no proper steps were taken to try to identify him, such as from officers who had dealt with him previously. Therefore until he was arrested on 10 May it was not known that there were in fact photographs of him in the surveillance album, showing him clearly to be in the company of Gary Dobson. Those photographs had not been shown to anybody who might have been able to identify the person who was photographed.

When arrests were made on 7 May 1993, the Inquiry found that the searches of all the suspects' premises were plainly inadequate. Information expressly suggested that knives might be concealed under floorboards. There is no evidence that a single floorboard was removed during any of the searches.

David Norris' mother was annoyed by the visit. DS Bevan said that he stayed with her while the house was searched. In his statement to the Kent Inquiry he said "a cursory search was made that involved looking in cupboards, wardrobes and drawers. Nothing was dismantled, carpets were not moved, floorboards were left alone, no panels or similar areas were troubled". In evidence to the Inquiry he said the house was luxurious and largely close-carpeted, but he could offer no explanation for such a negligent search. In view of the information given the previous afternoon it was extraordinary that no steps were taken here or at the other premises to look under the floorboards. The searches were incomplete and admittedly cursory. After the arrests no enquiry seems ever to have been made on the topic by D Supt Weeden or DI Bullock, as was their responsibility.

Although only Gary Dobson answered questions in interview, the lack of planning and persistence in all the interviews were solid criticisms, but of limited weight compared with the other matters which are raised in this case.

### ***Clifford Norris***

There was also no ground for any suggestion that D Supt Weeden was in some way fearful of or linked to Clifford Norris. His evidence was that from 26 April he knew about David Norris (the suspect's) father, because his notes make positive reference to that fact, and that thereafter he knew of Clifford Norris' involvement in serious crime, as he indicated that he should be arrested if he was available when the other suspects were arrested. Further stronger action such as was taken in 1994 should, though, have been taken then. He said that he did not know of Clifford Norris or his family until he took over on 26 April. The Inquiry accepted his evidence on that point, despite Mr Mansfield's suggestion that it was inconceivable that he had no knowledge of them as a criminal name in South East London.

In 1974, when Clifford Norris was 16 years old, D Supt Weeden had signed a document cancelling an arrest warrant in connection with Clifford Norris, but it had been a purely administrative function which took place after he had been arrested. Clifford Norris' criminal record was also not as substantial as one might imagine. He was being investigated over the years, and in 1983 or 1984 an intelligence marker was placed against him because he was suspected of being actively engaged in serious crime. He was on the run from 1988 until he was arrested in 1994, but it was not inconceivable that D Supt Weeden had never heard of Clifford Norris before 26 April. Once D Supt Weeden had heard of him, the Inquiry found no indication that his existence or influence had any sinister impact in connection with D Supt Weeden's part in this investigation.

Whatever else may be said of D Supt Weeden, the Inquiry was wholly convinced that it was his objective that the suspects involved in this terrible murder should be brought to justice.

D Supt Weeden's honesty and integrity are not impugned. The Inquiry was convinced, having seen him for a substantial time in the hearing, that he would not be a likely candidate for recruitment into a conspiracy to 'throw the case', and concluded that he was an honest man whose team took positive steps to try to ensure that David Norris was prosecuted in connection with the Witham assault, that a retrial was sought in the Benefield case, and that he sought to persuade the CPS not to discontinue the prosecution of Neil Acourt and Luke Knight for the murder of Stephen Lawrence in July 1993.

## **Detective Inspector Benjamin Bullock**

As Deputy Investigating Officer (DIO), DI Bullock was to be associated with the decisions and actions of the SIOs. He failed properly to process vital information given to the team by "James Grant". He was often passive, and not up to his job. The major responsibility for the team's failures lies with those who supervised DI Bullock, but as DIO he bears his share of responsibility for those failures.

The Inquiry found DI Bullock to be a plainly depressed individual, who had been a close observer of the failure of the case and found the intense media and political pressure bearing upon it from the start a burden, as well as an obstruction to work done by the squad. In 1996 the matter was handed over to the private prosecution team, and he saw it fail.

DI Bullock had never been involved in the investigation of a racist murder before and was not at all trained in racism awareness. He told the Kent investigation that he had never seen the MPS Area Major Incident Pool (AMIP) guidelines concerning the role of DIO, and he had no idea that it was part of his duty to keep himself aware of all policy decisions and ensure that they were recorded in the policy file and that the file was preserved. He had very little training in or knowledge of the HOLMES system.

He did work extremely long hours and his memory was of fighting to keep on top of what was coming in. Both he and D Supt Crampton had accepted that the staff allocation to the investigation was comparatively generous, but nevertheless inadequate, meaning, as they both agreed, that every major investigation must have been seriously under strength in 1993. DI Bullock clearly did not see some of the information coming in until too late, including the initial anonymous messages. When he was informed of "James Grant's" information by DC Budgen he appeared to have told DS Davidson to "watch" DC Budgen, indicating that there was something of a clash between them. The Inquiry thought DI Bullock should have realised from the information provided by "James Grant" that he should have seen him himself, which he never did; and he seemed to have taken little interest in the information he gave.

DI Bullock was present at virtually every office meeting, which he noted, forming the only record available to the Inquiry. He did not remember whether there had been any discussion at any team meeting in connection with making arrests, but there had been discussions between him and D Supt Crampton and the decision not to arrest had been because "Mr Crampton wanted some evidence... and it was looking like we were going to get evidence in so much as the Benefield case, but also with the volume of information coming in we felt there was the possibility of an eyewitness going to contact us". He accepted that speed was of the essence, though, and regretted in retrospect that an arrest was not made over the first weekend, or by Monday 26 April. His view was that D Supt Weeden was considerably more cautious than D Supt Crampton. It looked very much to the Inquiry as if the senior officers were simply burying their heads in the sand, and waiting in the somewhat forlorn hope that an eyewitness would turn up. DI Bullock was far too ready to go along with the wrong decision made by the SIOs.

As to Clifford Norris, DI Bullock indicated that he had had no dealings with him. He was aware that he was wanted for a large drugs importation and that he had been involved in a shooting at some

stage. He was also aware early on of his influence, as he told the Inquiry “there were people going round warning off people in general on the estate”. He believed that these people were connected to Clifford Norris, but he had no direct evidence of this. He was personally instrumental, though, in resisting bail for David Norris, and in taking positive steps to see that he was prosecuted, which did not sit well with the allegation that he was favouring David Norris because of the existence of Clifford Norris. He also urged the CPS to apply for a retrial in the Benefield case when the problems with the juror emerged, and for the reinstatement of the Witham prosecution.

He accepted that David Norris’ address was known by Monday 26 April, but nobody knew what he looked like until the day he was arrested (10 May), meaning that he could not be identified in the surveillance photographs. The Inquiry gained the impression that DI Bullock was involved, but often passive. It was DS Davidson who was given the tasks of managing “James Grant” and seeing Emma Cook, Michelle Casserly and others (including “Witness K” and “Witness B”), an inappropriate choice given that DC Hughes and PC Andrews had both recorded after doing house-to-house enquiries that “a gentle approach” was a more appropriate way of extracting information – something that the Inquiry regarded as undoubtedly not being in the armoury of DS Davidson.

DI Bullock had simply drifted into the surveillance operation without much, if any, idea of what it might achieve. He was also a party to the erroneous decision not to take e-fits from the eyewitnesses at an early stage. He told the Inquiry that the question of whether to arrest was being regularly reviewed, but there was no note in the notes or the policy file to that effect.

The Inquiry concluded that DI Bullock’s failings were not motivated by any fear of Clifford Norris or any intention to hold off the prosecution of the suspects, but rather that they stemmed from inadequacy or inability to make proper decisions. There was no evidence that he was a dishonest man. He was plainly put off by the great degree of media and public attention. Nor did the Inquiry accept the suggestion that the surveillance was simply a sham and part of a conspiracy to go easy on the investigation. Such a conspiracy would entail the complicity and co-operation of a large number of officers. DI Bullock did not seem to the Inquiry to be in any way the sort of man who might be recruited for devious activity.

## **Detective Chief Superintendent William Ilsley**

DCS Ilsley allowed himself to go along with the weak and unenterprising decisions made by his SIOs, in which he had himself been directly involved. He tended to disconnect from responsibility for the investigation when faced with justifiable criticisms. He failed to supervise and manage effectively this highly sensitive murder investigation. He acted insensitively and unwisely when arranging to take over the family liaison on 6 May 1993.

At the time of the Stephen Lawrence murder, DCS Ilsley was directly in charge of about 200 officers and responsible for all AMIP enquiries, the Intelligence Bureau, the Drug Squad, the Crime Squad, child protection teams and the surveillance team for 3 Area. In April 1993, 3 Area AMIP was involved in 10 major investigations, of which three involved murder. DCS Ilsley took a closer interest in the Stephen Lawrence investigation than others and was responsible for the appointment of the SIOs, but his duties overall were such that it was difficult for him to have a detailed working knowledge of the conduct of the investigation. In his evidence before the Inquiry he tended to excuse what had happened on the basis that everybody did their best considering the resources that were available. He indicated that his team was under tremendous pressure, coping with an unusually high number of murder investigations, and that there was a lack of staff available. The situation was not peculiar to his area within the MPS.

He described the situation whereby DS Flook had to cope with five separate roles bound into one as “not only poor... it is disgraceful... but it was something that we used to have to put up with all the time”. He did, however, confirm that this murder investigation was in fact better staffed than most.

It seemed to the Inquiry, however, doubtful whether lack of resources accounted for the specific failings and mistakes which occurred in the investigation of the Stephen Lawrence murder in the early days, except perhaps so far as they concerned the operation of the HOLMES system and the Incident Room itself.

DCS Ilsley accepted that he had been consulted by D Supt Crampton over the first weekend about the decision that arrests should not be made, and that the reasons were: that time had elapsed, meaning that the suspects might already have got rid of any suspicious weapons or clothing; that the identification evidence was weak; and that if the men were arrested there would be nothing substantial to put to them by way of evidence. He accepted that this was a major decision and should have been entered in the policy file and that it had not been, but he believed that to be merely an oversight. The Inquiry disagreed: there was no justification whatsoever for the omission of what was clearly the most central and major decision in the investigation, and it could not be explained simply as an oversight. He should have resolved the merits of the decision in his own mind for himself. The policy file indicated that the decision to make arrests on 6 May 1993 was made by both D Supt Weeden and DCS Ilsley. In evidence DCS Ilsley said he was simply agreeing with the decision, but there had been no substantial change in circumstances since the first weekend, and so he had to accept that those arrests could have been made during the first weekend.

DCS Ilsley should have ensured that D Supt Weeden was fully aware of the decision to delay the arrests and the need to review that decision, particularly in the light of the Stacey Benefield statement. He should also have been made aware of the surveillance plans and had the authority to give immediate priority to the Stephen Lawrence murder investigation surveillance.

DCS Ilsley played an important part in the family liaison. DS Bevan and DC Holden had been appointed from the start as family liaison officers, it having been considered inappropriate to appoint liaison officers from outside the ranks of the CID. Everybody accepted that from a very early stage there were considerable difficulties. An offer from Chief Superintendent John Philpott (the local divisional commander) to provide officers with experience and aptitude for dealing with minority ethnic concerns was rejected by the AMIP investigation as it was felt that DS Bevan and DC Holden were suitable for the role. DCS Ilsley decided that he would take on the role from 6 May 1993, and the Inquiry found that DCS Ilsley regarded himself and his staff as more capable than he should have done, and that the AMIP team had little communication with the host division and essentially operated as a force within a force.

DCS Ilsley thought that the family had more support from other people than he had known in any murder investigation; indeed he thought there were too many people around the family. He knew that their complaint was that they were not being given the information that they required as to the progress of the investigation, and he was the person able to give it to them.

He never felt that he had achieved a close connection with the family, though, and told the Inquiry that he came away from the meetings that followed in a somewhat depressed state. The Inquiry was of the view that his attitudes and actions during the first meeting had launched his era of family liaison on a bad basis. During the course of the meeting Mrs Lawrence handed a note to DCS Ilsley which contained a list of suspects, culled from notes made by Mr and Mrs Lawrence over the previous days. In more than one statement Mrs Lawrence said that DCS Ilsley had rolled the piece of paper up in a ball in his hand, but at the Inquiry appeared to accept that it was folded up tight, but not rolled

into a ball. Either way it seemed to the Inquiry that what DCS Ilsley did was insensitive, discourteous and unwise. There was no reason even to fold the paper up into a small packet, and the perception of Mrs Lawrence quite plainly was that he was doing this in a dismissive way. Wisdom and sensitivity should have demanded that he at least registered his interest in the paper and indicated that it would at once have the attention of the investigation team. What he did was to put the paper in his pocket, without any expression of gratitude or interest. It is equally true that when he returned to the Incident Room he at once put the information contained on the piece of paper into the system. But by then the damage had been done.

DCS Ilsley had no criticism for Mr and Mrs Lawrence seeking information from the police, and it was obvious that they believed they were not being given a satisfactory account of what was happening. He had no such sympathetic views in respect of the family's solicitor Imran Khan, who he has alleged was "never supportive of anything we did" and had "a totally different agenda all the way through... totally critical of the police for every single thing we did". DCS Ilsley also said that he "feared that whatever police might say to the family, would be spread around and could hamper our investigation". The Inquiry indicated that this conflict between DCS Ilsley and Mr Khan should never have developed and that DCS Ilsley had exaggerated and distorted the problem that Mr Khan was said to have caused him and the police in general.

It was an indictment of DCS Ilsley that he did not recognise and accept that there had been any deficiencies in the investigation until he saw the Kent conclusions. He had simply gone along with the conclusions of the Barker Review. The unquestioning acceptance of the Barker Review by senior officers was a most serious aspect of the case. DCS Ilsley should have realised that the review was flawed both in its recitation of facts and in its conclusions. The review provided a convenient 'shelter' to those involved and the failure of all senior officers to detect the flaws in it was to be deplored.

Somewhat reluctantly, DCS Ilsley had accepted in hindsight in his evidence to the Inquiry that there had been deficiencies in the early days, citing surveillance, the searching of houses and the failure to make early arrests. However, he was still reluctant to accept that he had any responsibility for the failure to convert information into what he termed hard evidence. He accepted that it was "regrettable" that objects had apparently been moved in black bags from 102 Bournbrook Road, but was not prepared to accept that the strategy adopted was a complete nonsense, and roundly denied that he had known this to be so at the time.

DCS Ilsley supervised D Supt Crampton's investigation of the murder of David Norris (the informant). He stated that he never made any connection between the dead David Norris and the David Norris who was one of the suspects in this case. He did know by the first Sunday that the suspect David Norris was the son of Clifford Norris, who was known to him as a South London criminal, but he had no knowledge of any alleged or claimed relationship between the dead David Norris and Clifford Norris. In 1989 he had passed on information from one of his own informants in connection with allegations made against Clifford Norris, namely that he had been involved in the shooting of a woman who had later refused to give evidence against the assailant. He told the Inquiry that until the Inquiry had started he had not even remembered that he had given that information, and that at first he had not even thought of Clifford Norris when he heard that a 16- or 17-year-old youth called David Norris had been named as one of the suspects. He knew that Clifford Norris was a wanted man, but had no memory of the circumstances of his involvement with HM Customs and Excise, and said it was not his task to take any steps in connection with the arrest of Clifford Norris unless he turned up in the process of the investigation as it was a Customs matter. The Inquiry found his attitude extraordinary since officers were aware of threats coming from him which were discouraging the witnesses who were so desperately sought. By 25 or 26 April, DCS Ilsley said he probably did know

that David Norris (the suspect) was the son of Clifford Norris, but this did not spur him on to encourage D Supt Weeden to arrest Clifford Norris. This failure inevitably fuelled Mr and Mrs Lawrence's perception of collusion or corruption.

DCS Ilsley and the SIOs all ought to have interested themselves more in the "James Grant" information, and in what had been done to further that information and to follow up all that stemmed from it.

The Inquiry found no evidence to suggest that DCS Ilsley was anything other than honest and well-intentioned, but he was associated with the wrong decision making and serious deficiencies in the investigation and family liaison. The allegations as to DCS Ilsley having been connected with or affected in some way by Clifford Norris, so that either through fear, corruption or racist motives he had deliberately failed to take steps in order to bring the suspects to justice, seemed to the Inquiry to be wide of the mark in his case.

There was no evidence that DCS Ilsley was connected with Clifford Norris, or affected by any knowledge that he may have had of Clifford Norris or his influence on others.

## **Deputy Assistant Commissioner David Osland**

DAC Osland was responsible for all operational and administrative activities on 3 Area. Yet the evidence showed that he was much too ready to accept that things were going satisfactorily during the course of the investigation. He had also indicated in evidence close contact with the investigation, and yet tried to distance himself from the decisions made. The evidence suggested to the Inquiry that he had greater personal input into the ultimate decision not to arrest than he described, but the Inquiry was satisfied that he should bear no direct personal responsibility for the mistaken decisions made in the early days after the murder.

Having established the Barker Review, DAC Osland uncritically accepted what had been reported, and allowed the review to go to senior officers, including the Commissioner, without critical appraisal. No senior officer at any level tested or analysed the review. A more critical examination of it would have revealed its failure.

DAC Osland's attitude to Mr and Mrs Lawrence and their solicitor was reprehensible. He never met Mr and Mrs Lawrence. So many senior officers seem to have stood aloof from them. He realised the relationship between the police and Mr and Mrs Lawrence had deteriorated from the outset. By November 1993 he said that the relationship was so bad that if he had seen the Lawrence family there would have been little that he could have said that they would have believed. His distancing of himself from the family was simply a matter of his own choice. He said he had never known a family liaison which had deteriorated as this one did. When the media had reported that there were cracks beginning to appear in the family liaison he had asked questions and was told by his officers that the liaison was extremely difficult and that it was not working out because of problems which the officers were having with the family and their advisers and friends. He never heard (or sought) the other side of the story. On 8 September 1993 he had written an internal note to the Commissioner which included that he was "totally satisfied that the Lawrence family had received a professional, sensitive and sympathetic service from the police" – and that it seemed to him that things were going wrong predominantly because of what was happening in the Lawrence household.

Much later on, after he had retired, he allowed his views about Mr and Mrs Lawrence and in particular Mr Khan to develop. He wrote letters to newspapers, and provided information for public dissemination that was highly critical of Mr and Mrs Lawrence and those around them. Such views

were necessarily unbalanced, given his lack of contact with the family. He had simply adopted the adverse views of the officers involved in the investigation as to the attitude of Mr and Mrs Lawrence's supporters and of their solicitor without question and without the necessary balance. He now accepts that some of the problems of the family liaison were attributable to the police themselves, but he is not prepared to accept total blame in this respect – another example of a senior officer seeing a problem but failing to address it.

It had not been suggested that DAC Osland was in any way involved in any collusion or corruption to hold back in connection with the advancement of the investigation into Stephen Lawrence's murder. There would be no justification for any such suggestion.

There could be no excuse for such a series of errors, failures and lack of direction and control. Each failure was compounded. Failure to acknowledge and to detect errors resulted in them being effectively concealed. Only at the Inquiry had they been laid bare.

The problems in seeking to establish that there was collusion or corruption by inference are obvious. However, no collusion or corruption had been proved to have infected the investigation of Stephen Lawrence's murder.

#### **4.4.11 Identity parades**

The identity parades were poorly planned. There were clear breaches of the codes of practice governing identity parades. In particular, witnesses were allowed to be together before parades took place. Witnesses were not properly supervised. Successful identification might well have been compromised by these breaches.

Witnesses, including Duwayne Brooks, indicated that one of the offenders was fair-haired. Further information supported this evidence. The Inquiry agreed with Kent's conclusion that the failure to deal logically and thoroughly with this line of enquiry was a clear source of criticism of the first investigation.

The first identity parades were on 7 May 1993 and involved the suspects Neil and Jamie Acourt and Gary Dobson and the witnesses Joseph Shepherd and Mr Brooks. Final arrangements were not put in place until the afternoon of 7 May, adding credence in the Inquiry's view to the argument that the arrests were made because of outside pressures. Fridays were primarily allocated to parades involving black suspects, which should have meant that the parade suite was alerted to the need for parades including white suspects early in the day. In the event only one suspect was paraded that day, namely Jamie Acourt, and neither Mr Brooks nor Mr Shepherd identified him. The lack of volunteers and the late hour was the reason for no other parades taking place. It was at this parade that an officer asked Mr Shepherd his name in the presence of other persons taking part in the parade, with the result that Mr Shepherd refused to attend any further parades as he was frightened that his name might be passed on. Such disclosure of names should plainly have been avoided.

The second parade was on 13 May 1993. Mr Shepherd refused to attend. The suspects were Gary Dobson, Neil and Jamie Acourt and David Norris, and the witnesses were Mr Brooks and Royston Westbrook in connection with the Lawrence case, and Stacey Benefield and Matthew Farman in connection with the Benefield case. There were considerable delays, partly due to a solicitor who wished to film the proceedings. Mr Westbrook left the parade suite at 16.15, having arrived about 10.00 on the understanding that he would be there for about an hour. Mr Westbrook told the Inquiry that during the day the witnesses were allowed to congregate unsupervised in the room before the parades took place. Mr Brooks had paced up and down the room, making other witnesses nervous.

He also made a telephone call (within hearing of other witnesses) and appeared to be giving a running account of what was happening, probably to his solicitor. He then spoke to Mr Westbrook, and later started asking for the addresses of other witnesses, to the consternation of Mr Westbrook and at least one other female witness. No police officer was present when all this was going on and this was an evident serious flaw in the conduct of the parade and the arrangements that day, as witnesses should never be left together without police supervision and any successful identification might well have been compromised because of this irregularity. Mr Westbrook discovered “through mixing with the witnesses” that the other persons present were wanted for other crimes committed in Chislehurst and Eltham. He also stated that on both occasions when he was collected for parades there were other potential witnesses with him in the police van who were able to speak together without supervision. Mr Brooks identified Neil Acourt and on Mr Dobson’s parade he identified a volunteer. David Norris and Neil Acourt were both identified by Stacey Benefield and Matthew Farman. Both were charged later that day with the attempted murder of Stacey Benefield, and Neil Acourt was charged with the murder of Stephen Lawrence.

The third parade was on 24 May 1993 and involved the suspects Jamie Acourt, David Norris, Neil Acourt and Gary Dobson, and the witnesses Mr Westbrook, Gurdeep Bhangal, Sandra Hood and Terry Witham. Mr Westbrook failed to identify Jamie Acourt and David Norris and there were delays and problems with holding other parades.

The fourth parade was on 3 June 1993 and involved the suspect Luke Knight. Mr Shepherd again indicated that he was unwilling to attend. Mr Brooks identified Luke Knight, who was charged with the murder of Stephen Lawrence. The aftermath of the parade viewed by Mr Brooks was the focus of much evidence (see section 4.4.12 below, ‘Detective Sergeant Christopher Crowley and Duwayne Brooks on 3 June 1993’).

There were various attempts after 3 June 1993 to hold further parades but in fact no witness was called to the suite after that date. It would have been far better if witnesses had been asked early on to make an artist’s impression or photo-fit, and if the ID parades had taken place sooner.

#### **4.4.12 Detective Sergeant Christopher Crowley and Duwayne Brooks on 3 June 1993**

Having heard a great deal of evidence itself, examined all the evidence that was given by both DS Crowley and Mr Brooks at the trial of the private prosecution in 1996, and considered the submissions made upon the subject, the Inquiry found the following facts, having accepted that the evidence given by DS Crowley was substantially correct:

- a) DS Crowley was not involved in the Lawrence investigation in any way. Had he been so he would not have been eligible under the relevant code of practice to act as an escorting officer to Mr Brooks upon his attendance at this identity parade. He was appointed to the task by Mr Phillip Jeynes because he was the only officer available to perform a duty that day. He was a detective sergeant at Plumstead Police Station in charge of a team of detectives.
- b) DS Crowley was to have collected both Mr Shepherd and Mr Brooks for this parade, but Mr Shepherd indicated that he would not come. Therefore the only passenger in his car to and from the Southwark Identity Suite on 3 June was Mr Brooks.
- c) DS Crowley had no prior knowledge of the suspect to be paraded, Luke Knight. After Mr Brooks had made his identification he was brought back to DS Crowley by the Parade Inspector Mr John McIlgrew. DS Crowley was informed by Mr McIlgrew that Mr Brooks

had identified the man who was on the parade as a suspect and at position number 8. DS Crowley was then with Mr Brooks in the witness waiting room, where he took a short statement briefly detailing his participation in the parade and the identification he had made.

- d) DS Crowley's account (recorded for the first time in a witness statement made the same day at Eltham Police Station after he had alerted D Supt Weeden and others to what had occurred) was that Mr Brooks then said things to him which fundamentally undermined the reliability of all the identifications he had purported to make at all the parades, namely: that he could only remember the physical description and hair of any of the attackers and had not in any way seen their faces; that he had been told that it was the Acourts who had done it, and had been provided by his friends with promptings of their physical features and had seen a likeness between the suspect he had just picked out and the one he had picked out on 13 May, and guessed that he was his brother (having also noted that he had the physical appearance of having been kept in the police station); and that he had not seen how Stephen Lawrence had been killed.

In the light, in particular, of the evidence given by Mr Brooks at the Central Criminal Court in 1996, when he had accepted in cross-examination that he had said important aspects of the matters DS Crowley claimed he had said – which themselves virtually destroyed his identification evidence as a whole, and also undermined the main thrust of his contention to the Inquiry – the Inquiry was satisfied, as the Central Criminal Court had been, that DS Crowley's account was substantially correct. Those elements of his evidence at the Central Criminal Court in 1996 were: that he had indeed not seen in any way the faces of the youths around Stephen Lawrence, or seen the stabbing; and that he was given by friends information that the Acourt brothers (and others) had been responsible.

The Inquiry noted that there were nevertheless features of DS Crowley's evidence that were strange. It was certainly unusual that anybody should 'spout' immediately after an identification parade, let alone that the witness should say the kind of things recorded by DS Crowley, who also recorded that Mr Brooks had said that he hated the police and wished to take revenge on them because they had arrived on the night of the murder in place of the ambulance men (which Mr Brooks accepted he had said). DS Crowley had also recorded that Mr Brooks had told him that he had been prompted by a friend who said that he should know the suspects, namely the Acourt brothers, since they had attended the same school as him (which had since been shown not to be the case). Furthermore he did not take a statement at the time from Mr Brooks.

On Mr Brooks' behalf it had been alleged that there was no conversation of any kind at Southwark Police Station that day, but that such conversation as there had been took place in the car going away from the identification suite. The Inquiry found the most outstanding feature of the whole matter to be that Mr Brooks had in any event accepted enough of what DS Crowley said he had said to undermine his identification.

The Inquiry had considered the serious allegations made against DS Crowley both on behalf of Mr Brooks and on behalf of the Lawrence family, namely that he had either on his own account, or upon instructions (whether connected to the alleged taint arising from the influence or fear of the Norris family or not), deliberately undermined the credibility of Mr Brooks' identification evidence. The Inquiry concluded, however, that it believed that DS Crowley's evidence was substantially correct and that it was fruitless to go over and over all the ground covered on behalf of Mr Brooks and the Lawrence family, as in the end it had to conclude whether or not it accepted what DS Crowley had told it. He had been tested in the firmest possible way and in the Inquiry's assessment he had withstood this, and his evidence was acceptable applying the standard of a high level of probability.

Another part of the attack on DS Crowley was that he had also attempted to undermine the evidence of an important witness in the Rolan Adams murder case in 1991. Rolan Adams had been stabbed to death in April 1991 by a man called Thornburrow, who admitted doing so to the police but said he had acted in self-defence, or by accident, or without any intent to cause really serious harm. The suggestion made against DS Crowley was that he had attempted to undermine Nathan Adams as a witness, just as he had attempted to undermine Mr Brooks in the Stephen Lawrence case. In particular the suggestion was that he had been instrumental in pursuing criminal charges against Nathan Adams when it was unfair or incorrect to do so, so that the evidence Nathan Adams would give in the trial of Thornburrow and others would be devalued.

Nathan Adams had plainly been adversely affected by the terrible death of his brother, and he was alleged to have committed five crimes, including two robberies at knifepoint, after the murder and before the trial of those involved in the murder. The Inquiry examined in some detail the facts of those allegations and saw no validity in the suggestion that there was a parallel in the Adams case, in connection with DS Crowley's activities, which could reflect upon the part he played in the Stephen Lawrence case. It found it difficult to envisage how the police could have avoided charging Nathan Adams, since the alleged offences were by no means trivial. The fact that he was never prosecuted to trial came about because he was very young and much traumatised by what he had gone through, as indicated by a comprehensive psychiatric report. Ultimately it had also been accepted on Mr Brooks' behalf in closing submissions that no relevance to the Lawrence case could be derived from DS Crowley's role in the Rolan Adams investigation.

#### **4.4.13 The fair-haired attacker**

Mr Westbrook described one of the attackers in considerable detail. He said he was "about 25 years old, 5'7" or 5'8", stocky build, dirty fair-coloured hair, he thought wavy, up and back from his forehead, shorter at the sides, although not shaved and in general not short". He believed he would recognise that man again.

As the Kent Inquiry had indicated, there was an absence of any satisfactory follow-up of the person who became known as 'the blond attacker'. None of the five suspects appeared to have fair or light brown hair. Mr Brooks also referred to the hair colour of the lead attacker to PC Gleason on the night as being "bushy light brown... it stuck out". In his full statement of 23 April Mr Brooks said that the man's hair was "long over his ears... frizzy and stuck out at the sides". On 6 May 1993 Mr Brooks compiled a computer image of that man and described his hair as being "very light brown, fairly long, covering his ears...". Joseph Shepherd described one of the offenders as having "medium length fair hair which was frizzy". "James Grant" told DC Budgen that he had been told that there was "a fifth blonde unknown kid" present at the time of the murder. Information provided to the Lawrence family and passed to DCS Ilsley on 6 May included as a possible suspect "Blue... blonde".

At no time did the investigation focus upon this person. No line of enquiry was established to pursue the possible identification of the fair-haired or blond offender. There was no co-ordination or analysis of the various descriptions given. The fact that one of the attackers was fair-haired should have been reflected in decisions made as to the elimination of suspects. The failure to deal logically with this line of enquiry must be another source of criticism of D Supt Weeden and DI Bullock.

#### **4.4.14 The Incident Room**

The HOLMES system was inadequately staffed. The Incident Room was not supervised by responsible and trained officers. This may account for many delays apparent in the processing of information reaching the investigation team.

The AMIP guidelines applicable to this murder investigation recommended that there should be three detective sergeants to fulfil the relevant inside tasks in connection with the management of the HOLMES system. DS Flook fulfilled four specific and fully described roles, namely office manager, receiver, action allocator and statement reader, in addition to being D Supt Weeden's personal assistant. The combination of the material set out in the job descriptions for the five roles he occupied is voluminous. He had no knowledge of any of the prescribed tasks set out in those job descriptions, except as a result of previous experience. It is apparent that he was performing his job or jobs on the basis of past knowledge and a measure of common sense. The elements of cross-checking brought about by the jobs being fulfilled by separate individuals, which should have been a matter of standard routine, were in fact impossible.

It was palpably clear that the HOLMES system was inadequately serviced by responsible and trained, experienced officers. This may well account for the extraordinary lapses in time in connection with the processing of the large amounts of information which came into the investigation room in the early days. There must be serious criticism of senior officers who allowed the system to operate in this way. Equally it must be of major concern that such ineffective operation was apparently the norm throughout the force. Nevertheless, DS Flook could give no explanation for the delays involved in a number of different actions of significance. He was either incapable of giving proper priority to vital messages, or simply going through the motions and not bothering to assess relevant priorities or to ask others for help.

A report produced for the Inquiry by Detective Chief Superintendent Michael Burdis of South Yorkshire Police into the use made by the investigation of the HOLMES system led to the inevitable conclusion that this investigation had been grossly understaffed, both in the Incident Room and externally. Indeed the lack of staff and the consequent serious mismanagement was so obvious that the question automatically arose as to whether senior officers took adequate steps to intervene and address the problem. The evidence of the senior officers had been by way of an acceptance of the deficiency, but of it being not uncommon, and that in fact more resources had been put into this enquiry than others. The Inquiry accepted DCS Burdis' evidence that "given three times the numbers of staff actually allocated... all the necessary evidence would have been captured in a timely fashion and would have played a very positive part in a subsequent prosecution", but felt that simply increasing the number of officers was not the only solution. More fundamental in this case had been the standard of direction and control and execution which those who were actually involved should have provided for the investigation, particularly in its early and vital days. This had been undoubtedly compounded by the signal failure of senior officers to identify and respond to obvious shortcomings and thereby provide the leadership that was sadly lacking.

#### **4.4.15 Detective Sergeant John Davidson and the handling of certain potential witnesses**

DS Davidson gave evidence before the Inquiry on 24 and 27 April 1998. He was later recalled to give further evidence on 16 July 1998 because of evidence given by DCI Owens on the issue of the registration of "James Grant", which required clarification from DS Davidson.

DS Davidson joined the investigation team on Saturday 24 April and came on duty according to his duty state at about noon that day. He was an experienced detective officer who retired in March 1998. He was also a self-willed and abrasive officer who more than once became excited and angry in the witness box. Against him there were strong allegations, made on behalf of Mr and Mrs Lawrence, that he was 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".

## "James Grant"

At 16.30 on 24 April DS Davidson is recorded to be "engaged re informant", and he told the Inquiry that he was ordered by DI Bullock to see "James Grant" with DC Budgen (as it was necessary for DC Budgen's activities to be monitored) and that "James Grant" had reiterated the information he had given on 23 April. He had questioned "James Grant" as to where he had obtained his information and how he came by it, and tested whether or not "James Grant" had an ulterior motive in visiting the police station. He accepted that he had given "James Grant" a hard time and he said that there must have been a docket or folder which would have contained notes made of that interview on 24 April, DC Budgen being the one who would have taken the notes and entered them into the docket. All the other meetings with "James Grant" at which he was present would have been recorded in the same way. These documents had totally disappeared, or alternatively no notes were made other than those entered into the system. The Inquiry believed that the latter was more likely the truth.

Part of the follow-up performed by DS Davidson of "James Grant's" information took him to Stacey Benefield, who he saw on Sunday 25 April when he made a witness statement. Mr Benefield appeared to DS Davidson to be a credible witness. DS Davidson was satisfied as an experienced detective that the information being received about the murder that weekend and the information set out in the Benefield statement would have justified the immediate arrest of David Norris and Neil Acourt. He had no explanation for the delay in making the arrests, which was not his responsibility, but he believed one of the reasons was that it was believed that Mr Benefield was reluctant to make or sign a statement or give evidence.

DS Davidson saw "James Grant" with DC Budgen again on Tuesday 27 April, this time at a public house. There is a computer-aided dispatch (CAD) message in connection with this, but no further note or written information, as DS Davidson says should exist within the docket. There was an account of the meeting in Message Number 152 which indicated that "James Grant" provided information that "Witness BB" had been approached by black individuals for the Acourts' address and had then been threatened by them not to reveal it, and that "Witness CC" had seen four assailants running past the house (in Dickson Road) after the assault. "James Grant" was tasked to find out more and later telephoned to say that he thought he may have found a witness who stated to him that Neil Acourt stabbed Stephen Lawrence in the bottom half of his body and David Norris stabbed him in the top half. This witness had been on a bus and he would firm up the information and contact the investigation again on 28 April. Message Number 152 concluded with reference to "James Grant" having said that the Acourts and David Norris would probably say nothing, but that Gary Dobson would crack up and properly tell all; and that there was a fifth blond unknown kid present.

DS Davidson said that between 27 April and 6 May he saw and communicated with "James Grant", but once again there were no documents to support this or any information as to what was said. DS Davidson said that "James Grant" had given him a first name and a street name in connection with "Witness B". The next recorded message from "James Grant" was Message Number 276, dated 6 May 1993 and created by DC Budgen, which stated that the Acourts had asked on numerous occasions whether they could purchase knives and that they had a fascination with knives, which they usually hid under the floorboards. It also stated that Lee Pearson had been stabbed by Neil Acourt, that Stacey Benefield was stabbed by Neil's friend (who was described) and that the Acourts had not been seen in the Well Hall area since the murder. It is this message that was discussed at the office meeting on 6 May with reference to the forthcoming searches.

DS Davidson and DC Budgen both gave evidence that they decided that "James Grant" should be registered as an informant. He was not an informant in the ordinary sense of that term at all,

but someone who was giving information without apparently seeking reward. However, he wished to remain anonymous and DS Davidson believed that he might be useful in the future. It was DS Davidson and DC Budgen's evidence to the Inquiry that they then assembled the papers, including the contact sheets and notes that had been created in order to submit the file for his registration as an informant. This then entailed them going to Greenwich Police Station on 28 April. DS Davidson told the Inquiry that the documents had been handed to DCI Owens, and was adamant about that. DC Budgen told the Inquiry that they were directed by Inspector Buttivant to the appropriate officer's (DCI Owens') office that day, but that he was busy with someone else and so they went to the canteen. When they returned to DCI Owens' office he was no longer there, so they left the file on his desk. Inspector Buttivant recalled seeing DC Budgen at Greenwich that day, but had no idea why he was there. DCI Owens' evidence was that he did not, and does not, know DS Davidson and that no documents were ever left with him.

The Inquiry was wholly satisfied that there was, in fact, no registration of "James Grant" as an informant, as if there had been documents would have been created and would have finished up with the relevant officer in DCS Ilsley's department and at New Scotland Yard – and none could be found in either place. The Inquiry found it difficult to establish what motive DS Davidson may have had for giving it the clear picture that a formal registration had taken place, which they were satisfied had not taken place. Even on DC Budgen's account the whole affair had been lax and highly unsatisfactory, since sensitive papers such as an informant file must always be handled with the greatest care. But the Inquiry did not think that DC Budgen had invented his evidence, whatever it may have thought about DS Davidson's, and thus it decided that it was possible that there were documents which had gone missing simply because they were left without explanation on or near to DCI Owens' desk.

At a later date DS Davidson wrote a letter to D Supt Weeden suggesting that a reward be paid to "James Grant", which D Supt Weeden endorsed, albeit in the sum of only £50. These documents appeared in an unregistered folder that was found in the finance and resource system at Eltham Police Station. DS Davidson gave evidence that the money was allocated to be paid, but that he refused to collect it as it was so paltry. There was no evidence that the money was allocated, DCS Ilsley saying that he saw the request but did not approve it as he did not believe that "James Grant's" information was particularly valuable.

The Inquiry found this whole episode highly unsatisfactory, and revealing of a woeful lack of attention to the proper steps. Even assuming that DS Davidson and DC Budgen believed "James Grant" had been properly registered, further contact with him should have been properly controlled by a controller and contact sheets made and forwarded to a controller, which simply did not happen.

DS Davidson's handling of "James Grant" was fairly rough, and he said at one stage in insensitive but fairly typical terms: "this was simply a case of a skinhead turning up at a police station when a black has been murdered and wanting to know what was happening".

### **"Witness K" and "Witness B"**

DS Davidson took a statement from "Witness K" on 17 May 1993, but he consistently denied "James Grant's" claim that he had told DS Davidson that "Witness K" was the source of much of his information. "Witness B" was the person described by "James Grant" on 6 May as the one from whom he had got his information. DS Davidson said that "James Grant" had provided him with a street and a name at a later date, and DS Davidson had traced him. DS Davidson saw "Witness B" together with another officer on two occasions and formed a low opinion of him. The CAD message recording his visit indicated that "Witness B" was a "Walter Mitty" character and was most unlikely to speak the

truth, his mother having said that he was open to suggestion. "Witness B" told the officers that he had seen fighting near the Welcome Inn (in fact some way north of the junction of Well Hall Road and Dickson Road) involving one of the Acourts and David Norris, who in a later statement he said he knew quite well. DS Davidson's view was that this very young witness was prone to lie, as confirmed by his mother. Ultimately "Witness B's" evidence was wholly discredited when at the committal proceedings as part of the private prosecution he failed to identify David Norris (who he supposedly knew well) and was unsure which of the Acourts he had seen.

DS Davidson was also criticised for his handling of another young potential witness, Michelle Casserly. Entries were found in her diary relating to the Acourts that suggested she might have some evidence to give, as did information received when her house was visited during the house-to-house enquiries. When DS Davidson visited her house at a later date he recorded that she had used "the most venomous language I have heard from a young girl" in front of her mother; and he decided he would make no progress with her. It seemed doubtful to the Inquiry that she would have been a useful witness as she had denied seeing the suspects in 1995 when seen by Mr Khan as part of the private prosecution, explaining her diary entries naming the suspects as just what people had been saying. DS Davidson's approach was nevertheless unhelpful.

DS Davidson also dealt with another young potential witness, Emma Cook, who was said to have walked past the bus stop shortly before the murder and said that her father would not allow her to make a statement under any circumstances.

It was suggested that DS Davidson had dishonestly or for racist reasons marginalised or belittled the possible contribution of these witnesses. His view of the murder as described in his evidence was that the initial description given to him might constitute a racist attack, as there was a "call out" of a racist nature, but from the information he obtained later through the investigation he believed that the persons involved would have killed anyone who had been in Dickson Road at the relevant time and he refused to recognise that the attack was purely racist "because these lads had attacked whites before, very, very similarly... they were thugs out to kill, not particularly a black person". The same attitude was shown by DC Budgen, DS Bevan and DC Holden, and, officers indicated, also by 50% of those officers involved. The Inquiry deplored this attitude as it should have been known to them all that the Association of Chief Police Officers (ACPO) definition required the matter to be dealt with as a racist incident. Any suggestion that this was not a purely racist murder is understandably anathema to Mr and Mrs Lawrence and the black community, and the obdurate attitude of DS Davidson and of other officers who shared the same attitude must be severely criticised. It can only lead to a conclusion in the minds of Mr and Mrs Lawrence that proper concentration was not brought to bear upon the investigation of the racist murder of their son, and that such an approach must have skewed the nature and direction of the investigation. It was, the Inquiry found, a manifestation of the officers' own unwitting collective racism which belittled their investigative efforts.

The Inquiry found that the criticism of DS Davidson and his dealings with the very important sources of information and potential witnesses, and of his attitude, was justified. He was the wrong man to have been given many of the tasks that he was given, even though he and other officers had undoubtedly worked long hours and performed many actions and tasks with a view to solving the murder. The Inquiry did not believe that there was any strength in the suggestion that DS Davidson was affected by the aura cast over the case by the presence of the unarrested Clifford Norris, or that it had been established that he was influenced by the presence of Clifford Norris or by any connection with Mr Norris in respect of any of the actions taken or not taken by him during the investigation. His evidence was undoubtedly unsatisfactory, particularly in respect of his handling of "James Grant" and the registration. There was material upon which DS Davidson must be criticised.

The Inquiry was not convinced that he positively tried to thwart the effectiveness of the investigation: he took the statement from Stacey Benefield which effectively launched the prosecution of David Norris and Neil Acourt for that stabbing; he was in charge of the protection of the witnesses leading up to the trial of David Norris at the Central Criminal Court, a case which failed for reasons which cannot be attributed to any activity of DS Davidson; and there was no evidence that he held back positively in respect of the lines of investigation which he followed in order to favour David Norris or indeed any of the other suspects.

What had been required in the circumstances faced by this investigation was a tactful and sensitive approach to witnesses, as recognised by the message of 28 April 1993 from DC Hughes and PC Andrews in relation to "Witness DD" and "Witness EE". The unsuitability of DS Davidson for this task should have been recognised by the senior officers who deployed him, as well as by himself. He was a strong, self-opinionated character who would be inclined to seek to dominate witnesses in order to obtain information rather than solicit it in a more sensitive and sophisticated way. The Inquiry did not consider that he had pulled his punches or made any positive attempt to thwart the investigation.

#### **4.4.16 More on family liaison and victim support**

From the first contact with police officers at the hospital, and thereafter, Mr and Mrs Lawrence were treated with insensitivity and lack of sympathy. One of the saddest and most deplorable aspects of the case concerns the failure of the family liaison. Mr and Mrs Lawrence were not dealt with or treated as they should have been. They were patronised. They were never given information about the investigation to which they were entitled. Family liaison failed, despite the good intentions of the officers allocated to this task. Senior officers never intervened to rectify the failure. Both Mr and Mrs Lawrence, as the murder victim's parents, and Duwayne Brooks, who was himself a victim of the attack, were inadequately, inappropriately and unprofessionally treated and were not treated according to their needs.

DS Bevan and DC Holden were appointed to the task of family liaison with Mr and Mrs Lawrence on Friday 23 April and first visited the family that evening. DS Bevan was also in charge of the team in connection with the investigation of the murder itself, and both of them were later involved in the arrests and interviews of the suspects and much other general activity within the team.

The Inquiry found this combination of tasks most unfortunate, as their other activities in connection with the investigation could detract from their concentration upon their role as family liaison officers, and there must also have been a risk that a combination of several tasks would lead to confusion.

There was no doubt that the liaison between the two officers and the Lawrence family had failed from the start, as both agreed in evidence. Neither could provide a satisfactory explanation for the cause of the breakdown. They both said that the liaison did not so much break down as never get off the ground.

Both were also made responsible for liaison with Mr Brooks, about which there was no complaint as to DS Bevan's activities. He seems to have struck up a reasonable relationship with Mr Brooks and to have kept in regular contact during the time he was connected with him. From time to time there had been disagreements between them, and they became somewhat fed up with each other during what must have been a somewhat difficult relationship. But by and large that part of DS Bevan's work could not be criticised.

Nothing was more important, as the Inquiry saw it, than that the police should establish a good and mutual relationship with Mr and Mrs Lawrence and those around them, which was not achieved. At the time of taking on the task DS Bevan did not know there were guidelines in existence to assist officers in respect of family liaison, and it seemed to the Inquiry that he had an over-optimistic approach. Everybody needs training in the various roles carried on in life and police officers need training if they are to be involved in sensitive family liaison. Untrained officers unfamiliar with the guidelines should not have been allowed to take on the task.

DS Bevan said in evidence that he had tried everything he could to communicate with Mr and Mrs Lawrence, that he “remained tremendously sympathetic” to them to this day and that if he could help them now he would do so, even though the relationship in 1993 was almost non-existent. He had mulled over the matter over the five years that had elapsed, but could really not indicate all of what went wrong. He did say there was “a tremendous barrier to communication” but found it very hard to put his finger on exactly what that was. It was plain that he considered that “lots of outside bodies who wanted to make their own statement” had a considerable effect on the lack of communication. Very soon after the initial meeting both he and DC Holden were viewed with suspicion and mistrust.

DS Bevan described the large number of people who had surrounded Mr and Mrs Lawrence in the very early days as “hangers-on”. Both officers appeared to have doubted the good intentions of those who surrounded Mr and Mrs Lawrence, to the extent that they both appear regularly to have asked people who were present to identify themselves, and to say from what organisation they came.

In his evidence [Transcript Day 19, 29 April 1998] DS Bevan agreed that the “hangers-on” were people that he knew Mr and Mrs Lawrence wanted there for support, and that they had told him that. He also agreed that he had asked people for their names. DC Holden [Transcript Day 21, 5 May 1998] agreed that they had asked both the Lawrences and the people themselves who they were if they wanted to speak to the officers, as it was necessary to know whether they were speaking to a relative or to somebody from an outside group, and that she had told the Kent investigation that they had asked the Lawrences who quite a lot of the people in the downstairs part of the house were because “We just didn’t know who was who”. She also agreed that it could have come across to the Lawrences that they were suspicious of the people, but they were in fact not.

Mrs Lawrence in her statement indicated that pressure groups did try to take a hand in the early days; for example she was not happy at the arrival on the scene of the Black Panther representatives, and Mr Khan wrote to Greenwich Action Committee Against Racial Attacks, the Greenwich-based organisation, asking them not to attend and threatening them with proceedings should they do so. Mrs Lawrence’s statement to the Inquiry described how members of the Anti-Racist Alliance came to their home from the day after the murder; that the Anti-Nazi League came on the Saturday with some money they had collected, and that the Black Panthers came that day as well, which she had found frightening. She described her impression of the police presence during the first days:

“I remember that in between all the times, the police were there on a regular basis, more or less every day. They would have been Holden and Bevan. They never actually told us what their role was. We were never given any update stuff; we did not know what was happening with the investigation or even if there was one. The only thing I could gather from them being there was that they wanted information... All was coming across all the time was: ‘Who are the people in your house; and what are their names; and what are they to do with Stephen?’... They wanted to know who the visitors were, and all their names, and why they had come and all that sort of thing... By the end of the first week there was disappointment with the liaison officers. Their attitude when they came to the house was just checking out to see who was there, anyone who

was of interest because they were more concerned with the people in the house than they were with us... the problem with the liaison officers is that they were only interested in the people who were in the house. The people in our house were all black. The people who killed my son were white. Why should they be interested in the people who were in the house? It has been suggested that they were looking to build up a picture of Stephen, but that is not what I would say. What I would say is they were gathering information of interest about the people in the house, and that as black people in the house, there must have been something criminal or whatever.”

It appeared to the Inquiry that there were more people around Mr and Mrs Lawrence than they themselves wanted. But it was not the job of family liaison officers to query the activities of the family in this respect. Many members of the family and other well-wishers attended the Lawrence house. A member of the family kept a detailed diary in a notebook of the comings and goings of those who were there. Family liaison officers in these circumstances must blend in with the wishes of the family, and not be put off by the attendance of individuals or indeed organisations who seek to assist the grieving family. This showed a lack of training and sensitivity in understanding the way in which a black family may react to the terrible circumstances in which Mr and Mrs Lawrence found themselves.

DC Holden indicated early on in her evidence that there were “so many outside agencies from different sorts of parties that she felt were sometimes giving their points of view that you could not really get a close relationship with the family because there seem to be a lot of barriers put up”. She also felt that Mr Khan was interposing himself between the family and the family liaison team, which created some kind of barrier.

Some investigation of the background of Stephen Lawrence might have led to information assisting the murder case. Such enquiries are a standard feature of any murder investigation, but must only be done with the utmost tact and fullest explanation to the family. In fact all the investigation showed was that Stephen was an admirable and highly regarded young man. But the fact the family gained the impression that their dead son was under suspicion was a condemnation of the approach in this respect.

Both officers said that they used to have conversations about their problems, and meetings with senior officers to try to find ways of building up the relationship with the family. Those senior officers should have known that the relationship was as bad as it evidently was and taken immediate and comprehensive steps to change the system.

D Supt Crampton gave evidence that the feedback he was getting from the officers was that they were finding it difficult to sit down with the family on their own “because there was so many people there”. He did not personally see that as a problem.

Mr and Mrs Lawrence, with Mr Khan’s assistance, were anxious at the level of information they were receiving, and the Inquiry was of the view that they were not being given sensible or full information. DS Bevan did hold back in this regard, and he clearly found it difficult to deal with Mr Khan. He told the Kent Inquiry that he was surprised at the intervention of a solicitor so early in the investigation, and that “the victims needed legal representation”. He regarded Mr Khan as “one more barrier to communication”. It was not the business of DS Bevan or DC Holden or indeed any other police officer to criticise the arrival on the scene of a solicitor on behalf of Mr and Mrs Lawrence, but to accept and cope with and respond to it positively.

D Supt Weeden’s position was that he gave instructions to the family liaison officers to keep Mr and Mrs Lawrence up to date with the progress of the investigation during the first two or three weeks

after the murder, and that he was regularly reassured that this was being done. He had directed that they should not give individuals' names, but to offer what support they could and if there were any contentious areas to let him know. He said that he created opportunities to meet the family himself but that these opportunities were simply not taken. On 27 April D Supt Weeden wrote a letter to Mr and Mrs Lawrence, at the same time that he wrote to both Mr Brooks' parents, which indicated in plain terms that DS Bevan and DC Holden were the liaison officers, but that if they wished to see D Supt Weeden at any time, all they needed to do was to say so. D Supt Weeden said that he received two letters, two faxes and probably two telephone calls from Mr Khan asking that the liaison should be through him. D Supt Weeden said that he made a number of attempts to contact Mr Khan and he regretted that they were not taken up. D Supt Weeden indicated the problems had arisen because of the large number of people surrounding Mr and Mrs Lawrence, which tended to "complicate and confuse matters". He also felt that it was extremely rare for solicitors to act for a victim's family, and that Mr Khan had been "bombarding the Incident Room by letter, fax and telephone seeking detailed written information and so on".

In a note dated 8 September 1993 D Supt Weeden said:

"In truth the family and their representatives have been dealt with sensitively, courteously and patiently by police throughout the inquiry and this will continue. The family and their representatives have had every opportunity to express their concerns and the two chief superintendents in particular remain receptive to anything they have to say."

The Inquiry found that was not the picture that had emerged during the Inquiry.

It was apparent that D Supt Weeden had lost patience with the Lawrence family and in particular with their solicitor Mr Khan. For example, he says that on 7 September 1993, when arrangements had been made for a meeting at Plumstead Police Station, Mr and Mrs Lawrence and Mr Khan had in fact given an interview to LBC Radio during which they were making "the usual untrue complaints about police failures, disinterest and prejudice. This diatribe was accompanied by threats to sue the police." His note ended:

"Until recently the Senior Investigating Officer and his team have shown considerable understanding and forbearance in respect of the continuing irresponsible and damaging comments which have been made by the family and their representatives on radio, television and in print. However patience is now beginning to wear very thin in the face of frequently repeated slanderous and libellous remarks by the non-family group, especially Mr Imran Khan."

Those briefing notes grated upon the ears of the members of the Inquiry, since they show that D Supt Weeden lost patience with the family. He never took positive steps to approach Mr Khan or indeed the family directly in order to ensure that a satisfactory meeting took place between them. He wrongly assumed and said that Mr Khan was an Anti-Racist Alliance member with his own "secret agenda". He distanced himself both from the family and Mr Khan after Commander Ray Adams took over the correspondence with Mr Khan. He failed to act appropriately and professionally in connection with this grieving black family and their solicitor, and readily allowed himself to become involved in the negative and hostile stereotyping of the family and Mr Khan. He must be said to have been infected by an unwitting racism in this regard.

Chief Superintendent John Philpott, the Divisional Senior Officer, said to the Inquiry that he had heard of the justifiable complaint of Mr and Mrs Lawrence that the family liaison officers were asking people in the house who they were, and he agreed that such an approach was inappropriate and could only be regarded as offensive.

Mr and Mrs Lawrence's reaction and attitude after their son's murder were those of a grieving family. The fact that they were in their eyes and to their perception patronised and inappropriately treated exhibits plain but unintentional failure to treat them appropriately and professionally within their own culture and as a black grieving family. However, DS Bevan and DC Holden will for ever deny that they are racist or that the colour, culture and ethnic origin of the Lawrence family played any part in the failure of family liaison.

The Inquiry felt bound to say that the conclusion it reached was inescapable. Inappropriate behaviour and patronising attitudes towards this black family were the product and a manifestation of institutional racism at work. Coupled with the failure of the senior officers to see Mr and Mrs Lawrence and to sort out the family liaison, this amounted to a clear example of a collective failure to treat Mr and Mrs Lawrence appropriately and professionally, because of their colour, culture and ethnic origin.

#### **4.4.17 Commander Ray Adams**

It was D Supt Weeden's evidence that the demands for information from Mr Khan on behalf of Mr and Mrs Lawrence became such a distraction to the investigation team that on 30 April Commander Ray Adams was enlisted to write to Mr Khan to ask that future enquiries be addressed to him rather than the SIO and his officers.

A policy file entry dated 30 April (Decision Number 17) made by D Supt Weeden read:

"Officer making decision: SIO/Cmdr Adams Date of decision: 30/4

Decision: Cmdr to deal with future contacts with solicitors representing the family phone call and letter from Cmdr to family confirms this.

Reasons: To enable SIO to concentrate on progressing the murder enq."

Commander Adams gave evidence to the Inquiry on 4 June 1998, when he was questioned on behalf of the Inquiry. His cross-examination was then adjourned upon the application of Mr and Mrs Lawrence while certain matters were looked into that had recently come to their notice.

He gave evidence that he had literally played only one part in the murder investigation, namely to sign a letter dated 30 April 1993. Mr and Mrs Lawrence's lawyers were sceptical of this, since it seemed remarkable that Commander Adams should have been involved in the case at all if he had, as he told the Inquiry, virtually no knowledge about the Stephen Lawrence case and certainly no involvement in it.

On 11 June 1998 the Secretary to the Inquiry wrote to Deputy Commissioner John Stevens in the following terms:

"I am writing to you on behalf of the chairman of this inquiry, in the light of the front page report in today's *Guardian* 'Police corruption exposed'. I would be grateful for your confirmation – as soon as possible – that your investigation does not extend to any officers involved in the Stephen Lawrence case; or any relatives or associates of Clifford Norris, the father of one (David Norris) of the original suspects in this case."

On 12 June 1998, Deputy Commissioner John Stevens replied:

“... I can confirm that no police officer or former police officer who has been called or is due to give evidence to the Stephen Lawrence Inquiry is under investigation for corruption at this time. During the preparation for the current investigation a considerable amount of intelligence of various value was gathered. Many documents were examined including those relating to ‘Operation Russell’ and the death of Detective Constable Alan Holmes, both of which have been made available to the Inquiry Chairman. An intelligence database was created and the names of some of the witnesses to the Inquiry were included. However, the intelligence does not necessarily indicate corrupt or suspect behaviour and much of it is background information. None of the intelligence I refer to is being developed at this stage, although it relates to witnesses to the Inquiry. There are no records relating to Clifford Norris or David Norris or any of their known associates or relatives. There are a few and not very full references to a David Norris who was murdered in Belvedere in 1991. He is not thought to be related to Clifford or David Norris. The intelligence I refer to is a matter of extreme sensitivity and disclosure of it or its existence could considerably hamper our investigations into corruption. Although I will assist your Inquiry in every aspect, I am sure you will understand that we would have to try to restrict the publication of this material by the use of public interest immunity...”

On 25 June 1998 the Inquiry notified all the represented parties by letter of the outcome of a further disclosure exercise concerning Commander Adams which had taken place. The letter appears in full at Appendix 8. It stated that, pursuant to various requests made by the advisers to Mr and Mrs Lawrence, the Chairman and his advisers (and Counsel to the Inquiry) had considered a very substantial quantity of documents, which were suggested by those advisers to have some bearing on the evidence of ex-Commander Adams.

The Inquiry had been asked to consider many documents alleged to have some bearing on Mr Adams' evidence, and whether there were further documents which ought to be published to the parties (which thus would or could enter the public domain) relating to the following topics:

- a) Adams' medical retirement;
- b) Adams' record as per his personal file;
- c) Adams' involvement with David Norris (deceased) as an informant; and
- d) disciplinary investigations involving allegations made against Adams.

Having considered documents relating to all the above, the Inquiry's decisions were:

- a) **Medical retirement:** That it had seen documents recording that (a) Adams was recorded as absent through “back disorders” from 4 May 1993 and that he did not resume duty before retiring on 31 August 1993; (b) on 7 May 1993 Adams was recommended by the Force Medical Officer for medical retirement on the grounds of chronic back pain, an injury award being made by reason of his condition being attributable to or contributed to by an injury on duty; and (c) on 7 June 1993 it was reported that Adams was “likely to be in hospital for the next three weeks” and that his retirement would formally occur on 31 August 1993. The Inquiry saw no reason to direct disclosure of any documents concerning his retirement. The facts above could be referred to if relevant to any issue.

- b) **The personal file:** It had read Adams' personal file. It contained nothing whatsoever to Adams' detriment and did not refer to anything touching upon this Inquiry. There was no reason to disclose it.
- c) **Involvement with David Norris (deceased):** The Inquiry had been asked to look into this topic in the light of Adams' statement to the Inquiry, in which he referred to having been co-ordinator of 9RCS (later the South East Regional Crime Squad, SERCS) between July 1985 and January 1987, during which time, he said, he "was involved in the management of an informant, David Norris". The Inquiry had called for the SERCS 'contact files' relating to David Norris (deceased). Those files contained no reference to Adams; furthermore, there was no reference in there either to Clifford Norris or to any police officer known to the Inquiry. The files contained information irrelevant to this Inquiry which was still – and reasonably – regarded as sensitive. There was no proper basis for disclosing any of these files. All correspondence dockets containing a reference to Adams had been produced for inspection. They revealed Adams to have been concerned with various applications concerning David Norris (deceased) as an informant between October 1996 and March 1998, his involvement being that of a senior officer seeking or giving authority for various steps taken concerning Norris, including the provision of confidential information to judges before whom he appeared for sentence and recommending rewards. It was the Inquiry's firm view that nothing in any of that material bore upon the issues under consideration. And it was not minded to allow questioning of Adams about it, but if persuaded that it had any relevance would permit the facts as summarised above to be referred to.
- d) **Disciplinary investigations:** There had been produced to the Inquiry voluminous papers relating to disciplinary investigations conducted in the late 1980s by Deputy Assistant Commissioner Peter Winship and Commander Thelma Wagstaff. DAC Winship's principal investigation, known as Operation Russell, was carried out subject to Police Complaints Authority (PCA) supervision. None of these investigations resulted in any criminal or disciplinary proceedings against any officer or revealed any facts in any way relevant to the issues before the Inquiry. The PCA agreed that no disciplinary proceedings should be brought. The Inquiry had previously directed that unsubstantiated allegations could not properly be introduced, the law forbidding reliance to be placed upon them: *R. v John Edwards* and *R. v Guney*. Adams was given "suitable advice" in relation to one incident which occurred in 1987; having regard, however, to the time that had elapsed since then and the lack of any connection between the 1987 events and persons alleged to have played a role in the Stephen Lawrence investigation, the Inquiry did not consider it appropriate or necessary to direct the disclosure of any documents relating to the above, or to permit cross-examination of Adams concerning the disciplinary investigations.

Commander Adams returned to be cross-examined on 16 July 1998, a notice of issues and allegations having been delivered to him on 14 July 1998 which indicated:

"Given Cmdr Adams' seniority, his purported state of health and lack of knowledge or participation in the Lawrence murder investigation, it is not accepted that he would have decided to take on or been allocated the role of family liaison, nor that he would have been delegated the relatively menial task of drafting a letter on 30 April 1993 in the terms that appear:"

The Inquiry was satisfied that the only part played by Commander Adams in the whole of the case was indeed the signing of the letter dated 30 April 1993, which went to Mr and Mrs Lawrence's

solicitor and purported to be an answer to a letter written by Mr Khan to D Supt Weeden dated 29 April 1993. That was the last of a series of letters sent by Mr Khan to the police which started on 26 April, the effect of them being to seek information about the investigation in some detail. They were unusual and plainly upset the SIO, D Supt Weeden, who was to some extent deflected by the course of that correspondence. He had already written a letter dated 27 April in placatory terms, suggesting that he was available to be seen by Mr and Mrs Lawrence if they so wished. The receipt of another letter dated 29 April, which followed a meeting on 28 April at Eltham Police Station, seems to have spurred D Supt Weeden to recruit somebody else to help him in dealing with the solicitor's requests. At the meeting of 28 April it appeared that "concern was expressed that the murder investigation team were being inundated with enquiries from the many parties interested in the progress of the enquiry. It was said that the level of enquiry was distracting the team from the task in hand" (direct quote from the 30 April letter written by Commander Adams). Mr Adams said that D Supt Weeden came to him on 30 April and asked for his assistance. He would not normally have been connected to D Supt Weeden in the line of command, as his responsible commander at the time was Mr Gibson, whose senior officer was, in turn, Deputy Assistant Commissioner David Osland. On 30 April Commander Adams believed that Mr Gibson was away, and that DAC Osland was not available. Therefore D Supt Weeden came to Commander Adams and he, together with a staff officer (probably DAC Osland's) and D Supt Weeden, composed the letter dated 30 April which was signed by Commander Adams.

The letter is set out in full at Appendix 6 and was considered carefully by the Inquiry, because it seemed to it to show, from its terms, that Mr Adams' explanation of what happened was right. It was true that he put himself forward as somebody prepared to assist, together with Chief Superintendent John Philpott, but by and large it did seem to the Inquiry that it was a letter written simply to achieve what D Supt Weeden sought, namely relief from dealing with the correspondence with Mr Khan, which he plainly found irksome. Mr Adams had emphasised over and over again in evidence that this was literally the only step that he took and the only part which he played in this murder investigation. He said he had not even heard the names of the suspects at the time. He left Eltham on 4 May and had not known the names of the suspects until he saw them much later in the *Daily Mail*.

Mr Adams was asked many questions about the Norrises, both Clifford and the dead David Norris. He had dealt with David Norris as an informant and he was reluctant to talk about that connection. But he repeatedly said that he himself had no contact with Clifford Norris, and that he simply did not know that one of the suspects was Clifford Norris' son. He did not even know the name Clifford Norris or anything about him until a few months before he came to give evidence.

It transpired that Commander Adams was unfit in April 1993. He had had continuous back trouble, perhaps stemming from an unidentified fracture in his spine, for a considerable time. The Inquiry had seen his records and they bore out what he had said. He had been to his doctor in the week before 30 April, and when he came back on 4 May 1993 he went to see DAC Osland, who told him to stop working and go on long-term sick leave. He did that, and the records showed that on 7 May 1993 he was recommended by the MPS Medical Officer for medical retirement on the grounds of chronic back pain. He then had a spell in hospital and his formal retirement was recorded as being on 31 August 1993. Somewhat scathing cross-examination about his medical condition seemed to the Inquiry to have been misplaced in the circumstances, and it had been presented with no significant evidence to show there was anything sinister in his departure from his duties on 4 May 1993.

Furthermore, in spite of long and hostile cross-examination, the Inquiry had no reason to conclude that Mr Adams gave evidence in connection with the signing of this letter which was other than the truth. He was questioned at length about his possible knowledge of Clifford Norris, but it was never

positively suggested to him that there was a sinister connection with Clifford Norris, or indeed that what Mr Adams had done, namely signing the letter, was done in order to influence the investigation so that the suspect David Norris should not be arrested expeditiously. It was suggested that the signing of the letter and his intervention were a sham and a nonsense. But this was never followed up with any suggestion or direct question suggesting that he had played a positive part in trying to slow down the investigation or arrests. There was no information which Michael Mansfield QC could properly use in this regard. The second notice was without question not substantiated.

Having looked with care at the whole of the evidence of Mr Adams, the Inquiry recognised that there were strange features to it. It was indeed surprising that an officer of his status came into the case simply in connection with this one letter. He was defensive in the witness box. In the end, however, the Inquiry was satisfied that it was not established that Mr Adams did anything other than that which he told it he had done, whatever may be the suspicions of Mr and Mrs Lawrence's legal team.

#### **4.4.18 The Barker Review**

Following the two positive identifications made by Duwayne Brooks (Neil Acourt on 13 May 1993 and Luke Knight on 3 June 1993), they had been charged with the murder of Stephen Lawrence.

Having been appraised of DS Crowley's account of what Mr Brooks had said following his 3 June identification of Luke Knight, the CPS announced on 28 July 1993 that it had decided to discontinue the prosecution of both of them. The reason was that the poor quality of the identification evidence and the absence of any other incriminating evidence meant there was no realistic prospect of a conviction, and so the Code of Crown Prosecutors required that course.

Having examined the matter in detail, the Inquiry understood the reasoning and believed it to have been correct.

The decision by the CPS to discontinue the case left the investigation team disappointed and frustrated. They maintained that they had taken all the steps which were available to them to investigate the murder, and did not accept at that stage that any mistakes had been made, particularly in the early stages.

It was agreed by DAC Osland, who was in charge of 3 Area, that there should be a review, provision for which was made in the AMIP guidelines regarding unsolved major crimes 10 weeks after commencement. The Inquiry was satisfied that DAC Osland had been the moving spirit behind the review and that he had established its terms of reference.

The officer selected to carry out the review was Detective Chief Superintendent John Barker, an experienced officer who had occupied many important posts in the MPS, including heading the Flying Squad and important criminal justice projects. He was the seventh officer approached to carry out the job and the first not to turn it down.

Detailed explicit guidelines existed for such a review, the object being to conduct a detailed and searching investigation of all that had taken place, in particular a detailed study of all the documentation relevant to the scene and the police response; a detailed verbal presentation from the SIO; careful study of the policy file; and in-depth research into the documentation related to the main lines of enquiry. The reviewer is also required to make recommendations for the conduct of future investigations and advise the SIO of any matters that might benefit the investigation.

DCS Barker was required to forward a written interim report of his findings to DAC Osland by 8 October 1993, and to complete his report by 1 November 1993.

The Kent investigation had condemned the Barker Review and its contents. The Inquiry had become convinced during the hearing of DCS Barker's evidence that he had produced a misleading and flawed review that was effectively indefensible. DCS Barker had accepted that there were deficiencies, but by and large he still attempted to defend his review to the Inquiry. His evidence had been unconvincing and incredible in a number of important aspects.

The Inquiry accepted that DCS Barker was informed at the outset that D Supt Weeden and DCS Ilsley were somewhat unhappy that the DAC had decided on a review, and also believed that Commander Hugh Blenkin may have conveyed to DCS Barker the idea that he should not criticise the SIOs and that the purpose was to "avoid undermining the position of Weeden who was still senior investigating officer".

DCS Barker concluded that the clear implication was that he should ensure that the conduct of the review was not to be heavy-handed; it should be constructive but was not to take the form of a complaints investigation. DCS Barker also believed that his report was by necessity to be general in content, because he was conscious of the fact that in any subsequent criminal proceedings the existence of this document would be revealed and might be disclosable to the defence. So it seemed to him to be inappropriate to record in the review criticism of any specific officer which might be used by the defence by way of discrediting prosecution witnesses.

It was apparent to the Inquiry that DCS Barker had embarked on this review with two inhibiting fetters imposed effectively by himself: that he should not undermine the confidence of the team, and in particular the SIO (having misinterpreted the word spoken to him by Commander Blenkin); and to omit things from the written report on the grounds that it might be disclosable.

He said in evidence that there were substantial discussions during the course of the review with both the SIO, D Supt Weeden, and DCS Ilsley, and that matters were examined and commented upon which were not reflected in the review. The box of documents which DCS Barker said he had handed over to the investigation team after the review, which presumably would have included the notes he made as the matter progressed, had completely disappeared. So the Inquiry had no way of checking what discussions had taken place.

The implication of DCS Barker's decision not to document criticisms relating to the actions of officers that could later be construed as affecting any prosecution was both quite clear and unforgivable. It is that a senior officer in the MPS considered creating two versions of a review document, the first to be disclosable to the defence and deliberately designed to mislead by omitting any adverse references to the investigation, and the second to be an honest document indicating any flaws in the investigation, which might be useful for defence but was deliberately withheld from subsequent defence discovery.

In the end, DCS Barker produced such an anodyne review that those who read it and considered it uncritically might be lulled into a false sense of satisfaction as to what had taken place in the early weeks of the investigation. There was no significant criticism of any single decision made, and the general conclusion of the review was that everything had been progressed professionally, efficiently and satisfactorily. There was mild comment about the failure to arrest in the very early days after the murder, involving the setting out of some of the pros and cons in that regard, when in truth DCS Barker believed that the arrests should have taken place early on. But this view is in no way reflected in the report and there is no out-and-out criticism of the decision that was made not to arrest, or of the absence of any record of that decision in the policy file. There is an indication that

surveillance took place, but no detailed study and comment upon that plainly flawed operation. There were also factual errors in the review.

Much more serious, however, was the complete failure of DCS Barker to deal satisfactorily with the whole topic of information that was reaching the Incident Room in the early stages, and the failure satisfactorily to follow up that information and to deal with the potential witnesses revealed in the information. DCS Barker made no reference to "James Grant" whatsoever; anybody reading the review would think that DCS Barker had never heard of him. DCS Barker said that he took the view that it was inappropriate to refer to him in a document that could possibly come into the public domain.

DCS Barker plainly did not pull his punches, and he provided a report which simply gave no proper overview of the early days of the investigation and made no criticisms, although there was much to be criticised. DCS Barker had accepted that this was so by the time of the Inquiry, but still appeared to believe the review could be defended on the grounds that these matters of criticism and comment were discussed with DAC Osland, Commander Blenkin and the investigation team. DCS Barker ought to have uncovered the deficiencies and commented strongly upon them in any review which was to be of value to those who saw it and who had the responsibility of making decisions as to the future conduct of this murder investigation.

On the topic of victim support and family liaison, the Inquiry found that DCS Barker was much too ready to accept what police officers told him, in contrast to that which was indicated to him by Mr and Mrs Lawrence. This was a flawed approach. Whatever DCS Barker's intentions may have been, it was undeniable that his review perpetuated the insensitive and patronising way in which the family and their solicitor had been regarded by junior officers, and in his turn by D Supt Weeden. DCS Barker was part of the collective failure which marks institutional racism.

Anybody reading the review would believe that nothing had taken place between 24 April and 7 May: there was little, if any, indication of the sequence of events and the processing of information that was taking place. A proper survey might have indicated to DCS Barker that other steps should have been taken. He failed to indicate that there had been an identification parade on 7 May 1993. He made no comment as to the policy file having been plainly inadequately completed.

The Inquiry found that some of the answers given and assertions made by DCS Barker in his evidence, particularly in connection with his decision to produce a muted report, were in the full sense of the word incredible.

The Inquiry found that the review carried out by DCS Barker was factually incorrect and inadequate. He had allowed himself to impose shackles upon his consideration of the investigation which resulted in the production of a flawed and indefensible report. There is concern about the reception of the Barker Review by all senior officers. That part of his review which dealt with Mr and Mrs Lawrence is inaccurate, insensitive and thoughtless.

Given the nature of the Lawrence investigation, the rarity of such a review in the MPS and the level of external interest from the family and third parties, it should have been thoroughly scrutinised by those senior officers taking an active responsibility for and interest in its production, in particular DAC Osland and the Commissioner himself. In the event, from the documentation and evidence available to the Inquiry, it appeared that not a single question was raised by any officer who received it.

DCS Barker had accepted in evidence that he had led the Commissioner and the Assistant Commissioner to the view that everything in the investigation went fine (with some minor exceptions), having not criticised the investigating team on any important issue. However,

DCS Barker's evidence – that his written report had been toned down and an unexpurgated version of events had been given verbally to DAC Osland, the investigation team and Commander Blenkin – was not accepted by those supposed recipients, DAC Osland for example denying that anything of that nature had been passed on to him. There was no evidence to confirm DCS Barker's assertion. The Inquiry was left with the unedifying result that one senior officer was palpably wrong, and could not be speaking the truth.

When eventually, on 3 May 1994, a meeting was held with Mr and Mrs Lawrence and Mr Khan concerning the outcome of the review, what was communicated were the basic points made in the written report: that the investigation had been progressed satisfactorily and that all lines of enquiry had been correctly pursued; that liaison between the victim's family and the investigation team had deteriorated at an early stage, which had affected communication and confidence between them; and that press and media relations were hampered by the involvement of active, politically motivated groups. This represented a lack of open and meaningful communication.

#### **4.4.19 The prosecution of Duwayne Brooks concerning the 8 May 1993 demonstration**

The Inquiry was provided with material that led it to make the following findings:

- a) That Mr Brooks' part in the May 1993 demonstration had not been brought home to the police until September 1993, when a police officer who had seen the incident was able to identify him as the perpetrator of damage to a motor car during the demonstration.
- b) He was charged with an offence in October 1993, and thereafter prosecuted by the CPS.
- c) There was disagreement between senior police officers (including Mr Johnston) and the CPS as to whether he ought ever to have been taken to court. By the time the prosecution was launched he had been diagnosed as having been traumatised and much affected mentally by the experience which he had gone through at the time of Stephen Lawrence's murder, and doctors who had assessed him wanted to identify what his condition had been on 8 May 1993 when he was present during the demonstration.
- d) The judge trying the case took the view that material should be collected and summarised describing any untoward or abnormal behaviour around that time, as it could assist the defence case. As a result the police, with the agreement of the CPS, circulated a pro forma questionnaire to all possible witnesses asking if they had noticed anything abnormal or out of the ordinary in Mr Brooks' behaviour.
- e) Some of the officers who responded saw fit to make strong critical comments about Mr Brooks, but the Inquiry did not believe criticism lay at the door of the CPS as the comments had emerged as a result of the judge's wish to obtain any information which might be useful to the defence.
- f) The judge had also indicated that he thought little of the case and that in the event of a conviction he would most likely discharge Mr Brooks, but the CPS had decided to continue with it. The Inquiry recognised the logic of this decision, just as it did the logic of the decision to discontinue the case against the suspects. The CPS was fearful that if the demonstration prosecution was dropped it would have provided ammunition to the defence in any subsequent trial in relation to the murder on the basis that Mr Brooks had been favoured by

the CPS in return for his co-operation in giving evidence; whereas the police who opposed it felt that it should have been dropped because he was the only witness.

- g) The judge in Mr Brooks' case in the end dismissed it as an abuse of the process of the court, primarily because of the delay in bringing the proceedings but also having regard to the medical evidence.

Whilst understanding the CPS argument, the Inquiry in the end felt it would have been better if the prosecution had been abandoned early on, but it was not an easy decision for the CPS to make.

#### **4.4.20 The second investigation**

The second investigation attempted to salvage the situation. Forthright steps were taken. Clifford Norris was arrested. Sophisticated surveillance of the suspects took place. By 1994, however, the case was becoming stale. No satisfactory fresh witnesses have ever come forward. The Inquiry had no criticism of this investigation by D Supt Mellish. Indeed it was managed with imagination and skill. The trust of Mr and Mrs Lawrence was regained by the sensitive approach of Commander Perry Nove. Neil Acourt and Gary Dobson visited Clifford Norris in prison when the suspects were arrested in 1995. That would make interference in the second investigation more difficult, but certainly not impossible. There was no allegation of corruption or collusion against the second investigating team.

#### **4.4.21 Community concerns**

Wider issues than those closely connected to the investigation of the murder of Stephen Lawrence dominated Part Two of the Inquiry. The Inquiry was convinced that the atmosphere in which racist crime was investigated was bound to influence the outcome of such investigation.

First and foremost amongst its conclusions flowing from Part Two was that there was a striking and inescapable need to demonstrate fairness – not just by police services but across the criminal justice system as a whole – in order to generate trust and confidence within minority ethnic communities, who undoubtedly perceive themselves to be discriminated against by “the system”. Just as justice needs to be “seen to be done”, so fairness must be “seen to be demonstrated” in order to generate trust.

The need to re-establish trust between minority ethnic communities and the police is paramount. Such distrust and loss of confidence is particularly evident in the widely held view as to junior officers' discriminating practice at operational level, and that they support each other in such discrimination.

Seeking to achieve trust and confidence through the demonstration of fairness would not in itself be sufficient. It must be accompanied by a vigorous pursuit of openness and accountability across police services. Essentially the Inquiry considered that the principle which should govern the police services, and indeed the criminal justice system, is that they should be accountable under all relevant legislative provisions unless a clear and specific case can be demonstrated that such accountability would be harmful to the public interest.

The Inquiry referred to the minority communities' doubts and concerns about “deaths in custody” and the existing complaints system. Distrust was generated by what was perceived to be a lack of openness and accountability in both areas. Particularly in the complaints system, the Inquiry concluded that a strong element of independent investigation must be considered.

The Inquiry recorded that, following its examination of a number of discipline and related files, it felt concern that there may be insufficient vigour in the areas of discipline, supposed sickness and retirement.

First and foremost and fundamentally it believed that there must be a change so that there is genuine partnership between the police and all sections of the community. This could not be achieved by the police alone, but the onus was upon them to start the process. Co-operation must be genuine and vigorous.



## 5. Our review of the corruption issue

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## Our terms of reference

We repeat what is asked of us:

... to carry out an independent examination of the questions addressed in a recent review by the Metropolitan Police Service (MPS) following the allegations of corruption that have appeared in the media concerning officers connected to the initial police investigation... [and] to address the following questions:

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?

## 5.1 Metropolitan Police Service disclosure to the Stephen Lawrence Inquiry regarding possible corruption

We have sought to establish exactly what information was provided to the Stephen Lawrence Inquiry of any possible relevance to the issue of police corruption.

We have been assisted by Jason Beer QC who, at the time of the Inquiry, was Junior Counsel to Jeremy Gompertz QC acting for the Metropolitan Police Service (MPS) and instructed by the MPS Department of Legal Services (MPS DLS). In general terms, Mr Beer confirmed to us that the MPS legal team was aware that the Commissioner desired full co-operation and disclosure with the Inquiry. Lord Condon, the then Commissioner, has confirmed to us that this was the approach that he wanted to adopt.

Mr Beer also confirmed, as the documents suggest, that the ambit and criteria for the disclosure of material altered as the Inquiry progressed.

To reconstruct the picture, we have used records found in files held at both the MPS DLS and the Home Office. It has not been possible to confirm whether the records are complete, but no person we have spoken to has suggested that there was additional correspondence which we have not been able to locate.

We have set out below a number of exchanges which took place between the MPS solicitors (who instructed Mr Gompertz and Mr Beer) and the Solicitor to the Inquiry. We have also considered the discussions which took place in Chambers between the Inquiry and the interested parties' representatives. The latter reflected the debate that took place at the time as to the proper level of disclosure required under law.

Mr Beer explained to us the context of some of the written exchanges between the MPS and the Inquiry team. Initially, the requests for disclosure were being made by the interested parties on a wide basis, and in respect of every person who might give live or written evidence to the Inquiry. They were also initially requests for disclosure of material focusing on issues of race. This developed to focus on

certain key officers, in respect of whom the requests were broadened to discipline and corruption matters beyond the issue of racism.

We also spoke to Anesta Weekes QC, who was Junior Counsel to the Inquiry led by Edmund Lawson QC (now deceased), and we will return to what she told us after we have identified the legal framework at the time and the disclosure it appears from our review was made by the MPS to the Inquiry.

### **5.1.1 The legal framework in place at the time**

In order to understand the position being adopted by each side, and ultimately by the Inquiry, it is necessary to identify the legal framework in place at the time of the Inquiry relating to the normal limits of disclosure of disciplinary and discreditable conduct in criminal proceedings. In essence, this reflected the accepted limits of cross-examination of witnesses concerning proven and unproven allegations of discreditable behaviour.

Deployment of material suggesting misconduct on the part of police officers was a developing area of the law at the time of the Inquiry. A series of cases had touched upon whether evidence of a general 'taint' attaching to a police squad should be permitted to be explored in cross-examination by the defence in a case in which the honesty of an individual officer was challenged. The courts had begun to have concerns that the established rule that unproven allegations of misconduct, including dishonesty, were beyond the bounds of permitted cross-examination might be too inflexible.

The cases often cited, and referred to by the Inquiry Chairman, were *R. v Edwards (John)* [1991] 1 W.L.R. 207, and *R. v Guney* [1998] 2 Cr.App.R. 242. The 1999 edition of *Archbold Criminal Pleading, Evidence and Practice*, published in late 1998, summarised the position resulting from the case law. A police officer could be questioned as to any relevant criminal offences or disciplinary charges found to be proved against him, but charges which had not yet been adjudicated upon should not generally be put in cross-examination.

This was because in logic, for it to have any weight in proceedings, an allegation would first have to be proved to the satisfaction of the tribunal hearing it. There was (and still is) a general rule that evidence could not be called to prove matters going only to the credit of a witness if the witness denied them.

However, the cases also referred to a court having a discretion, to be exercised so as to present the fact finder, as far as possible, with a fair and balanced picture of a witness's reliability. This was to balance the importance of eliciting facts which might show, if it be the case, that the police officer was not the truthful person he represented himself to be, against the possibility that a multiplicity of complaints might indicate no more than the 'band-wagon' effect (*Edwards* p216b-c).

We shall return later to the fact that the law has moved on significantly since 1998. In short, the use of evidence that a witness has previously acted in a reprehensible manner may be permitted more often than would previously have been the case, subject to a number of checks and balances within what are commonly referred to as the 'bad character' provisions of the Criminal Justice Act 2003.

### **5.1.2 Communications between the parties at the time of the Stephen Lawrence Inquiry**

Against that background of the legal framework in place at the time, we have considered the following communications between the parties at the time of the Inquiry. The following file notes and letters appear to us to be of particular significance.

## **Letter from the Solicitor to the Inquiry to the Metropolitan Police Service Solicitor, 8 April 1998**

“There seem to be only two matters outstanding on your letter. The first is in relation to DS Crowley. The position is that the Inquiry is interested to know whether there have been any complaints made against Sgt Crowley or disciplinary action taken, where the issue, in whole or in part, related to matters of race. Any documentation on the personal file or elsewhere would be of assistance to us. As usual, at this stage, for the use of the Inquiry only.

...

“There is however, something new to raise. I should be grateful if you could indicate whether there have been any complaints (other than those made by Mr and Mrs Lawrence) against any of the police officers who have or will give evidence to the Inquiry, again wholly or in part relating to issues of race.

...

“Secondly, in relation to DS Davidson, I would wish to see similar documentation to that outlined above from Mr Crowley.”

The reference in the letter to any documentation provided being “As usual, at this stage, for the use of the Inquiry only” reflects the fact that, at least initially, the provision of material to the Inquiry amounted to ‘revelation’ to the Inquiry Panel, rather than ‘disclosure’ to all parties. The Inquiry Panel was adjudicating on the correct level of disclosure necessary to the parties as well as judging the significance of the material to its own findings.

It is apparent that on a number of occasions the Inquiry Chairman, Sir William Macpherson, dealt with some of the more contentious disclosure decisions by the means of asking for the revelation of material by the MPS to the Inquiry, in order to assess the significance and relevance of it, and the necessity for any onward disclosure to the interested parties for potential use in cross-examination.

## **Letter from Nichola Thatcher, Solicitor for the Metropolitan Police Service, to the Solicitor to the Inquiry, 24 April 1998**

“I write in response to your letter of 8 April 1998 concerning complaints made against the police officers who have or will give evidence to the Inquiry, and in particular against DS Crowley and DS Davidson.

“The phrase ‘any complaints’ encompasses complaints which may not have been pursued or which have been found to be not substantiated. I would be grateful if you would explain the relevance of such information.”

From the record below there was clearly some argument at a hearing in Chambers on this issue between the representatives of the interested parties and the Inquiry.

## **Transcript of hearing ‘In Chambers’, 24 April 1998**

“Chairman: I have been shown a document which indicates that this officer [Davidson] was suspended, and it is in connection with that you are making the application. The matter, of course, was never resolved and, as I understand it, the entry shows that he denies the

allegations. Surely, in those circumstances, if this was a court, I, in the position of the judge, would not allow that to be put to the officer.

“Michael Mansfield QC: Sir, may I say, what you have just said adds to information already because, without going through a rather tedious history of this matter, we only got some precise information about this this week, as to the basis of the suspension. Police officers had told me, other senior police officers, had told me that he was suspended... .

“One of the matters which we are concerned about is any links there may be between police officers and the Norris family; and as far as I have asked about this, I have not had a particular answer; I am not complaining again about that; but if there is any link in this officer’s file that suggests he may have had contact with the Norris family and knows the Norris family, I would submit that may be important in relation to, as we opened it, the suggestion that there may have been protection here for certain families or their witnesses.

...

“Chairman: I do not know whether there is anything against Mr Norris or not. Even if the allegation did not contain dishonesty and it is denied and unresolved, are you suggesting that I should allow that to be put to the officer? There is plenty you can ask him about that, surely, because this is really an investigation into what was done and was not done, primarily, and you have got ammunition galore in respect of all of these officers, as it seems to me, and in the end there is no jury here... I have to decide what place something like that might have in the scheme of things and it is very unlikely, it seems to me, that it will influence me in deciding what to do about Mr Davidson’s evidence. I am much more likely to decide that when I hear from him... .

“Jeremy Gompertz QC: The position of the Commissioner is that since this is a complaint which has never been resolved one way or the other, the facts which give rise to it are irrelevant to these proceedings and that the matter should be not allowed to be cross-examined about... .

...

“Chairman:... The question whether this information, whatever it may contain, is to be used will be postponed. The only person whose mind eventually may or may not be affected by it, and the full knowledge of it, is in the end mine, with the assistance of my advisers of course, but ultimately this is a matter I have to resolve and it is something which may or may not affect the minds of myself and my advisers but, ultimately, I have to make the decision... I am going to wait and see how the cross-examination of Mr Davidson goes and if it has to be pursued later, we will pursue it later.”

## **Letter from the Solicitor to the Inquiry to the Metropolitan Police Service Solicitor, 28 April 1998**

“Subsequent to... my letter of this morning, the issue of documentation for Sergeants Crowley and Davidson has been discussed with you further.

“Following the meeting with Anesta Weekes [Junior Counsel to the Inquiry] the request is now for the following:

“The complete files for Messrs Crowley and Davidson to include all personal history and complaints, whether substantiated or not;

“I would be grateful for a list of all complaints (again, whether substantiated or not) for all officers on the Inquiry’s witnesses and issues list, including both those witnesses to be read and those to give oral evidence and whether they have already given evidence or are to do so in the future;

“The time period in relation to any record of complaints for (1) and (2) above is 1991/1995.”

Mr Beer has assisted us by clarifying that Counsel to the Inquiry had requested sight of such material even if it related to unsubstantiated complaints.

### **Letter from Nichola Thatcher, Solicitor for the Metropolitan Police Service, to the Solicitor for the Inquiry, 29 April 1998**

“I write to confirm that in response to a private request by Sir William that he be shown the investigating officers’ reports concerning two incidents involving DS Davidson, the reports were provided to Sir William, in confidence. I also confirm that both reports have now been returned...

“Additionally, Sir William has also privately requested sight of the personal files of DS Davidson and DS Crowley. These are provided herewith.

“As with the investigating officers’ reports, the personal files of DS Davidson and DS Crowley are being provided to Sir William in confidence in response to his private request.”

### **Letter from Nichola Thatcher, Metropolitan Police Service Solicitor, to the Solicitor to the Inquiry, 30 April 1998**

“Thank you for your letter of 28th April 1998 concerning the personal files of DS Crowley and retired DS Davidson and the complaints history of the officers on the issues list.

“As you will recall the Chairman has now read the personal files of retired DS Davidson and DS Crowley.

“As to the complaints history, at the meeting with Miss Weekes on 28th April 1998, Miss Weekes indicated that she was interested in complaints of a racial nature, whether substantiated or not, for the period 1991–1995 inclusive...

“I have made a check of the relevant records and can confirm that only one officer has such a complaint namely WPC Bennett.”

Again, Mr Beer has confirmed to us that this reflected the MPS DLS facilitating production to the Inquiry Chairman of the material that he requested. His recollection is that at that time the focus was more on race than corruption.

Ms Weekes has confirmed that the Inquiry legal team was involved as well and that she was aware of and indeed advised in relation to the correspondence being exchanged and the matters being requested by the Inquiry.

We note that this correspondence reveals that, by the end of April 1998, the focus of the Inquiry's interest had moved into unsubstantiated allegations concerning key officers giving evidence to the Inquiry who were 'in the spotlight'. The process appeared to be that a request was made for material to be considered by the Chairman for his determination as to whether any disclosure should be made to the interested parties.

### Comment

- On the issue of Detective Sergeant John Davidson's medical retirement, we are unsure whether or not the file reviewed by the Inquiry included documents that we have seen subsequently. These suggest that there was considerable scepticism about the true merits of his claimed medical case, and that some senior officers were advising strongly that it should be challenged.
- It was only on the day that discipline notices were served in relation to the 'Reg Grundy' affair (considered in greater detail below) that four of the five officers under investigation, including DS Davidson, "went sick" and then pursued medical retirement. In October 1996, Commander Roy Clark wrote: "Davidson is, in my opinion, attempting to avoid a Discipline Board and obtain an enhanced pension in the process. I feel we should resist at all costs such a venture as it damages the image of the Police Service in the eyes of the public and does nothing to reassure officers who do not involve themselves in circumstances resulting in discipline hearings and are content to retire on ordinary pension grounds."
- Our conversations with a number of ex-senior officers echoed a similar sentiment. The 'Robert Mark' method of effectively forcing the person out was no longer considered to be acceptable. Faced with an inability to effectively investigate and bring to justice those strongly suspected of corruption, a number of officers felt that resort had been made too often to allowing medical retirement as a means of getting the suspected officer out of the service. We have not carried out a comprehensive review of this issue, but we can comment that the material we have seen shows that a number of senior officers at the time felt that this was what was going on.
- In DS Davidson's case there was clearly a medical evaluation on file when his medical retirement was approved, and it is not possible now to revisit its merits. We note that, faced with an apparent inability to bring formal proceedings against officers strongly suspected of corruption, yet believing they were corrupt and so wanting to get them out of the service, there may well have been a natural temptation to find some way of doing so, even if it did mean accepting a 'challengeable' medical case.

The correspondence shows that there was a change in the nature of the correspondence in June 1998, namely that rather than the letters passing between the Solicitor to the Inquiry (who instructed Counsel to the Inquiry) and the Solicitor to the MPS (who instructed Counsel for the MPS in the Inquiry), the Secretary to the Inquiry wrote directly to the Deputy Commissioner in charge of the area of policing in the MPS that embraced the Anti-Corruption Command, Deputy Commissioner John Stevens. This correspondence began when an article was published in *The Guardian* newspaper on 11 June 1998.

### Letter from Stephen Wells, Secretary to the Stephen Lawrence Inquiry, to Deputy Commissioner John Stevens, 11 June 1998

"I am writing to you on behalf of the Chairman of this Inquiry, in light of the front page report in today's *Guardian* 'Police Corruption Exposed'.

“I would be grateful for your confirmation – as soon as possible – that your investigation does not extend to any officers involved in the Stephen Lawrence case; or any relatives or associates of Clifford Norris, the father of one (David Norris) of the original suspects in this case.”

**Letter from the Deputy Commissioner of the Metropolitan Police Service, John Stevens, to Stephen Wells, Secretary to the Stephen Lawrence Inquiry, 12 June 1998 (we have put certain passages in bold)**

“Thank you for your letter dated 11 June 1998. I can confirm that no police officer or former police officer who has been called or is due to give evidence to the Stephen Lawrence Inquiry, **is under investigation for corruption at this time.**”

“During the preparation for the current investigation, a considerable amount of intelligence of various values was gathered. Many documents were examined including those relating to ‘Operation Russell’ and the death of Detective Constable Alan Holmes, both of which have been made available to the Inquiry Chairman. **An intelligence database was created and the names of some of the witnesses to the Inquiry were included. However, the intelligence does not necessarily indicate corrupt or suspect behaviour and much of it is background information.** None of the intelligence I refer to is being developed at this stage, **although it relates to witnesses to the Inquiry.**”

“There are no records relating to Clifford Norris or David Norris or any known associates or relatives. There are a few and not very full references to a David Norris who was murdered in Belvedere in 1991. He is not thought to be related to Clifford or David Norris. **The intelligence I refer to is a matter of extreme sensitivity and disclosure of it or its existence could considerably hamper our investigations into corruption.** Although I will assist your Inquiry in every aspect, I am sure you will understand that we would have to try to restrict the publication of this material by the use of public interest immunity.

“Should I be able to assist you any further in relation to this matter please do not hesitate to contact me personally.”

### **Comment**

- Given what we now know as a result of conducting this Review, it is apparent that this reply contained some very carefully chosen phrases, to which we will have to return, in particular:
  - that no officer giving evidence was under investigation for corruption “at this time”; and
  - that although witnesses to the Inquiry had been entered onto an intelligence database, the intelligence “does not necessarily indicate corrupt or suspect behaviour... and was not being developed at this time... although it relates to witnesses to the Inquiry”.

We asked Mr Clark, the head of the Anti-Corruption Command (CIB3) at the time of the Public Inquiry, about Deputy Commissioner Stevens’ letter of 12 June and its wording:

“Yes. I think that the phrase there was ‘under investigation’. I can remember advising probably, drafting that reply for John Stevens and, if you know John Stevens, it had to be right... That actually, if you like, is a memory. I can say that there was no active investigation against John Davidson.

“Q: And you would have got those checks done...?”

“A: Yes. And I can say that, if the Commissioner wants it, particularly that Commissioner, you had better make sure it is right. Whilst some may say that it is a quibble with words, there is a whole lot of difference between him being part of a bigger database of possible people, some of it based on no more than rumour or previous circumstances and the phrase that came over was ‘under investigation’.

“Q: And that meant under active investigation?”

“A: Under active investigation, yes.

“Q: ‘Under investigation’ would mean not identified as a possible target because of some information, but under an active investigation under an operation, so somebody is actually going about trying to investigate him.

“A: Yes... I do not think that I considered that quibbling or hiding behind it, because all we knew about Davidson was out there anyway. It was what the Inquiry knew because it had been disclosed. His misconduct disciplinary tribunal was there and that is all we knew... I can remember, I think that I drafted that from memory for John Stevens because that explained why we were using that phraseology. In fact, I think that what we did was we bounced the phraseology back that the question that had been phrased in. If there had been a question saying, ‘Have you a database on which the name Davidson comes up?’ it would have been a very different answer and the answer would have been, ‘Yes, there is, but you have got all of that anyway’.”

He added a little later:

“When subsequently Davidson did come in the frame as a result of what Mr Putnam said, the first thing we did was tell the Inquiry. There was no cover up here.

“Q: Can I just ask before we move on to the post-Macpherson era, did the question of corruption in the Lawrence case result in your unit being tasked to do searches in relation to all of the officers that were connected with it, the various Senior Investigating Officers, the ones that had come up in the Inquiry? Do you have a recollection about that?”

“A: That was necessary to answer the question from the Inquiry. We could not have just guessed. Every officer that was involved was checked through that database.

“Q: So what there was, was put through the process that took place with the counsel for the Met and counsel for the Inquiry coming up with the package that was sent to Macpherson.

“A: Yes.”

We also asked Lord Stevens about his knowledge around the intelligence CIB3 held in the summer of 1998:

“Q: How much did you get to know about the intelligence that CIB3 held?”

“A: Well, in terms of intelligence, obviously, the briefings that I had, but, on the Commissioner’s floor, where the Commissioner is, right at the other end was a unit that had been set up I think by Paul Condon and Sir Brian Hayes dealing totally – and headed by Matt Baggott... with Sara

Thornton... That unit from my knowledge had been set up a lot earlier and was there to actually service what Macpherson wanted for his Inquiry. That unit was very much linked into Dennis O'Connor, because he had specific responsibility. Ian Johnston was in the mix as well. So all of that was dealt with down at that end of the corridor to my knowledge. The only time I got involved with Macpherson was when I went down with Sara Thornton to sit at the back of the court at Elephant and Castle just to get a feel for what was going on. Beyond that I did not get involved. Now, the relationship between the unit set up under Matt Baggott's control and what was going on with Dave Wood down at Putney, the linkage from my knowledge, such as it is, I don't think was very strong..

"... any enquiry that came in on the corruption side as the Deputy Commissioner I would send to Baggott, Sara Thornton and to Wood in terms of what information they had which was to go to Macpherson and the instructions were that everything that Macpherson wanted he should have. We had that kind of structure. How it worked or whether it worked is a matter for other people to judge.

"Q:.. you weren't involved in the debates?

"A: No, I wasn't involved in the debates at all. Quite frankly, you need to know this, my job was to wait for the recommendations of Macpherson... For me the business, from what I knew was the offshoot in terms of the Lawrence thing, was just around the fringes of it, but what I wanted to do, and when I sent those letters, it was to get an absolute assessment – and those letters were drafted by others – that that was what was the truth and so when people come and you say, 'I am sending this letter to Lord Justice Macpherson, is this right?' And I got that assessment."

As to the 12 June letter Lord Stevens said:

"Q: It was a response to this *Guardian* article, which was obviously a report of something that had been done that exposed some police corruption, because it says 'Police corruption exposed' and the request is, 'Please confirm that your investigation does not extend to any of the officers involved in the Lawrence case'. So, if you answer the question, so to speak, it is not, they are not under active investigation?...

"A: That is right.

"Q: But it does not, therefore, seem to be an answer as to whether the intelligence database might suggest that somebody who is coming to give evidence may well be corrupt.

"A: Well, I don't know.

"Q: I think it is in response to this question.

"A: I think that that is exactly what it is in response to.

"Q: And someone has just said, 'let's answer it'.

"A: Yes, answer it as it has been asked, yes, I suspect, yes.

"... I would be saying to them, 'Have we got anything?' – the conjecture of those letters – 'let me know if there is' and those letters would have been produced, and actually that is in the pretty early days of me going, of course, into the Met, but at the end of the day..

"... I would have said that to whoever. It is a long, long time ago, but that would come up on a file and I would say 'Is this absolutely right before we send it?' bearing in mind what the implications are.

"Q: To the review team – to Mr Wood?

"A: It would be both. In fact, I have been saying that the review team, obviously, had the responsibility of putting the information/the evidence into Macpherson, I would equally be saying 'Is there any implications in terms of what CIB3 know?' and you would do that as a matter of course, because they had the responsibility of taking the investigations forward and they had the responsibility of making sure that that information is right before someone like the Deputy Commissioner signed them. Those letters are drafted by those people... Nobody would have sent a letter to Macpherson without going through that review team, because they were the choke point, so to speak, of any information going up and that is what had happened up to that date.

"Q: You are really just a recipient of their analysis and you sign off a letter.

"A: Absolutely. That is right.

"... Q: Who is it that is the driving force behind the material as opposed to the response to Macpherson?

"A: I am with you. To be honest, I don't know. To be frank, one, I didn't know and, two, to be absolutely frank, it was not my responsibility."

It is of some note that in June 1998, the intelligence, even so far as it touched on witnesses to the Inquiry, was regarded as a matter of extreme sensitivity. Disclosure of its existence was seen as capable of severely debilitating CIB3's anti-corruption investigation.

This exchange of correspondence and the content of it came as something of a surprise to Mr Beer when we asked him about it. He had simply never been made aware that such correspondence was taking place. Perhaps more importantly, he had not been aware of the existence of any sensitive intelligence database concerning corruption or possibly corrupt officers that included witnesses to the Inquiry. Given his and Mr Gompertz's role in representing the MPS, and what we have now discovered about the intelligence picture capable of being developed at this time, we share his concern as to why the MPS legal team was not made aware of the existence of such material.

The MPS legal team was aware that a large number of files were being provided to the Inquiry team by the MPS concerning proven or unproven allegations relating to key witnesses, and also their personal medical files. Mr Beer explained to us that he thought it was rather strange that the files were provided directly for review by the Inquiry team, without the MPS legal team having examined them first.

We asked Lord Stevens who he understood to be in charge of assessing the intelligence and deciding what should be revealed to the Inquiry. He was unsure. He did suggest that any correspondence with the Inquiry would have gone through the Lawrence Review Team, where the then Superintendent Sara Thornton had played a central role from the summer of 1998.

When we spoke to Sara Thornton, she told us that she had no recollection of having anything to do with any intelligence held by CIB3 (the Anti-Corruption Command), or even knowing that CIB3 held

corruption intelligence on witnesses due to give evidence to the Inquiry. Her area of focus was what was described as Part Two of the Inquiry and the submissions being developed on that by the Review Team. She had no recollection of seeing the correspondence between the Deputy Commissioner and the Inquiry and felt, given the secrecy with which CIB3 handled its intelligence, that it would most likely have been dealt with by CIB3 themselves. This seems to accord with what Mr Clark told us, and with the level of secrecy CIB3 placed around its anti-corruption intelligence at the time.

At the end of June 1998, after the Inquiry Chairman and/or his legal team had reviewed the material that had been disclosed to them as a result of the requests to the MPS, the Chairman announced his position as regards Commander Ray Adams, who was due to return in July to be cross-examined, via a letter to all interested parties.

### **Letter from the Chairman to the Inquiry to all interested parties, 25 June 1998**

The letter appears in full at Appendix 8. It stated that, pursuant to various requests made by the advisers to Mr and Mrs Lawrence, the Chairman and his advisers (and Counsel to the Inquiry) had considered a substantial quantity of documents, which had been suggested to have some bearing on the evidence of ex-Commander Ray Adams. In summary, the letter notified all the parties that the Chairman, with the agreement of his advisers, had made the following decisions.

The Inquiry had been asked to consider many documents alleged to have some bearing on Mr Adams' evidence and whether there were further documents which ought to be disclosed to the parties relating to the following topics:

- a) Mr Adams' medical retirement;
- b) Mr Adams' record as per his personal file;
- c) Mr Adams' involvement with David Norris (deceased) as an informant; and
- d) disciplinary investigations involving allegations made against Mr Adams.

Having considered documents relating to all the above, the Inquiry's decisions were:

- a) **Medical retirement:** The Inquiry had seen documents recording that:
  - Mr Adams was recorded as absent through "back disorders" from 4 May 1993 and that he did not resume duty before retiring on 31 August 1993;
  - on 7 May 1993 Mr Adams was recommended by the Force Medical Officer for medical retirement on the grounds of chronic back pain. It was also recommended that an injury award be made as his condition was attributable to, or contributed to by, an injury sustained on duty; and
  - on 7 June 1993 it was reported that Mr Adams was "likely to be in hospital for the next three weeks" and that his retirement would formally occur on 31 August 1993.

The Inquiry saw no reason to direct disclosure of any documents concerning his retirement. The facts above could be referred to if they were relevant to any issue.

- b) **The personal file:** The Inquiry had read Mr Adams' personal file. It contained nothing whatsoever to Mr Adams' detriment and did not refer to anything touching upon the Inquiry. There was no reason to disclose it.
- c) **Involvement with David Norris (deceased):** The Inquiry had been asked to look into this topic in the light of Mr Adams' statement to the Inquiry in which he referred to having been co-ordinator of 9 Regional Crime Squad (later SERCS) between July 1985 and January 1987, during which time, he said, he "was involved in the management of an informant, David Norris". The Inquiry had called for the SERCS 'contact files' relating to David Norris (deceased). Those files contained no reference to Mr Adams, and further there was no reference there either to Clifford Norris or to any police officer known to the Inquiry. The file contained information irrelevant to the Inquiry which was still – and reasonably – regarded as sensitive. There was no proper basis for disclosing any of the files. All correspondence dockets which contained a reference to Mr Adams had been produced for inspection. They revealed Mr Adams to have been concerned with various applications concerning David Norris (deceased) as an informant. His role was that of a senior officer seeking or giving authority for various steps taken concerning Mr Norris. This included the provision of confidential information to judges in front of whom Mr Norris appeared for sentence and recommending rewards. It was the Inquiry's firm view that nothing in any of that material bore upon the issues under consideration. The Inquiry was not minded to allow questioning of Mr Adams as to the material. If persuaded that it had any relevance, the Inquiry would permit the facts as summarised above to be referred to.
- d) **Disciplinary investigations:** Voluminous papers relating to disciplinary investigations conducted in the late 1980s by Deputy Assistant Commissioner Peter Winship and by Commander Thelma Wagstaff had been produced to the Inquiry. DAC Winship's principal investigation, known as Operation Russell, was carried out subject to Police Complaints Authority (PCA) supervision. None of these investigations resulted in any criminal or disciplinary proceedings against any officer or revealed any facts that were in any way relevant to the issues before the Inquiry. The PCA agreed that no disciplinary proceedings should be brought. The Inquiry had previously directed that unsubstantiated allegations could not be introduced as the law did not permit reliance to be placed upon them (*R. v John Edwards* and *R. v Guney*). Mr Adams was given 'suitable advice' in relation to one incident which occurred in 1987. Having regard to the time that had elapsed since then, and the lack of any connection between the 1987 events and persons alleged to have played a role in the Stephen Lawrence investigation, the Inquiry did not consider it appropriate or necessary to direct the disclosure of any documents relating to the above, or to permit cross-examination of Adams concerning the disciplinary investigations.

### **Commander Adams and Detective Sergeant Davidson returned to the Inquiry to give further evidence, 16 July 1998**

As far as we have been able to establish, there had been no further revelation of material relating to DS Davidson to the Inquiry. No further material of use in challenging DS Davidson's possible corrupt motives in the Lawrence investigation had been disclosed to the Lawrence family team since he had given evidence on 24 and 27 April 1998. His further cross-examination was accordingly limited to the issue of the registration of "James Grant" as some further evidence had been disclosed in relation to that issue since he had last appeared before the Inquiry.

Our understanding has been confirmed by Ms Weekes.

So far as Commander Adams was concerned, the disclosure made to the interested parties consisted of the content of the Chairman's letter.

The Inquiry's interest in information regarding DS Davidson did not cease, however. Correspondence suggests that the Solicitor to the Inquiry continued to make requests for material relating to Operation Gayle. This concerned a complaint against DS Davidson and other SERCS officers, which surrounded their alleged use of police vehicles to provide private security to the television executive Reg Grundy. The following correspondence demonstrates that the Inquiry did consider material relating to Operation Gayle.

### **Letter from the Solicitor to the Inquiry to the Metropolitan Police Service Solicitor's Department, 17 July 1998**

"Further to your letter of 16 July the Chairman and the advisers have, as you know, been considering the disciplinary file in Operation Gale [sic].

...

"The file which has been seen (OG17/95/44 which has been returned to DCI Tulloch) does not contain any documents relating to the decisions concerning the medical discharges and the two resignations. In particular, in relation to the latter, it is not clear who took the decision to allow the resignations and why it was felt that they were appropriate.

"I would be grateful if you could supply copies of the documents relating to the decision-making process in connection with the end of the service careers of the five above-mentioned officers."

### **Letter from Nichola Thatcher, Solicitor for the Metropolitan Police Service, to the Solicitor for the Inquiry, 30 July 1998**

"Thank you for your fax of 17 July 1998 regarding the resignations and medical discharges of the officers involved in Operation Gayle.

"I would be grateful if you would explain the relevance of the documents requested therein, to the Public Inquiry. Save for DS Davidson, the officers involved had no connection with the Stephen Lawrence murder investigation and accordingly the reasons behind their resignations and/or medical discharges cannot be relevant to this Inquiry."

#### **Comment**

- It has not been possible for the MPS to locate the files referred to in the correspondence above. We have not, therefore, been able to consider what material was provided to the Inquiry on this issue. As we have indicated above, from the material that we have seen, it was clear that senior officers in the MPS expressed concern at the nature of the retirement of DS Davidson and other officers. It is also of note that one of the other officers alleged to have been involved in Operation Gayle was "Officer B", who will feature later in our consideration of the MPS intelligence on corruption.

## August and September 1998

Part One of the Inquiry completed hearing live evidence on 20 July 1998. The Inquiry was then adjourned until mid-September when final submissions from all the interested parties were to be presented.

The MPS legal team, MPS DLS, Mr Beer and Mr Gompertz liaised over the final written and oral submissions to be made on behalf of the MPS. This liaison was with the team of officers that had been set up by the Commissioner under Detective Superintendent Bob Quick earlier in 1998 to review and analyse all 'Lawrence-related' material. This is the same team referred to as 'the Lawrence Review Team'. Lord Stevens told us that it was his recollection that all material presented to the Inquiry would pass through this team.

We will have to return to other aspects of the work of this Review Team later, when considering the questions posed of us regarding the role of undercover policing in the case. For present purposes, the following description given to us by the then acting Detective Inspector Richard Walton, who was seconded to the Review Team, suffices in identifying its role in the summer of 1998:

"... the Lawrence Public Inquiry had started and it was clear it was absolutely going the wrong way in terms of the Met's reputation and all the rest of it... Effectively, the Lawrence Inquiry was, I don't know, a few weeks in, and there were lots of allegations being made against the Met, some of which I think the Met knew about and some of which were starting to sound a lot more damaging than I think anyone realised. They centred around, obviously, racism, but then also corruption and incompetence...

"... We were asked by Paul Condon, effectively to look at the Met's vulnerabilities around it, because it looked like it was going so badly... the Met's submission to the Lawrence Inquiry was written by us effectively... I remember going back and forth into the Commissioner's office – Paul Condon at the time – on a couple of occasions when we were presenting to him our findings..."

Mr Beer told us that the MPS Lawrence Review Team was indeed a heavy contributor to the final submissions that the MPS presented. There was some debate between and with them as to the proper implications of the evidence that was before the Inquiry. Examples of this come from notes of a meeting at New Scotland Yard in relation to the final submissions to be made on behalf of the MPS.

### Notes of a meeting at New Scotland Yard concerning the drafting of written closing submissions for Part One of the Public Inquiry, 13 August 1998

(Meeting involving senior police officers, MPS solicitors, and Counsel acting on behalf of the MPS at the Public Inquiry)

The following comments were made on the issues of corruption:

"AC Johnston: '... robust defence on corruption...'

...

"Jason Beer: 'Corruption is not an issue. Race is difficult because repetition cd occur'

...

“AC Johnston: ‘Big story is we bungled but we’re not racist or corrupt’

“Jeremy Gompertz QC: ‘Systematic cock ups will find us guilty of racism’

“AC Johnston: ‘Yes but other suggestion is corruption. There is a comprehensive submission on organisational incompetence.’”

### **Note of a meeting at New Scotland Yard (apparently prior to a letter being sent to the Inquiry as to the investigation into Detective Sergeant Davidson) in the Commissioner’s Private Office, 11 September 1998**

“The Commissioner  
DAC John Grieve  
Supt Bob Quick  
Jeremy Gompertz QC  
Jason Beer  
Nichola Thatcher  
Peter Shawdon

“Meeting concerning the oral submission to the Inquiry.

“Commissioner observes: ‘Incompetence – we accept there was incompetence and have accepted it since we realised.

Corruption – there is no evidence of corruption whatsoever.

Racism – see Part I submission

...

“I have hardly been reticent in championing anti-corruption issues. There is nothing in this Inquiry that has caused me concern re corruption save for peripheral issues.”

On the same date a further letter was sent by Deputy Commissioner Stevens to the Secretary of the Inquiry. Mr Beer (again) had no knowledge of the contents of this letter and was not informed about the material underlying its comments.

### **Letter from the Deputy Commissioner of the Metropolitan Police Service, John Stevens, 11 September 1998**

“I write further to my letter dated 6 June 1998 in which I indicated that no police officer or former police officer called to give evidence to the Stephen Lawrence Inquiry was under investigation for corruption.

“I should now make you aware that **recent information has enabled officers investigating offences of alleged corruption to open new lines of enquiry. One of those lines of enquiry has implicated ex-Detective Sergeant John Davidson.** The information became available on 28 July and was developed resulting in the search of Davidson’s home address on 10 September 1998. He was not arrested and the investigation continues.

“There is no connection between the investigation and Clifford Norris, any of his known relatives or associates or any other person connected to the Stephen Lawrence Inquiry.

“I will inform you if this, or any other corruption enquiry, appears to be connected to the Stephen Lawrence Inquiry.

**“I would again wish to stress the extreme sensitivity of our corruption investigations and the intelligence and evidence supporting them.”**

On 17 September 1998, closing oral submissions commenced at the reconvened Inquiry and concluded on 19 September 1998. These submissions brought to an end the Part One proceedings. The Inquiry's findings were to be published after Part Two of the Inquiry had taken place. It is clear that, even at this time, the Inquiry panel remained concerned about the comments in the letter of 11 September 1998 and emphasised the importance of DS Davidson to its considerations.

### **Letter from Sir William Macpherson of Cluny to the Deputy Commissioner, John Stevens, 21 September 1998**

“We have seen that the press have now given ex-Sergeant John Davidson's name as one of the officers whose home has been searched in connection with new lines of enquiry into alleged corruption.

“Mr Davidson was, as you know, a central witness in this Inquiry. Strong allegations were made against him, including allegations that he ‘back pedalled’ the investigation and that he lied about the registration of a most important witness as an informant. His evidence will be familiar to you and your team.

“Naturally **we are most concerned to know whether any contact, however remote, may have existed between Mr Davidson and, in particular, Clifford Norris** [redacted passage] or anybody involved in the Clifford/Alexander Norris drug cases of 1988–1989, which led to their conviction.

“**You will also appreciate that any wrongdoing would go to Mr Davidson's credit.** So that we simply ask that we should be kept up to date with any developments concerning this retired officer. **Much may turn upon this as the Inquiry proceeds.**”

As to this letter, Lord Stevens told us:

“Q:... when the September one, for example, goes in, which obviously follows the CIB debrief of Putnam, what level of detail do you know about what is going on with Putnam at that time?

“A: All I knew about Putnam was he was being debriefed. He had actually decided to go along with the police. It was a kind of an on-going process. The nature of the Metropolitan Police was to leave that to Dave Wood – to Yates, I think, to what he was doing. The level of detail was actually pretty poor. This was an on-going thing which I had inherited when I became Deputy Commissioner. It seemed to be successful in terms of getting to the root of the corruption in terms of all of what was going on there.”

We note that Sir William Macpherson made it abundantly clear in this last letter that the Inquiry found DS Davidson's role and motives in the investigation potentially pivotal to the Inquiry's decisions, and that he asked effectively for anything that might possibly go to his credit or capable of suggesting any contact between DS Davidson and Clifford Norris to be made available to him.

We have seen nothing to suggest that there was any further communication by the MPS with the Inquiry after this letter had been received.

Lord Stevens said:

“Q: Re the Chairman’s last letter... it looks as if it goes pretty dead after that? We cannot really find anything... that shows that was not the last gasp?”

“A: Have you got the file of the correspondence or not?”

“Q: Yes, we have all the files, but we do not see any communication after that.

“A: That would have certainly, if the process was followed in the right way, gone back to the review team and gone to CIB, because at the end of the day he is coming back and, by looking at that, you would have thought that, maybe, he has got something, let’s recheck this again.

“Q: He is sort of saying just give me anything you have got on Davidson, because I am really worried about this officer, basically.

“A: Bearing in mind it has come to me, I would be absolutely astonished if I didn’t send that back to the review team and CIB.”

As before, Mr Beer told us that the MPS legal team remained unaware of these communications between Deputy Commissioner Stevens and the Inquiry Chairman. He told us that he was also unaware of the nature of any new line of enquiry that had arisen on 28 July 1998 that included DS Davidson, albeit any information in the public domain would obviously have been available.

We apprised Ms Weekes of the fact that the ‘new line of enquiry’ referred to in Deputy Assistant Commissioner Stevens’ letter of 11 September 1998 related to a detective (Neil Putnam) who had served with DS Davidson at SERCS from 1994 after DS Davidson left the Lawrence murder investigation and alleged that he was engaged in corrupt activity. She confirmed that the Inquiry had remained unaware of any of those details, which if known would have led to significant further enquiry and possible action.

## Findings

- We have seen nothing to indicate that any anti-corruption intelligence was ever revealed to the Inquiry Chairman. The letter of 12 June appears to represent the totality of what the MPS revealed to the Inquiry about such intelligence they then held.
- It also appears to us that, had it not been for the Chairman’s enquiry on 11 June 1998 as to the basis of the recent *Guardian* article, the Inquiry would not, in all probability, have been alerted at all to the existence of anti-corruption intelligence that featured witnesses appearing before the Inquiry.
- We have seen nothing to indicate that any further details of the ‘new line of enquiry’ other than the content of the 11 September 1998 MPS letter were ever revealed to the Inquiry.
- We have found no records to demonstrate that any specific individual or team within the MPS took responsibility for revelation of all relevant information about corruption intelligence to the Public Inquiry.

- We have found no records to demonstrate that the MPS undertook a comprehensive search of all material in its possession in the manner requested by the Chairman to the Inquiry, or the results of such a search.
- In the absence of any such records it is difficult to attach much weight to the recollections of various individuals involved as to what 'would have been done', particularly given our findings below as to what anti-corruption intelligence the MPS did hold, and the nature and details of what Neil Putnam was telling the MPS in July and early August 1998 about DS Davidson's alleged corrupt activity both before and after he worked on the Lawrence murder.

In recent correspondence with us, Mr Clark has stated that he was responsible for drafting both the letter of 12 June 1998 and that of 11 September 1998. He believes that with those letters the MPS was doing its best to inform the Inquiry of the developing corruption investigation. Mr Clark emphasised, which we accept, that there was no deliberate attempt to withhold information from the Inquiry.

Lord Stevens has also written to us recently confirming that his understanding was that the letters sent by the Chairman of the Inquiry, including the letter dated 21 September 1998, would have been sent to the Head of CIB3 and the Officer in the Case concerned with the Neil Putnam investigation for consideration. He assumed that this is what had happened, and reiterated that he could have been contacted by the Inquiry directly, as he invited in his letter dated 12 June 1998.

He was surprised that there had been no response to the letter dated 21 September 1998, and suggested that the Chairman must have been satisfied as to the level of disclosure made.

He reiterated that the Lawrence Review Team and the MPS legal team had been "set up to service the Inquiry" and to deal with disclosure:

"They were responsible for checking and delivery any available intelligence on corruption and other relevant matters (as evidenced by the document dated 25 June 1998)."

In further correspondence Lord Stevens indicated to us that he felt sure that the Chairman's request in the letter of 21 September 1998 would not have been ignored. We have found no evidence that anything was done in response to this letter, and nor has the MPS.

## 5.2 Media reports in March and April 2012

Media reporting in March and April 2012 suggested that there was ‘new’, ‘previously undisclosed’ or ‘unseen’ material which was capable of indicating that corruption had played a part in the Lawrence investigation (Appendix 9). This reporting prompted the Metropolitan Police Service (MPS) Review published on 31 May 2012. Thereafter, the Home Secretary decided to establish an independent review into the matter.

Although there was a large body of reporting in March and April 2012 touching on the reignited corruption issue, it was based substantially on two articles.

### 5.2.1 The Independent, 6 March 2012

On Tuesday 6 March 2012, *The Independent* published a substantial article under the headline:

‘The copper, the Lawrence killer’s father, and secret police files that expose a “corrupt relationship”’

Although the article referred to “secret Met files”, it appears to have been based substantially on material that had emerged in the course of legal argument heard in October 2011 in advance of the retrial of Robert Clark and Christopher Drury for offences of alleged police corruption. The retrial had been ordered by the Court of Appeal in 2010, after it had quashed their 2000 convictions for corrupt activity as South East Regional Crime Squad (SERCS) officers, following a referral from the Criminal Cases Review Commission. The circumstances of this case are considered in greater detail in Appendix 11.

The evidence gathered by *The Independent* was said to reveal:

- a) that DS John Davidson was a “major player” in a ring of bent detectives “operating as a professional organised crime syndicate”;
- b) that Davidson had corrupt relations with informants, dealt in Class A drugs and would “deal in all aspects of criminality when the opportunities presented themselves” according to files written by senior anti-corruption officers;
- c) that Davidson was alleged to have admitted to Neil Putnam (a detective colleague of his at East Dulwich SERCS who had been a member of the corrupt cabal to which Davidson belonged) that he had a corrupt relationship with Clifford Norris, the “gangster” father of the convicted murderer David Norris, during the Lawrence murder investigation;
- d) that anti-corruption officers had been told about Davidson’s admission to having a corrupt relationship with Clifford Norris by Neil Putnam at the time of the Stephen Lawrence Inquiry in 1998. Neil Putnam believed that it had been “brushed under the table” because the allegation would blow apart the Met;
- e) that an internal Met legal memo suggested that the force feared that the claim would get out whilst it was being sued by the Lawrence family;
- f) that the former Crown Prosecutor working with CIB3 in 1998 on the investigation into Clark and Drury, Operation Russia, recollected that he had been told by someone in CIB3 of a link between Clifford Norris and Davidson in late 1998;

- g) that ever since the allegations about Davidson having a corrupt relationship with Clifford Norris became public, Scotland Yard sources had tried to downplay Mr Putnam's credibility. However, documents now showed senior figures had in fact enthused about his credibility;
- h) that John Yates, former Met Assistant Commissioner, who led the investigation into Davidson and his colleagues, had stated in evidence prepared for the proceedings that:
 

"there was a huge appetite to prosecute John Davidson, who we considered then and still do now to have been a major corrupt player."
- i) that the Met had told the Stephen Lawrence Inquiry in September 1998 about Operation Russia's interest in Davidson, but it had said the corruption allegations it was investigating had no connection to the Lawrence murder. The Inquiry had asked to be kept fully informed about developments. The evidence gathered raised serious questions about whether the Stephen Lawrence Inquiry was shown the full extent of the allegations against Davidson.

Later on Tuesday 6 March 2012 the *Evening Standard* reported that Mrs Lawrence had called for a new Inquiry into these claims.

### 5.2.2 The Guardian, 16 March 2012

On Friday 16 March 2012, *The Guardian* published an article under the headline:

'Report into Stephen Lawrence officer was not shown to inquiry'

In summary:

- a) The article stated that:
 

"... a secret Scotland Yard report detailing questions about the conduct and integrity of a police chief involved in the Stephen Lawrence case was not given to the public enquiry into the racist killing, *The Guardian* has learned. Lawyers for the Lawrence family questioned former commander Ray Adams at the Stephen Lawrence Inquiry in 1998 about corruption. But **neither the Lawrence family nor the Inquiry Panel were given a report by Scotland Yard containing the intelligence and findings of an investigation by its anti-corruption command. The investigation, codenamed Operation Russell**, raised questions about Adams' conduct before the Lawrence case, informed sources say... Adams insists it exonerates him and told *The Guardian* he denied any wrongdoing."
- b) The article went on to describe how Imran Khan, the solicitor for Mrs Lawrence, described the revelations as earth-shattering and said that they met the legal standard for the Home Secretary to order a fresh Public Inquiry into whether the killers of Stephen Lawrence were shielded by corruption. A member of the Stephen Lawrence Inquiry team, Dr Richard Stone, was also reported as having said that the allegations were serious and the Inquiry should have been told about the Met's report. It also stated that **Scotland Yard had said it could not establish if the report had been passed to the Stephen Lawrence Inquiry.**
- c) A second report was not passed to the Stephen Lawrence Inquiry, called Operation Othona, a secret four-year-long investigation into corruption in the Met ordered by the then Commissioner, Paul Condon, part of which featured intelligence and allegations about Adams' conduct, a senior source had said, "but not the evidence to take to court."

- d) Documents seen by *The Guardian* showed that weeks after the murder, Clifford Norris had returned to the Eltham area, despite being on the run, such was his concern about his son. A witness had said that Norris was confident the police would not arrest him, bragging that “he was putting his face up and nothing was happening”.
- e) Ray Adams had told *The Guardian* that Operation Russell and the Stephen Lawrence Inquiry had both exonerated him, and that there was no connection between Operation Russell and the Lawrence investigation.
- f) Mrs Lawrence was reported to have said that she was shocked and appalled by the revelations and that not only must a new Public Inquiry look at whether corruption existed in the police investigation, but also why it was that such critical information was kept from her family.

### 5.3 The Metropolitan Police Service Review published on 31 May 2012

The full published Review is at Appendix I0. The Review was prepared by the Metropolitan Police Service (MPS) Department of Professional Standards (DPS) and overseen by a Deputy Commissioner.

In summary, it was reported that the Review had considered “**all available files**”, had spoken to numerous officers serving and retired and had requested, but not received, material from *The Independent* or *The Guardian*. The conclusions in the report can be summarised as follows:

- a) None of the allegations in Operation Russell, which ran from 1987 to 1989, had been substantiated and no action was taken against Ray Adams.
- b) DC Neil Putnam had been arrested for corruption in July 1998 and became resident in police custody, giving information with a view to also giving evidence of corruption against other Regional Crime Squad (RCS) officers, but:
 

“issues relating to DS John Davidson only **arose late in 1998** after he had attended the Inquiry and given his evidence” and “those issues were not related to the Stephen Lawrence murder investigation...”
- c) Mr Putnam had initially implicated DS Davidson in a number of matters, none of which were related to the Stephen Lawrence case. They were investigated in Operation Russia, but could not be substantiated.
- d) There was no suggestion of any personal relationship between David Norris (deceased/the informant) and ex-Commander Adams, who had only “distant oversight” of him when Norris was an informant to No. 9 RCS and Adams was co-ordinator there. Davidson, however, had at one time handled David Norris (deceased/the informant) and they were clearly well known to each other. There was no evidence of any connection between David Norris (deceased/the informant) and Clifford Norris or any other member of that family. David Norris (deceased/the informant) had been killed on 29 April 1991.
- e) The MPS had made it known to the Stephen Lawrence Inquiry that there had been concerns regarding the integrity of both Ray Adams and John Davidson. The MPS held intelligence files documenting that Lord Macpherson (sic) had tasked his leading counsel Edmund Lawson QC (deceased) to review the material. Before Ray Adams was recalled to give evidence, Jason Beer QC (then Junior Counsel to the Inquiry) had viewed the files concerning Adams, Davidson and “Officer XX” with Edmund Lawson QC and a decision was made to disclose to the Inquiry all past investigations, discipline records and any other intelligence relevant to possible corruption in relation to the three. These files included Operation Russell.

“Following the review of the papers held, Edmund Lawson QC came to the conclusion that the material was not relevant and it would not need to be openly disclosed or subject to PII consideration. It was this material that Lord Macpherson referenced in his closing remarks to the Inquiry when he refers to confidential material that has been reviewed but was not relevant.”

A letter had been sent to all interested parties on the matter dated 25 June 1998, clearly making reference to the Operation Russell and other misconduct files relating to Adams having been reviewed. Mr Lawson had later addressed the Inquiry in public and stated that

despite looking at a great many documents nothing had come to notice to suggest that there was any connection between Clifford Norris and any police officer:

- f) Operation Othona was commissioned by the then Commissioner Paul Condon and was a covert intelligence-gathering operation established to understand the corruption picture within the MPS. The operation led to the formation of CIB3 Ghost Squad and the modern DPS Anti-Corruption Command. Much of the work of Othona:

**“did not find its way onto mainstream MPS intelligence systems** and whilst its findings undoubtedly led to numerous proactive operations over the years **it is difficult to identify those operations retrospectively** as stringent safeguards were put in place to maintain their secrecy and sterile corridors established to protect the extensive covert assets... **Any files generated under the operation name concerned only finances and administration issues and not subjects.”**

The Review concluded:

- a) The Public Inquiry, subsequent investigations and the MPS Review had uncovered no evidence of corruption or collusion which could have adversely affected or otherwise influenced the path of the original investigation or subsequent investigations.
- b) **The MPS had disclosed all material in relation to adverse information held regarding the three officers of concern.** The Adams material was reviewed by Counsel to the Inquiry who reported to Lord Macpherson. When Davidson became of interest to Operation Russia the Inquiry was further updated of these concerns and material disclosed to them. Davidson had given his evidence by this time.
- c) **There is no other material known to be held by the MPS** which suggests that corruption or collusion in any way impacted upon the initial investigation into the murder of Stephen Lawrence.
- d) There are no new allegations arising from the recent media coverage. Allegations or suggestions made to date have already been investigated by the MPS and the Independent Police Complaints Commission (IPCC).

Given what is set out above in relation to the nature of Operation Othona, as published in the MPS Review on 31 May 2012, it is somewhat surprising that it was not until July 2013 that the MPS was able to provide a single document to us relating to Operation Othona. In 2012, when the MPS conducted its review, it must have been unable to locate not only the ‘finance and administration’ files of Operation Othona, but also any of the intelligence that Operation Othona had generated.

Many months after we had first sought access to the Operation Othona intelligence, we were informed that it could not be found anywhere. We asked for written confirmation of the position in relation to the intelligence records. As a result, on 3 July 2013, we received a letter from the author of the 2012 MPS Review, who was at that time acting as our contact point for obtaining records. The letter contains the following explanation:

“Despite an extensive search the original ‘Operation Othona’ file cannot be found. Enquiries reveal that the file was last drawn from Central Registry in 1997, in all probability at the time of its original creation and shown to the private office of the then Deputy Assistant Commissioner Roy Clark... I have spoken directly to Mr Clark and other members of the organisation both

still serving and retired but am unable to identify its current location or comment further as to its content.”

Alongside the published 2012 MPS Review, an additional ‘Restricted’ internal briefing note was prepared by the author of the Review. This internal briefing note included some additional information in relation to Operation Othona as follows:

“Operation Othona... findings included evidence of thefts of drugs, sharing informant rewards, fabricating informant reward applications, destroying/fabricating evidence for money, selling operational intelligence and drugs trafficking...”

“...To date the author has been unable to trace the Registry File Operation Othona, its most recent movements being in 1997 when it was shown out to now retired DAC Roy Clark’s office... (he) has been spoken to and is unable to assist regarding the location of the file. **He was able to confirm however that file was intelligence only** and any ‘OG’ files would only refer to finances and administration issues and not subjects. In these circumstances I feel it unlikely that its contents or any part of it were disclosed to the Stephen Lawrence Inquiry. **It is also impossible to say whether Ray Adams, Davidson or other officers related to the Stephen Lawrence Inquiry actually appear within the auspices of the operation in their own right.**”

## Findings

- The failure by the author of the May 2012 MPS Review to point out when dealing with Operation Othona that none of the intelligence generated by the Operation could be located or accounted for at the time of the Review was unfortunate. That reality was reported by the author internally within an MPS summary: “... it is also impossible to say whether Ray Adams, Davidson or other officers related to the Stephen Lawrence Inquiry actually appear within the auspices of the operation in their right.” The published report referred simply to it being difficult to identify the operations that the intelligence had led to retrospectively, and to any files generated referring only to finance and administration and not subjects.
- The May 2012 MPS Review was incorrect, in so far as we have been able to ascertain, in stating that the MPS legal team or the Inquiry legal team had reviewed all intelligence and that a decision had been made to disclose any intelligence relevant to the possible corruption issue. Jason Beer QC informed us that he was unaware of the existence of an anti-corruption intelligence initiative and was never told of its contents; and Roy Clark appears to confirm that the matter was dealt with between the police and Chairman of the Inquiry without any intelligence being disclosed. Anesta Weekes QC, Junior Counsel to the Inquiry at the time, has also confirmed that no more than what was stated in the two letters from Deputy Commissioner John Stevens in June and September 1998 was said by the MPS about the anti-corruption intelligence it held and the ‘new line of enquiry’ (CIB3’s debrief of Neil Putnam).
- The part of the Operation Russia investigation in which Mr Putnam implicated Detective Sergeant John Davidson (which we explore in detail below) arose in late July 1998, whilst the Inquiry was still active, and not “only late in 1998”.
- Neither we, nor the MPS, can find any basis for the statement in the 2012 Review that “Davidson had at one stage handled Norris the informant and clearly they were well known to each other”. This error appears to have arisen from duplication of the content of a document produced in 2000 (which we also consider below).

We return to further findings regarding the content of the May 2012 MPS Review after examining the material that appears to have been held within MPS records at the time of the Inquiry below, in particular the nature of the anti-corruption intelligence that named DS Davidson, and the detail of Mr Putnam's debriefing regarding DS Davidson's alleged corrupt activity.

## 5.4 Operation Othona

As the author of the 2012 Metropolitan Police Service (MPS) Review identified, Operation Othona had been authorised in 1994 by the then Commissioner, Paul Condon, as a covert 'off the MPS map' intelligence gathering and analysis operation to tackle what was perceived to be a substantial corruption problem within pockets of the MPS.

After about three years of intelligence gathering and analysis, there was a need to begin police operations designed to turn the intelligence gathered into evidence capable of supporting criminal charges. To this end, the Anti-Corruption Command (CIB3) emerged in late 1997. Its existence was first made public in early 1998, following the Commissioner's appearance before the Home Affairs Select Committee in December 1997. During the course of his appearance, the Commissioner gave an outline of the scale of the corruption problem that the MPS had to deal with.

In carrying out this Review, we felt that it was essential to try to gain a detailed understanding of the scale and nature of the perceived 'corruption problem' around the time of the initial investigation into the murder of Stephen Lawrence.

One of the difficulties which faced the Lawrence family in seeking to establish that corruption played a part in the initial investigation was the fact that the Area Major Incident Pool (AMIP) team assembled to investigate the murder of their son had been selected from the available pool in the 24 hours or so after it happened. The basis of the selection was apparently random, in a somewhat 'who happened to be available' way. It follows that if there was, from an early stage, a corrupt motivation in the minds of any officer or officers, it was far more likely to have travelled with them into the case than to have been the result of an emerging conspiracy developed after the team had been formed.

It follows that material which could demonstrate the existence of corrupt practices within areas of the MPS where officers chosen for the Lawrence AMIP team had worked could be of importance, particularly if those practices in any way mirrored some of the apparent 'flaws' in the Lawrence investigation that the MPS was arguing were merely "innocent incompetence".

Material that suggested that individual officers involved in the investigation were suspected of involvement in such corrupt practices, particularly if they had played a significant part in any failure to develop evidence as well, would be even more significant.

### 5.4.1 The scale of the corruption problem in 1993 and problems with CIB2 investigations

When we spoke to Lord Blair (Commissioner from 2005 to 2008, in charge of CIB2 in the summer of 1993), he said:

"It would be fair to say that when I took over in CIB2 in the summer of 1993 it felt like the watch had gone to sleep – you know, the lessons that had been learned under Robert Mark had disappeared – and there was a smell of corruption around. There was an enquiry in Stoke Newington, I think, called something like Jackpot, and what was wrong with CIB2 at the time was that it was dealing with things completely in silos. There was no intelligence network that was saying that, well, if that is happening in Hackney, what is happening somewhere else?... I think that by the time Mark had finished the Met felt that it had cleaned it all out and had seen it as a cyclical problem, not as a permanent problem, and what they hadn't seen was the connectivity

between people who had actually been arrested and convicted and thrown out and imprisoned coming back from that with no particular guard around them.

“... what Mark did was place the police station based CID under uniform control and I think that there was – and I would put it particularly in parts of London, I think this was definitely a kind of east London difficulty. Rigg Approach was another place that caused pain. It was as if these people were living in a kind of pre-Mark era and yet some of them wouldn't have even been in the police when Mark had done what he had done. I think that was because Mark used methods that would just now be completely impossible in a litigious age. There is a famous confidential memorandum 4, where people were told that they had lost the confidence of the Commissioner and they have got half an hour to resign or they would be arrested. I mean, it is just inconceivable...”

“I actually think that it was a combination of what are persistent facts across the world in what goes wrong around police corruption. It is a misinterpretation of the problem, which is that it has gone away and, if it comes back, we will hit it on the head again, it is not a permanent threat. The second is a sense of managerial collusion in very good results and then, thirdly, particularly increasingly now, is the sort of arrival of information technology.

“... There is also a history, to be fair to it, of very long and largely unsuccessful investigations. It is slightly like the ghastly investigations in MI5 in the 1950s. You know, how many times did you have to investigate your own Director General and all that? Adams got nowhere as an enquiry. Countryman got nowhere as an enquiry. To be fair, there is a bit about how much pain... how much effort do you make when the chances of being able to sort something out is so limited?... The big long difficult enquiries like Morgan, like Adams, like Countryman, just seemed to run into the ground...”

Our review of pre-1993 discipline files certainly bears out the description of CIB2's somewhat reactive and 'silo-based' approach towards investigating corruption. To some extent there was real difficulty in obtaining reliable evidence of corruption. However, we have found that many of the investigations that we have considered were surprisingly narrow in their focus. They adopted a 'who says what?' approach, rather than turning to more innovative areas that were available even then, such as a proper financial investigation of the suspected officers or a communications analysis of contact between suspected officers and others.

A number of unsubstantiated complaints files that we reviewed had even neglected to research where the officers under suspicion had previously worked and whether there were connections with other potentially corrupt officers indicative of wider corrupt involvement or motive on their part.

The inevitable result, all too often, was that the source of complaint of corruption was a convicted person, who was 'tainted' and remained 'uncorroborated'. This resulted in complaints being found 'unsubstantiated'. Had detailed investigations been conducted then, some supporting evidence might have been obtained.

Our growing feeling along these lines as we reviewed pre-1993 complaints files was latterly reflected in the words of another senior officer instrumental in the formation of CIB3 in 1997/98 when Lord Blair told us:

“... the CIB2 apparatus in those days, in London, was not capable of dealing with corruption. It was a legacy of not entirely, but a lot, of failed managers who weren't cutting it, perhaps, on divisions who were placed there... People wouldn't particularly want to go there, so generally

– it wasn't entirely, that would be totally unfair to some of the people there – but, generally speaking, there were not detectives there really. There were not many detectives there. There were the usual Superintendents who were not doing well on divisions that were put there. As you will know from prosecuting cases at the Old Bailey, these corruption enquiries, you know, needed covert methodology, which you would apply against organised crime and, you know, bugging cars, houses, surveillance and all these other things. It is top-level detective work that you needed the background to do. They would never cope with that... [they were] classic reactive enquiries.”

Lord Condon, Commissioner from February 1993 to 2000, and whose initiative the anti-corruption drive was, told us:

“The Met I joined was fairly unsavoury around ethics and so I decided at an early stage that I was not going to take a CID route, because, taking my first station that I was at, I would have found it difficult to remain the police officer living by the standards that I believed in and going to the then CID. It was not a sort of evangelical crusade but in the back of my mind there was unfinished business around corruption... history is my great passion and history has always suggested that the history of the Met is scandal, inquiry, reform, relaxation, boredom... in a sort of about a 20–25-year cycle. In the Met I inherited in 1993, in my terms, there was a lot that needed to be done... There was a sense not in any way that there was a sort of endemic corruption in the Met, but, in particular, in some of the specialist units there were unresolved issues... Over a sort of 30/40/50-year period, the power shifted... and I guess the seminal time was really under Robert Mark, where the CID, which was almost a force within a force and an organisation that almost lived by its own rules, went, and Robert Mark started a process that meant that, really, if you were going to go to the top of the police service, certainly, you had to spend a significant time in uniform and that at all the key points, the people who were running police stations, the people who were in charge overall, the uniform side of the service was in the ascendancy and, really, called the shots and set the standards. I think that the service owed a great deal to Robert Mark for having the courage to do what he did. I think that that led to the vast majority of the Met, particularly at police stations – you still get the rogue officer, you do, but I believe it was much harder for groups of officers to collectively do bad things and get away with it..

“... But, because of the culture and environment of some of the specialist units, there was less monitoring day to day of what they were doing, many of them were in life-and-death situations, that buddy-buddy atmosphere, meant it was more challenging for people to whistle blow or to wail against unethical ways... within the first few weeks I think that we had briefings around – again, not huge cultural endemic rotten to the core type issues, but concerns that there were pockets of officers, particularly in the specialist units, like the Flying Squad and one or two other squads, where there were anxieties... in earlier ages I think there were more senior people who either turned a blind eye or were conduits. But the Met I inherited in 1993, I would have thought the most senior rank that I found any anxiety about would have been about Commander... If there were problems in some of the major squads, in particular, then for that to carry on, then you needed all these people at DI/DCI level to be part of it.”

Roy Clark, who had been Chief Superintendent at Stoke Newington at the time of the Operation Jackpot investigation, told us how he had then been transferred to SO11 (Criminal Intelligence Branch) at New Scotland Yard in January 1993, where his boss was Commander John Grieve. Together

they had worked on a report that they submitted to the Commissioner, recommending an initiative to address the issue on a wider front. He said:

“... part of the problem was that we decided that history had shown that overt attempts to deal with it had failed. At the end, it often consisted of police officers cautioning a police officer and saying, ‘You’re corrupt, aren’t you?’ and being shocked when they either remained silent or denied it. We decided that we needed more evidence... If there is anybody that knows the tools of investigation, including covert and sort of undercover investigation, it is police officers. They know how to cover their tracks. As I have indicated, they admit nothing. You show them the evidence and they will deny it... If I could fast forward to now, I think that some of the evidence that has been against some of the officers has been extremely compelling but they keep pushing away and pushing away... I can think of one officer who with two others seized a load of drugs that had been put there as a target – and he knew what to do. He played the sort of shell shock, ‘Yes, that is me on the video tape taking the drugs out, but I don’t know what I was doing, I am shell shocked from the terrible way that the Met Police is treating me’ and he was acquitted. With a police officer, it is rather like the old analogy in boxing, to win a boxing match... you have to – well, to get a draw you have to knock the guy out. I felt rather that way about our enquiries. To get a conviction you had virtually got to have 120 per cent evidence... there was no reluctance there, but I think that what there was: ‘Well, how exactly do you do this?’ All the methods that we have had so far have been stunningly unsuccessful, which is why I think we came up with this rather grandiose massively secret, you know, people being seen to resign and people being dragged out of training school.”

#### **5.4.2 1997 Operation Othona ‘briefing file’**

At the same time as we were formally informed in July 2013 that none of the Operation Othona anti-corruption intelligence could be found, we were told that a single file relating to Operation Othona had been found in a cupboard somewhere at New Scotland Yard.

That file appears to have been created in February 1997 as a collection of documents, mostly of historical interest, that would provide a flavour of how Operation Othona was conceived and had operated to date for Detective Superintendent David Wood, who had recently been transferred to CIB3.

It is a single A4 ring binder with a number of tabs, behind which are reports and assessments, most of which have ‘secret’ or ‘highly confidential and sensitive material’ markings. The combination of the content of these documents, along with the assistance we have gained from our discussions with some of those involved, has, we believe, enabled us to obtain a fairly accurate picture as to the reasons behind Operation Othona. It has also provided us with a glimpse, at least, of the range of operations either under way or identified as potential for the future by March 1998.

The file contains a 32-page ‘secret’ briefing and strategy document, marked as having been created in May 1994. It describes in detail the perceived corruption problem, and sets out a fairly well developed strategy for countering it.

Those we have spoken to have generally confirmed that what it describes accorded with their understanding at the time as to the scale of the corruption problem that they were facing.

It is entitled 'The Dark Side of the Moon – Everyone knows it is there but not many can see it' and it stated:

- a) that determined and ruthless criminals were devoting a great deal of time, effort and resources to becoming aware of police methods and specific activity... that organised crime syndicates had recruited and worked closely with a small but dedicated network of corrupt police officers... and that there was an urgent need for Counter-Intelligence and Internal Security Strategy to deal effectively with the threat that these corrupt elements posed;
- b) that the very suggestion that a structured network of traitors operated at all levels within the Police Service had tended to bring the establishment out in an organisational 'cold sweat' that had paralysed any meaningful and lasting response. However, the present senior management at Scotland Yard was more enlightened, recognised that the problem did, in fact, exist, accepted that there was a need for action and was currently reviewing the way forward;
- c) that it could be that there had never been a commissioner strong enough for some serious 'boat rocking'. As a political strategy, the discovery and/or covert investigation of wholesale corruption amongst London's detectives might have been perceived as suicidal, particularly as since the days of Sir Robert Mark in the early 1970s the organisation had prided itself on being free of endemic and networked corruption. Perhaps they were afraid to learn the enemy's secrets and decided instead to settle for a reactive policy;
- d) that when viewed objectively, and with a certain amount of healthy acceptance, the evidence pointed to the professional criminal and their systems being very successful in the penetration of police organisation and systems;
- e) that there appeared to be unwillingness in certain quarters of the police establishment to mount a determined and continuous campaign of counter-intelligence and internal security. Paranoia about what might be revealed if corruption was investigated with vigour, resourcefulness and cunning was running high in some very powerful and influential circles. Those circles must be persuaded that the iceberg of corruption existed, and dealing with only those parts of it that could be seen above water would never rid us of the danger that lay beneath the surface. Identifying the real problem must be a priority... there is no policy for dealing effectively with information about the penetration of the Police Service when that information comes from an internal source and needs covert investigation to confirm or deny it;
- f) that historically criminals and corrupt police officers working together had always sought to corrupt others who would be of use to their common purpose to make as much money as possible without exposing themselves to the risk of imprisonment. At that time, officers had become increasingly sophisticated and secretive to avoid being compromised. Many methods were employed to protect the core players in the dangerous game of big-time corruption, including the reliance on well-placed senior officers who were, and remained, corrupt;
- g) that corrupt elements already well established within the Police Service had moved, almost undetected, from 'noble cause' corruption to network crime in the last 10 years. Well-informed sources were aware of a number of personnel, both police and civil staff, actively engaged in illegal activity with members of the criminal fraternity;

- h) that these activities included:
- running unauthorised checks on the Police National Computer;
  - running unauthorised checks on the INFOS pool;
  - providing information about individuals from Collator and INFOS records;
  - providing details of police operations;
  - providing copies of official police documents;
  - weakening/losing evidence;
  - conspiring with informants to plant drugs/firearms and/or steal drugs and cash;
  - conspiring with informants to entrap and provoke criminal activity whereby a reward would be paid, either internally or by an outside insurance company, then sharing the proceeds;
  - conspiring with major criminals to commit very serious criminal offences, e.g. drug importation and/or distribution and/or manufacture, etc.; and
  - offering protection from arrest and prosecution to such major criminals in return for money and information. One form of protection used is to 'flag' the said criminal as a target on the INFOS system so that any interest shown in him/her can be diverted or the target warned of pending operational activity;
- i) that consequently these individuals surrounded themselves with like-minded people who, although not organising the corruption, were used as collectors, internal security guards and counter-intelligence agents for the corrupt core. Unfortunately, their money, power and influence had increased. The response of the organisation had not increased correspondingly, either internally within the Police Service or within an outdated and manipulated judicial system;
- j) that there existed strong evidence that corrupt relationships existed between senior and junior detectives within the organisation; and
- k) that the solution was to set up a covert invisible cell. This was a system which sanitised the source so that valuable intelligence could be acted upon without compromising the source and with no involvement of anyone privy to cell activity in any operational role.

'The Dark Side of the Moon' is referred to in subsequent documents in the briefing file by its author as having been "the blueprint" for the original concept of Operation Othona. This proposition was readily adopted by the Commissioner at the time, Paul Condon.

Mr Clark was a little more circumspect and told us:

"It was not an initiation document. It was a 'get out there and rummage around and then let us know what you find'. It was, you know, 'I had a quick look, this is what it looks like and this is what I will need'. If I can sort of look at what he wrote with hindsight... What we found were issues of corrupt relationships between the media and the police, corrupt relationships between

informants and the police, corrupt relationships of that nature, and if only they had been followed through we would not probably be in the mess that we are in today. I think that in one way, whilst you could argue, because it is a generalising report, it was prophetic.”

When we read through the list of corrupt activity cited in ‘The Dark Side of the Moon’, Mr Clark had no issue with its accuracy, however:

“Every one of them was accurate and true and subsequently enquiries proved just about every single one of those... It was an accurate report. It was not in any way fanciful. I think that the size is an issue. As you say, when Paul Condon appeared before the Public Accounts Committee [Dec 1997], I briefed him personally for that and he wanted to know the size and I think that it is on record that he said one per cent. I said that we cannot give you a number, it is small, but it is pernicious – and I think that after saying, ‘I cannot give you a number’, he was bullied, if you like, ‘Come on, you are the Commissioner, you must put a number’, he came out with a number and someone said, ‘So that is about one per cent, isn’t it?’”

Documents in the briefing file also show that there was a detailed management structure for the secret intelligence cell as at late 1994. They show that Assistant Detective Chief Superintendent Roger Gaspar was its operational head, advised by a Strategic Policy Group. The cell was to operate invisibly to the MPS, and to communicate with the CIB Intelligence Cell (CIBIC) in a manner consistent with that.

Other documents in the 1997 Othona briefing file concern the extraordinary steps that were put into place to create and operate such a covert intelligence cell. It was intended that the cell would be totally invisible to anyone other than those, from the Commissioner down, who were directly involved in its supervision and operation.

It is not necessary to describe the details of how that was achieved for the purposes of this Review, save to indicate that it was planned and put into place at the highest level of sophistication and secrecy possible. There was input from military intelligence personnel, standalone computer facilities and the use of offshore companies. It apparently cost several million pounds.

The level of sophistication and secrecy that was adopted inevitably created a delay before the cell was active in terms of full intelligence gathering and analysis. Mr Clark told us:

“As I said, there were people, obvious people, who had been accused of corruption in the past and they formed the basis of an intelligence database that was worked upon and enlarged. There were few of them. They were stretched. They had more work than they could possibly deal with but they did very successfully start to get a good intelligence picture of not just the personalities of possible corruption but also the methods... I think that it was about late 1994, from memory, that it was decided that there were a few things that we could act upon now and other officers were recruited to become the investigators...”

As to the kind of individuals the intelligence was implicating, Mr Clark said:

“... there are levels of corruption. If somebody wants to take £5 off someone for ignoring the fact that they have parked on a yellow line, that is dreadful but it is not actually, you know, earth shaking and one could actually say that that is inevitable in any walk of life. But, when you get to the top end here, which is what we are talking about, back to the point that part of the problem we had was, when we started to overtly investigate and accuse and talk to officers, there was a bit of a shock because the officers we were speaking to had a great reputation as highly efficient

and effective detectives. Now, my thinking along those lines was that, well, if you are determined to be corrupt, you cannot – excuse this expression – sit on your backside and expect it to come to you, you have got to go out there and look for it. Those officers, naturally, graduated towards and put in the work to become prime prospects for some of the more elite squads, because that is where they could do most harm. Strangely, often, because they were trusted, that is where they got most freedom.”

Documents in the briefing file state that Operation Othona was ‘operational’ from 1995.

There are also documents in the briefing file that describe how steps were taken to ensure that every possible source of existing intelligence was gathered into the intelligence cell. Those that we have spoken to have confirmed that this would have included relevant informant files, as well as arrangements being made to share intelligence held by a range of other agencies.

The anti-corruption initiative came to focus on the South East Regional Crime Squad (SERCS). The background to this was also explained by Mr Clark:

“I left SO11 in 1995 and went to take control of the South East Regional Crime Squad. There were two reasons for that. It was a job that I hankered for and because it was a possible site in which I could flourish and help out Othona, I did a lot of work there. Initially I kept it very secret from my immediate colleagues but then I gradually knew I could trust some of them and I gradually took them in on it... when I went there with all this knowledge, what I realised was that they were out of control. They did what they wanted to do. They were not being tasked... in October 1996 I was promoted to DAC and brought back with specific responsibilities to follow it through, part of my responsibilities was to follow it through. I remained in that position until I retired in February 2001.”

### **5.4.3 Formation of CIB3 (Anti-Corruption Command)**

We have been provided with a free-standing, ‘secret’ document entitled ‘Formation of CIB3 – Business Case’. It was authored by Operational Command Unit (OCU) Commander David Wood CIB3, dated 28 January 1998, and was within the Operation Othona briefing file of 1997. The document states:

“Operation Othona has been operational for three years. Over the past year the intelligence gathering has been augmented by proactive strategies which have expanded its ability. The intelligence picture is disturbing and shows that a minority of officers are linked with the higher strata and organised crime whilst acting at a level of serious criminality. The continued involvement of ex-officers in corruption has also been identified. I have led practice strategies and high level ‘sting’ type operations over the past nine months which were designed to tackle the heart of this corruption. The targets of the operations are sophisticated detectors well versed in self-protection and proactive strategies. They are very difficult targets. The structure and personnel of CIB2 are not suited to the high levels of proactivity required to tackle the most serious offenders, nor has the branch been resourced sufficiently to undertake the task... This report sets out and seeks to justify the resources secured for CIB3.”

The document also described recent activity carried out by the newly formed CIB3, and explained that an informant handling system had been developed with CIBIC. This mirrored the MPS system and operated within Association of Chief Police Officers (ACPO) guidelines. It had been essential as police officers and ex-police officers were included in the system, and informants were occasionally dual registered when a registered informant elsewhere was providing information to CIB3 on corruption. Informants were being actively used and had been successfully tasked to infiltrate corrupt

cells. Lifestyle payments and rewards had not been made through the normal MPS systems, but were currently being funded from Operation Othona. It was requested that, to maximise the impact of CIB3, authority be given to naming the branch ‘CIB3 – Proactive Investigation Unit’ and that its location and contact numbers be distributed within a police notice.

The document concluded by saying:

“If lessons are to be learnt from previous experiences in the MPS and those of New York and Australia I believe the formation of CIB3 should be viewed as a permanent, or certainly very long-term structure so that pressure is constantly applied to the disease.”

#### **5.4.4 The intelligence is missing**

When we spoke to him in 2013, Mr Clark was amazed to hear that the MPS could not locate or account for the intelligence that Operation Othona had amassed, or the analysis that had been carried out on it:

“I’d be shocked if it doesn’t exist... there would be no good reason to get rid of it... it was gold dust stuff. It was really gold dust... when I left it existed because there were still jobs sparking off of it. To the best of my recall, when I attended that debriefing [2004] it was still there then and the idea was not to wrap the thing up and put it away, because I would have been most vociferous if that was the idea and I am on record as saying that the failure of the police service is lack of long-term consistency... It was there not to be closed down, to roll on... How you can go to those lengths and spend all that money and it is not there, I am just amazed.”

He added that it might have “morphed” into something else, but should definitely still exist and that it had been left in the hands of Andy Hayman, Detective Superintendent Bob Quick, David Wood and John Yates.

Mr Wood, who was in charge of CIB3 at its initiation, told us:

“Yes, one of the things that I did do in early 1997 was, because of what I said a little while ago about you can only develop intelligence so far when, you know, when you are invisible and not talking to people, so I said that, well, we need to be able to talk to people. I created a room in Tintagel House and put big flashing red lights on – ‘Secret Intelligence Cell’ type thing – and then suddenly announced to the world that we are working on intelligence about corruption issues, so we had a front face for it, so it didn’t expose the covert location, but it exposed that we were working on intelligence that was intelligence about corruption and it enabled people to open doors and develop the intelligence a bit more and speak to people. So there was an emerging of some of the secret life before CIB3 was actually formed... Chris Jarratt who got promoted to superintendent was working there, he ran CIBIC and he also was responsible for the Othona side of the house. I don’t think we integrated the two systems, but there was accessibility of the two systems and they were searched, you know, in parallel... as a raw database in the form that it was not replicated for obvious reasons.”

#### **5.4.5 “Bawdsey”**

Having totally failed to find the intelligence generated by Operation Othona for the best part of the period over which we have been conducting our review, on or around 19 November 2013 we were informed that a hard drive had been recovered from a box in the IT department of the MPS Directorate of Professionalism. This hard drive contains what has been described to us as the

“Bawdsey” intelligence database. It has been suggested to us that this database might represent the intelligence generated by Operation Othona.

In due course, forensic examination of that hard drive indicated that it had been manufactured on 27 February 2001, which means it cannot be the original hard drive used to hold intelligence gathered and generated by Operation Othona.

The files it contains do however include intelligence files with ‘created’ dates going back to 1996, which, considering their content, suggest that the hard drive does contain some of the files generated by Operation Othona.

We have also been provided with a number of statements made by some of those involved in Operation Othona, who have been shown the recovered hard drive and say that its content appears to coincide with files that were on “Bawdsey”.

The theory advanced to us is that the content of this hard drive could even be a copy of the Othona “Bawdsey” data (as at some date, presumably).

The MPS has still been totally unable to find or describe what happened to the original ‘standalone’ Othona hard drive data. There is no apparent record available as to what was done with the original “Bawdsey” hard drive, or what subsequent data migrations took place, and against what criteria.

As we see it, all that can be divined from this uncertain picture is that the recovered hard drive somehow received files that may well have originated from the original Othona hard drive, but that it cannot be taken to be an accurate and complete record of what Operation Othona had gathered by the time of the Stephen Lawrence Inquiry, or by the time that the 1999–2000 intelligence reports were being compiled.

In so far as this hard drive still provides at least a partial opportunity for delving into the intelligence files that may well have been available in 1998 and/or 2000, checks have been made as regards the principal officers under focus in the Public Inquiry.

We have seen the results of those checks and, in summary, they reveal intelligence to a similar effect as detailed in the 1999–2000 intelligence reports we summarise below.

We mention here, therefore, only two further details of the intelligence provided:

- a) Detective Sergeant John Davidson was attached to the initial investigation into the murder of Daniel Morgan in 1987.
- b) Having ignored Acting Commander Holbrook’s recommendations on disciplining “Officer XX” “that he be removed from duties that utilise aspects of police work of a delicate and confidential nature”, Commander Ray Adams seconded “Officer XX” to conduct a review of surveillance operations. “Officer XX” was subsequently loaned to the Regional Crime Squad (RCS) to be engaged on the Heinz food contamination enquiry.

**Findings**

- The MPS carried out an extensive and very secret anti-corruption intelligence gathering exercise from 1993 onwards under Operation Othona, having identified a serious corruption problem in the MPS, in particular within some specialist squads where some detectives were operating largely uncontrolled. The evidence and records we have considered indicate that, until at least 1998, this intelligence was recorded on a standalone computer kept outside the MPS estate and that it was treated with extreme secrecy.
- The MPS has been unable to produce any complete record of the recorded anti-corruption intelligence as at 1998. The MPS found a hard drive in a cardboard box with other hard drives in the MPS DPS IT department in mid-November 2013. That hard drive was manufactured in 2001, but the data attached to files upon it indicates that it may well hold some of the original intelligence files gathered by Operation Othona. However, there remains no record indicating: what happened to the Operation Othona original standalone computer hard drive; what rationale was applied to its long-term existence; or how much of the original intelligence failed to make its way onto the hard drive manufactured in 2001.

## 5.5 The 1998 CIB3 operations list

Some limited insight into the corruption picture that Operation Othona had painted was available to us from another document in the 1997 briefing file. It was a table prepared for a meeting in early 1998 that listed “all 62 operations commencing with the new designated system from 1/1/98”. It was prepared by CIB3 in advance of an OPS Superintendent’s meeting on 30 March 1998.

The list appeared to be an alphabetical list by operation name of all CIB3 operations or potential operations as at 30 March 1998. It provides a very brief summary of the allegations involved and lists the suspect officers and their associates. From this list we have highlighted the following:

Operation Belize was summarised as:

“Articles appeared in national and local newspapers that the targets are in business as Private Investigators. Enquiries were to be made to gain evidence as both officers retired on ill health.”

The target officers were nominated as “Officer B” (who we have referred to previously) and Detective Constable Jim Davidson URN 516. The same Unique Reference Number (URN) also appeared against Detective Sergeant John Davidson in the associates column for the same operation. Listed as associates under Operation Belize were also: “Officer XX URN 538”; an informant who DS Davidson handled at SERCS, who we shall call “Informant I”; and Reg Grundy (in connection with whom DS Davidson was waiting for a discipline hearing at the time).

The table of operations also refers to further tables that gave details of those nominated as targets or associates of targets. Those further tables are not present in the file. It is therefore impossible for us to discern from the few records available in this briefing file more about the nature of the identified association between “Officer B”, DS Davidson and “Officer XX”. We have been provided with information from the “Bawdsey” database referred to above, which we will return to consider. As we have stated above, it is not possible for us to know if this database represents the Operation Othona intelligence, and the additional tables are not available for us to cross-reference against.

Clifford Norris did not appear in the list, but he was, of course, linked to “Officer XX” by the evidence before the Stephen Lawrence Inquiry.

We showed Roy Clark the Operation Belize entry on the CIB3 list and asked if he was able to recall any intelligence or work done that touched on DS Davidson. He said:

“I might not have that detail here, but I think that his name was there simply because of his past involvement with misconduct disciplinaries... from my recollection he was part of the database, because one of the elements of forming the database is, well, let’s look at history. If you like, it is almost like a circle here. He was on the database because of his history. As far as I can recall there was no great work done on him specifically. But also because of the history anybody that is employing him should have known the history, would have known the history, you could not employ that man, Davidson... without knowing his discipline record, because it was fairly high profile. I think that part of his nickname was ‘Objectionable Jock’ or something, was it not?... From my point of view, he was a really nasty character. Although, again, he is one of these people that have that reputation for being able to be a good detective, so, if you like, we learned nothing more than was public knowledge – well, not public knowledge, knowledge within the police service about him.”

## 5.6 Operation Othona intelligence and the Stephen Lawrence Inquiry, June 1998

As we have said above, we have found nothing to indicate that anything more than the letter of 12 June 1998 was disclosed to the Inquiry regarding any anti-corruption intelligence connected to any of the officers who featured in the Inquiry.

We also asked Roy Clark if, to his knowledge, there was any secret intelligence held on Commander Ray Adams beyond the historical discipline and other files that had been disclosed to the Inquiry team. We also asked whether he would have been included in the check of the secret intelligence at the time of the Inquiry:

“A: No. I am pretty sure, and I don’t know this for a fact, that his name would have been there, because of what I just said about the sources, but, to the best of my recollection, he never came up as an active enquiry or even a suggestion that we should look any closer.

“Q: Can I just ask on that, at the time of Macpherson he was obviously in the spotlight because of the allegations being made not least on behalf of the family? Would that have prompted any closer examination by you? I know you said that you did just checks.

“A: Yes.

“Q: But, if somebody was a particular focus of the Inquiry’s attentions...

“A: No. I think, honestly, the answer to that is no, probably no, or, at least, if it was considered, it was rejected because it was... Yes. I think that we had enough really solid stuff to work on and the work was prioritised virtually on a daily basis. I think that, if something had come out that had significantly raised that as a potential area of work, it would have received that sort of attention, but I don’t think the judgements were that it ever did.”

As to whether the existence of a secret intelligence cell would have been made known to the Inquiry, Mr Clark said:

“I think that by the time that Macpherson was sitting, the ultimate secret cell, whilst it still existed, had really morphed into CIB3, even if it had not been given that name at the time, but there was no decision made not to tell Macpherson about it, it was just not considered. It didn’t seem relevant that there was a secret cell looking at corruption. Macpherson would have been given the product without being given the information about where it came from.”

We asked David Wood about the extent of the intelligence database checks carried out at the time of the Inquiry. He said:

“My memory is – and I wouldn’t have dealt with this personally, it might have gone past me, but I am sure that we were asked – and maybe we were given a list of names or something like that – about any material we had relevant to this list of people and we provided some material.. But what happened to it beyond us producing what we had, which would have been the databases we had of the current investigations and would have no doubt indicated sensitivities that there may or may not have been about it, but certainly it would be my intention, and I am pretty sure that it is what we would have done, that we would have just provided to whoever asked us – I don’t think that it would have been the Macpherson people directly, it would have been someone at Scotland Yard... My people or I would have responded to what I was

asked to do. I suspect – and I don't know, because I can't remember and I may or may not have seen this at the time, I remember seeing something, so I probably did, but I suspect that they would have said these following people are witnesses of the Lawrence inquiry, can you tell me what intelligence you have in relation to any of them? The people who had done that wouldn't necessarily know all the ins and outs of everyone who is appearing in Macpherson beyond the names that they had, so they would have looked at 'X', if that was a name there, and given a synopsis of the intelligence in relation to 'X'. They would not have done, necessarily – I would not have thought, unless we are asked – these are all 'X's associates and this is all the intelligence... We were not really anything to do with Macpherson. It was a disclosure exercise as far as we were concerned. My memory – and my memory can be flawed, of course – but my memory would be along the lines of we were given a list of names and then, 'Can you tell me what data you have in relation to these people in order that we can make a proper disclosure to Macpherson?' I am pretty certain, I think that I would have remembered if it was far more extensive than that... what we were doing was fairly sensitive in its own way. I think that the people wouldn't have supplied more than they are asked – hopefully, they wouldn't have supplied less than they are asked – because there is a whole load of sensitive stuff there."

Detective Superintendent Bob Quick, who was asked to head up the MPS Lawrence Review Team in April 1998, told us:

"... through the transcripts, through issues and notices, integrity/corruption questions arose in relation to a number of officers, and it was about that point that I then made contact with CIB3 and Christopher Jarratt came to see me and, you know, I was briefing him... Because I felt CIB3 largely were kind of remote from this process, so we are getting on fighting corruption, but questions clearly arose in the Inquiry that I could not answer because I didn't have access to the intelligence and I was not cleared, so I had to refer back to CIB3, so I remember orange files being created in relation to these things and going off via Chris Jarratt into CIB3 CIBIC – CIB intelligence cell – and I remember David Wood, and Chris at various times, coming to speak to me saying that they were searching for material, checking intelligence records, but the results of that were not going to go through me. They went via a different route, because it was sensitive material... I don't think it was just kind of put a name in and see what comes out. I certainly remember it was more than that. I remember Jarratt and Wood coming to see me sort of trying to understand what was coming out of the Inquiry, what were the issues, they didn't just speak to me, I am sure they spoke to Sarah and her team, and then they went away and undertook, I thought, a quite proactive enquiry... I got the impression that it was the first time that these things really were being seen as, crikey, you know, these allegations of corruption about the investigation are serious..."

"Q: We have had some difficulty finding any written account of what the intelligence picture was that was then looked at and what was decided to be done with it in terms of Macpherson.

"A: ... I can't honestly tell you whether there was or was not... I think that it would have gone through the DPS chain of command, so it would have gone to the Deputy Commissioner (via Roy Clark) and back down into the Inquiry from the Deputy Commissioner's office... I'm surprised you are still trying to find some of that material because there must be records in DPS... A lot of this stuff was in what was called an unregistered file, i.e. it was a locally registered orange docket, it was given a number, and it was basically referred across."

## **Finding**

- Although we have sought all Metropolitan Police Service (MPS) records pertaining to how disclosure of Operation Othona intelligence was addressed in relation to the Stephen Lawrence Inquiry, we have, as at the time of completing this Review, still not been provided with any document or other clear record showing:
  - the actual criteria against which the Anti-Corruption Command (CIB3) and Othona systems were checked;
  - the product of the check;
  - any decision making as to what was, or was not, going to be disclosed to the Inquiry; or
  - that anything more than the Deputy Commissioner's letter of 12 June 1998 was revealed to the Inquiry about anti-corruption intelligence held by the MPS that concerned officers connected to the Stephen Lawrence Inquiry.

## **5.7 Metropolitan Police Service letter to the Stephen Lawrence Inquiry, 11 September 1998 – “new lines of enquiry”**

CIB3's (Anti-Corruption Command) new proactive operational approach involved securing information and, if possible, evidence from those who had been corruptly involved with target police officers.

The South East Regional Crime Squad (SERCS) became an early priority, as explained above by Roy Clark.

In mid-March 1998, a drug dealer, Evelyn Fleckney, who was also an informant to SERCS (handled by Detective Constable Robert Clark) was convicted of drugs offences and sentenced to 15 years' imprisonment. Shortly after she was sentenced, she was approached by CIB3 and agreed to assist it in its enquiries into corruption in SERCS. She was moved into police custody for a protracted debriefing that took months. In due course, she implicated and gave evidence against a number of SERCS officers as to their corrupt activities.

At an early stage, the Crown Prosecution Service (CPS) advised CIB3 that prosecutions would only be viable if there was corroborative evidence of corrupt activity from two sources independent of each other.

This was clearly correct and reasonable in the circumstances that existed. Any single source was typically 'tainted', i.e. an informant who was a habitual criminal themselves and was admitting corrupt activity with a police officer, or, as later became the case, a police officer who was admitting corrupt activity with an informant.

Amongst those whom Fleckney implicated were DC Robert Clark and his partner Detective Constable Christopher Drury. CIB3 needed another independent source of evidence of corruption to support a prosecution. The investigation into these officers and their subsequent prosecution was named Operation Russia.

The investigation included looking at Detective Constable Neil Putnam, whose home address was searched by CIB3 on 6 July 1998. He was informed that he was under investigation for corruption, but was not arrested at that time.

Within a week he contacted CIB3 through Detective Chief Superintendent John Yates. He confessed to corrupt activity, and agreed to assist in the investigation. He was then debriefed at length in police custody under arrangements that CIB3 had devised to create a 'sterile corridor' between him and Fleckney. If each spoke of the same corrupt activity independently, then their evidence could be presented as corroborative of each other.

In due course, Mr Putnam provided evidence of corrupt activity by a range of SERCS officers, including DC Clark and DC Drury. He pleaded guilty to 16 offences linked to corruption committed between 1991 and 1997. He went on to be a prosecution witness against a number of officers.

In one of his debriefs, on 28 July 1998, Mr Putnam began to describe the corrupt activities of Detective Sergeant John Davidson between 1994 and 1995.

DS Davidson had transferred to SERCS after April 1994 from the Stephen Lawrence investigation. It will also be recalled that, whilst at SERCS in August 1994, DS Davidson had been one of the SERCS officers who had assisted Detective Superintendent William Mellish's team in the operation to locate and arrest Clifford Norris.

### 5.7.1 The debriefing process

The debriefing of Ms Fleckney and Mr Putnam was not tape-recorded and so there is no unassailable record of it. Taping only took place of later formal interviews under caution in which they admitted their own criminality as the basis of the offences with which they were then charged.

The policy adopted by CIB3 in the initial debriefing was one described as “free recall”, whereby the subject was not directed to topics but left to tell their own story themselves. Debrief notes were made by the debriefing officers, sometimes in rough, and then written up into A4 notebooks which were signed by the subject.

The A4 notebooks were retained. There was, however, a dispute as to whether the contents of these notebooks reflected everything that Mr Putnam said. We will consider this in due course. In so far as a signed notebook entry survives, it is, in our assessment, a reliable record of what the subject signed as being an accurate record.

The process as a whole, and in particular the lack of a tape recording of any of what was said prior to formal interviews under caution, inevitably results in a potential dispute as to whether something was, or was not, said that does not appear in a surviving notebook. Such disputes are now inevitably reduced to the word of one person against another.

What Mr Putnam said in his debrief about DS Davidson in late July and early August 1998, as recorded in the signed A4 notebooks, can be summarised as follows:

- a) That DS Davidson had had quite an influence on the SERCS team after he had arrived, due to his confidence, experience, efficiency and air of authority. Mr Putnam and DS Davidson had shared a car as Davidson lived close to Putnam. They used to go for drinks together and they became friends.
- b) In August 1994, Mr Putnam was asked to take a box of stolen Omega watches back to Chigwell Police Station after a police ‘sting’ operation and he had taken two watches for himself from the box. DS Davidson told him that “Informant 1” was “amazing and could get rid of anything for you”, which Mr Putnam understood to be anything they came across on the squad. DS Davidson took the watches and said it would not be a problem for “Informant 1” to sell them. “Informant 1” later gave Mr Putnam £150 for the watches, which Davidson and Putnam split between them.
- c) In December 1994, DS Davidson told fellow SERCS officers that “Informant 1” had indicated there was going to be a lorry hijack on a particular date and at a given location. The squad ‘scrambled’ to the location, but nothing happened. Overnight, other information came in that the lorry driver had been kidnapped. “Informant 1” then indicated that he had heard that the lorry had been hijacked and the driver had been in on it. He indicated where the stolen cargo might be being stored. DS Davidson and other SERCS officers carried out some surveillance, found the cargo and made arrests. The stolen property was, however, ‘checked’ by DS Davidson before being bagged, and DS Davidson later gave Mr Putnam £40–£50, saying that some of the goods had been separated and passed on to “Informant 1” for him to sell. The proceeds were shared. “Informant 1” also got a reward from the cargo owners, which he shared with DS Davidson.
- d) In January 1995, Mr Putnam described that the squad had stopped and searched a cannabis dealer called John Cudworth and had stolen several kilos of cannabis from him and then let

him go. Mr Putnam said DS Davidson had played a part. Mr Putnam said he “had a feeling” that DS Davidson had got the cannabis from the Cudworth stop to make up for a previous incident in which “Officer R” had failed to provide DS Davidson with cannabis from another stop, to be sold on through “Informant I”.

- e) It was apparent to Mr Putnam that DS Davidson’s relationship with “Informant I” had gone back years. He had already gleaned from his time on the squad that such recycling of seized property occurred and that others in DS Davidson’s police clique such as “Officer B” and “Officer R” used “Informant I” as well. “Informant I” was well respected in criminal circles but also known to be an informant. “Informant I” was the source of a cocaine seizure as well, which was passed to another SERCS team.
- f) The cocaine seizure occurred in April/May 1995 and Mr Putnam was part of the surveillance for it. They observed the drug deal and went in for the raid. DS Davidson allowed the seller to leave and then took a white bag from the man’s car. The next day DS Davidson gave Mr Putnam an envelope containing £500 as his share of the proceeds.
- g) DS Davidson was suspended in October 1995 in relation to the Reg Grundy complaint (Operation Gayle), but he had gone to see “Informant I” in hospital after he had been shot, in breach of regulations and with “Officer R”.

We asked DCS Yates, who was the Detective Chief Superintendent engaged in day-to-day supervision of Operation Russia at the time of Mr Putnam’s debrief, when DS Davidson had first arrived on his radar as a possible corrupt officer:

“... Davidson came on my radar for the first time around whenever Mr Putnam first disclosed.. David Wood would have been aware of Davidson, you know, R and all those, K and all those people, I would not have known them from Adam... I can’t remember the exact time it was, but it was when Mr Putnam first sort of spilt the beans about everything. And **I said, ‘Oh God, Davidson, who is he?’** Then I would have done the research and realised that, oh my God, he is quite a significant player... It would have been through CIBIC... an action raised, researched and CIBIC would have provided what they have got on him and that would have gone on the system and I would have read it at some point and probably... and you would get all the intelligence records which would include discipline investigations... associations with other nominal, informant issues, all that sort of stuff... **As I recall, each target had a full profile, so you should have access to a full profile on each target and he had been the subject of intelligence work for years as I understood it... from recollection,** David Norris was like a sort of Fleckney, he was an informant for that squad, he was a provider for that squad and Davidson, I think, was his handler at one stage and all references to Norris that Mr Putnam made to us were, in my view, related to that...”

“Q:... just so we understand, your feeling there is that, once Davidson comes on the radar and he is under discussion between you and Dave Wood, **Davidson is without doubt somebody that they have been wanting to find something about for a while.**

“A: Yes.

“Q: **He has been the subject of intelligence work in relation to whatever has been going on in the years behind.**

“A: Yes.

“Q: And, you know, **he is sort of on the wish list.**

“A: Yes.

“Q: Maybe this is an unfair question, but putting aside whether or not it was said by Putnam in the debrief, based on that information about Davidson, if someone was to suggest in whatever context that he would have had links or potentially had links or had been taking payments from people, such as Clifford Norris, based on the position that you understood it then, would that be in any way surprising based on what you knew about him?

“A: It would not be surprising, because **he was corrupt.**”

As to his involvement in bringing Mr Putnam’s debrief regarding DS Davidson to the attention of others, DCS Yates said:

“... Obviously, I was acutely aware of the evidence being given to Macpherson, there was a sort of daily diet of that... [it is likely I was aware that the family were suggesting he had acted corruptly]... I made a link... **It was actually me that brought Davidson to the attention of the Deputy Commissioner at the time...** It was ‘there is Davidson’, he is about to become a target, so Macpherson is sitting, you need to be aware of this and so... I made them aware. **They subsequently made Macpherson aware... It would have been Roy Clark, John Stevens** – not necessarily in order – Dave Wood, Roy Clark and John Stevens. So the sort of circle, you know, the briefing upwards was pretty clear...”

This is consistent with what DCS Yates told the Independent Police Complaints Commission (IPCC) in 2006 as to what the Public Inquiry was told about DS Davidson. He stated that he had raised the issue with DAC Clark and Deputy Commissioner John Stevens in July/August 1998, as soon as Mr Putnam raised the issue, and that a letter was then written to the Chairman highlighting the potential issue.

We also asked DCS Yates about whether there was any awkwardness around giving any details over to the Public Inquiry:

“Q: And it appears at least to me to be quite a problem in the midst of what you are doing with your operational side, because this is at the moment an uncorroborated claim by an officer who is clearly tainted in many other respects.

“A: Yes.

“Q: But who you are placing quite a lot of credibility in.

“A: Yes.

“Q:... Which could sort of **be capable of riding a bit of a coach and horses through what is going on in your domain if it got to a point where Putnam was going to have to give evidence in Macpherson**, because he is making a claim about an officer who is under examination for corruption... Macpherson is saying, ‘I want anything to do with credibility’.

“A: **It is the first suggestion that I have ever heard that Putnam might give evidence to Macpherson at that point. It would never even have crossed my thought process... at the time it was very early days with Putnam; he was a deep secret**, people were becoming aware, you know, what had happened to him, where he has gone, but **he was being held in sort of almost**

incommunicado in the sense of the rest of the organisation...Whilst we were treating him as credible, clearly we were, we had not tested it at that point, so we would have been pretty loath, I think, to sort of say that, well, he has just splurged this out; we have not begun to enquire about whether there is any truth to it or not, is he just trying to save his own skin, so it would have been a pretty odd thing to do on untested and uncorroborated material...

“Q: So it is the latter stages of Macpherson, a very general letter goes in saying that there are some lines of enquiry but they are nothing to do with Lawrence and he writes back saying, ‘I need anything else’. It rather goes dead at that point... in terms of what happened. **It could have been the case that somebody in the Met could have said to themselves, ‘We have got a real opportunity here because this is a corrupt officer who has shared a desk or a room with a DS who is also a corrupt officer, in his own dealings with him, who happened to be at the middle of the Lawrence investigation, somebody ought to ask him specifically: ‘Did he ever tell you anything about Lawrence’, because it is a hot potato in the Lawrence inquiry?’**”

“A: Yes.

“Q: So you could use him as a means of actually asking him what it’s about. I am just putting that to you, whereas at the moment the picture that we have got is that he has talked about Davidson, nobody has asked him about Lawrence [Putnam]; no one has said to him, ‘Davidson, he was in Lawrence. Did he ever talk to you about that, because you two were two little corrupt officers working together?’ He might well have spilled the beans to him, kind of thing.

“A: Yes.

“Q: And we have got the letter that goes to Macpherson saying, well, don’t worry, because the corruption has nothing to do with Lawrence. I don’t know that he is given much more information than that. One of the issues that we have got to grapple with is if Macpherson had been sitting kind of in the room where Putnam was being debriefed, what would he have done about this? I would like to think that he would have thought, ‘Will you please ask that officer if Davidson ever confided in him?’ Which did not happen, so I am putting it to you because we are looking at it retrospectively and sort of thinking, well, hang on a minute... ”

“A: I do understand that... I think that I have said it several times over the years. **If he had told us something about that, of course, we would have revealed it, investigated it. There was a real appetite to... Because Davidson was a seriously, seriously corrupt individual and the appetite to get him – he was much more corrupt than Clark, in my view...**

“... It is a perfectly relevant question to ask, why didn’t we go back and ask him about it, but it was almost the fact that he didn’t... it was sort of free recall, so we weren’t putting things to him. It was like, ‘you tell us’... I accept the point though... You have stated the blindingly obvious, why didn’t someone like John Stevens or Roy Clark say, ‘Go and bloody ask him’, in essence, and I can’t actually give you a sort of sensible answer... I can see it all now, but I just can’t think why we didn’t see it more then.

“Q: Did you detect anything from dealing with the officers that were dealing more with Macpherson and the Lawrence case that there was an appetite for being able to show that the cause of the murder was corruption?

“A: I would not have had anything to do with them. No. The Met was a different organisation in 1998 to what it is now. **It was pretty defensive.** It was a pretty defensive organisation in those

days, compared to how it is now. **They would not have said that they were defensive. They would have said we are open and helpful. But compared to as it is now, it was very different, so it was almost by omission not saying things and ‘God, we have got through it’ almost, I suspect. But no malice or no...**

When we asked Mr Clark about his involvement in how Mr Putnam’s debriefing on Davidson was handled as regards the Stephen Lawrence Inquiry, he said:

“... It was brought to my attention that Davidson was there, so I brought it to the Commissioner’s attention. I was the conduit, if you like. We discussed it and said that we have got to make this clear to the Inquiry. We have got to go back to them and tell them what the circumstances are and that was done... when subsequently Davidson did come in the frame as a result of what Putnam said, the first thing we did was tell the Inquiry. There was no cover up here.”

## Findings

- We have found no evidence that the Stephen Lawrence Inquiry was provided with any detail of the “new lines of enquiry” other than what was said in the 11 September 1998 Metropolitan Police Service (MPS) letter to the Inquiry Secretary.
- Anesta Weekes QC, who was Junior Counsel to the Inquiry at the time, has confirmed to us that she was not made aware that the “new lines of enquiry” referred to in the letter had been a police officer who alleged that he had acted corruptly with DS Davidson after he left the Lawrence murder investigation, including the mishandling of informants, or that DS Davidson had told that fellow officer that he had been doing the same thing before he worked on the Lawrence investigation. Had she been, she would have asked a lot of further questions and explored with the Chairman how the material might be disclosed to the interested parties or otherwise deployed in the Inquiry.
- Taking the debriefers’ signed notes of what Mr Putnam had revealed about DS Davidson’s corrupt activity at face value, we are of the firm view that the Inquiry should have been told more about the detail of Mr Putnam’s account than the 11 September 1998 MPS letter revealed. It was capable of providing the interested parties with a line of questioning and possible evidence from Mr Putnam of:
  - possible involvement in corruption by DS Davidson with an informant prior to his involvement in the Stephen Lawrence investigation;
  - how DS Davidson had ‘hit the ground running’ in terms of acting corruptly after his arrival at SERCS, rather than being slowly ‘turned’ that way;
  - how, within months of leaving the Lawrence investigation, DS Davidson was behaving thoroughly corruptly in a way that involved misuse or mishandling of informants, some of whom were serious criminals, and of the manipulation of evidence for profit; and
  - the fact that the source of the “new lines of enquiry” was in fact an alleged fellow corrupt colleague of DS Davidson, and so was a likely candidate for DS Davidson to have confided in as to any corrupt motive he had in the Lawrence investigation.

- Despite the problems it may have caused to CIB3's anti-corruption investigations at that time, we believe that the Public Inquiry would have wanted to consider the possibility of disclosure to enable the questioning of DS Davidson, and possibly evidence from Mr Putnam, in connection with his alleged knowledge regarding DS Davidson's corrupt activity before and after he worked on the Lawrence murder investigation.
- With no disclosure having taken place to the Inquiry or to the MPS legal team, what happened instead was that the MPS submitted to the Inquiry that the fact of John Davidson's involvement in the arrest of Clifford Norris on 8 August 1998 was positive evidence against him being corrupt. When in fact Putnam had told the MPS John Davidson had been acting corruptly with informants from at least August 1994 at SERCS.
- The failure by the MPS to exploit the obvious opportunity to ask a fellow corrupt colleague (Mr Putnam) if DS Davidson had ever spoken about his approach to his part in the Stephen Lawrence murder investigation, or allow the Inquiry to consider doing so, as we believe it would have wanted to (again confirmed by Anesta Weekes QC), does little to suggest or indicate that there was any real appetite within the officers in the MPS who knew of the detail of Mr Putnam's allegations against DS Davidson to explore its implications on the issue of corruption in the Inquiry around DS Davidson.
- The prominent feature of DS Davidson's alleged corrupt activity in the Lawrence investigation revolved around his misuse of a relationship with an informant. A propensity towards such misconduct, both before and after his involvement in the Lawrence case, might have been used to support the attack on the motives behind his mishandling of "James Grant's" registration. It would also have been relevant to his 'failings' regarding the development of evidence from witnesses.
- We understand how CIB3 must have regarded the debriefing of Mr Putnam as being particularly secret and sensitive in the context of its on-going anti-corruption initiative. We also understand CIB3's internal desire to fully explore the veracity of what Mr Putnam was telling them and to attempt to corroborate it. It is also likely that there would have been concerns as to the operational damage that might have ensued if Mr Putnam had been asked to give evidence by the Inquiry. Nevertheless, in our assessment, the detailed information being provided by Mr Putnam should have been revealed to the Inquiry Chairman. It was for the Inquiry to consider whether, and how, questions might be put to DS Davidson, or evidence adduced from Mr Putnam, of relevance to the issue that clearly vexed the Inquiry Panel concerning DS Davidson's true motives when investigating the Lawrence murder. This is particularly the case given the Chairman's reply to Dept Comm Stevens on 21 September 1998 asking for material revealing "any wrongdoing" in relation to DS Davidson.

### **5.7.2 The allegation of a corrupt relationship with Clifford Norris**

We have considered the following questions:

- a) Did DS Davidson also tell Mr Putnam in the summer of 1994 that he had a corrupt relationship with Clifford Norris at the time of the Stephen Lawrence murder investigation?
- b) Did Mr Putnam tell his debriefers that in the summer of 1998?

These questions have been the subject of much media interest over the years that followed the Public Inquiry. In interviews with two journalists, Mr Putnam has alleged that in the summer of 1998 he told his debriefing officers that DS Davidson had told him he had a corrupt connection with Clifford

Norris at the time of the initial Stephen Lawrence murder investigation. This was effectively suppressed by CIB3, which informed Mr Putnam that “it would blow the Met apart” if it was disclosed to the Stephen Lawrence Inquiry.

The MPS position is that he did not tell his debriefers about this allegation at any stage, and had he done so it would have been disclosed to the Stephen Lawrence Inquiry. The inevitable likely consequence is, we observe, that Mr Putnam could then have ended up giving evidence before the Inquiry.

This issue was explored by the IPCC in 2006 and in the course of the pre-retrial legal argument in October 2011 following the quashing of Mr Clark and Mr Drury’s convictions by the Court of Appeal in 2010.

Mark Ellison QC acted for the CPS in the appeal to the Court of Appeal by Mr Clark and DC Drury and in the pre-retrial proceedings. The position adopted by the Prosecution in those proceedings essentially adopted the IPCC’s assessment in 2006: namely that there was no corroborative evidence to support Mr Putnam’s claim that he told his debriefers, and that accordingly the allegation was not substantiated.

Evidence was called in the Clark and Drury retrial proceedings during the course of the legal argument. This included hearing evidence from Mr Putnam, his wife, the journalist Graeme McLagan and a number of CIB3 officers, including the debriefing officers. The proceedings came to a halt before any ruling was made by the judge, after Ms Fleckney refused to give any evidence for the Prosecution. This refusal to give evidence extinguished the prospects of any retrial taking place.

During the course of our review, we have been in contact with the journalist and author Michael Gillard, who has written a number of newspaper articles and a book on police corruption. He has, in particular, considered the issues surrounding Mr Putnam’s debriefing process and Mr Putnam’s claims about DS Davidson’s alleged link to Clifford Norris. At the start of our Review we contacted him, seeking assistance in obtaining any underlying material he possessed in support of these allegations. Mr Gillard subsequently informed us that he was not prepared to engage with our review as he regarded Mr Ellison’s position in the appeal and pre-retrial proceedings of Mr Clark and DC Drury as indicating an objective risk of bias, if not actual bias, on this topic.

We were keen to ensure that no such bias could play a part in our Review. The role that Mr Ellison had played in the prosecution of Mr Clark and Mr Drury was a matter of discussion with the Home Office before the task of undertaking this Review had been accepted. The Home Secretary agreed with our assessment that a proper distinction could be drawn between Counsel presenting an argument in accordance with their instructions at the time, and Counsel being asked to conduct an independent assessment applying their own professional judgement and opinion to a matter. We believe that this distinction removes any risk of objective or actual bias. Mr Gillard’s letter and note on the matter are summarised in Appendix 11.

To minimise any possible risk of bias or predetermination, Alison Morgan, who had no involvement in the Clark and Drury proceedings, has conducted a complete re-examination of this issue for the purpose of our consideration of its implication for the questions asked of us.

As we will explain in more detail at the end of this section, we have found that the issue of whether DS Davidson did, or did not, tell Mr Putnam that he had a corrupt relationship with Clifford Norris when he worked on the Stephen Lawrence murder investigation is one we cannot definitively resolve.

This is essentially because there are powerful arguments on both sides. The best potential for resolving where the truth lies is in a forum that would allow for the material which is now available to be explored and tested. This would involve hearing live evidence from Mr Putnam and other relevant witnesses on the point.

It is important to note that, although Mr Putnam has given evidence on this topic in the context of the 2011 pre-trial legal argument in *R. v Clark and Drury*, the true context of that evidence was that an attack was being made on the integrity of the CIB3 debriefing process as a whole. The focus was accordingly more on whether or not he had told CIB3 of the allegation, rather than the truth of the allegation. The evidence was also curtailed after Ms Fleckney refused to give evidence. This was before some of the key witnesses, such as DCS Yates, had given live evidence. There remains, therefore, in our assessment some potential for a Public Inquiry to reach a more decisive position.

In light of that conclusion, we believe that it is of most assistance to summarise the principal arguments for and against Mr Putnam's allegations being true.

### **The arguments in support of Neil Putnam's allegation**

- a) Intelligence reports prepared in 2000, which must have been based at least in part on the Operation Othona intelligence, reveal allegations of corruption against DS Davidson. Whilst these fall short of identifying any link to the Lawrence murder investigation, they are consistent with aspects of DS Davidson's 'failings' in the Lawrence investigation. In particular, they indicate a suspected propensity towards corruption involving misconduct in his dealings with informants and evidence for profit.

We have summarised these intelligence reports generated in 1999 and 2000 in more detail below. They were prepared at the behest of Detective Assistant Commissioner John Grieve after CO24 (Racial and Violent Crime Task Force) was established and took over the investigation of Stephen Lawrence's murder. The reports 'fed' off CIB3's intelligence, which by then included the product of Operation Othona, and identified further lines of enquiry, only some of which were explored.

As regards DS Davidson specifically, the developed assessment is summarised in the following extracts:

"As can be seen by the numerous allegations of corrupt practice against Davidson he is a thoroughly corrupt individual. Davidson has no qualms about mixing with known criminals and utilising serving MPS officers to progress both his legitimate and corrupt enquiries. His many corrupt contacts within both the serving and ex-police arenas coupled with his level of expertise and knowledge of police techniques make him a viable commodity among the criminal community.

"Again it must be accepted that DS John Davidson is intrinsically corrupt. The weight of intelligence from the numerous operations levelled against him is damning. However, no links have been established with the Norris family, DC XX or any other person who may have wanted to affect the murder investigation. It should be noted that all Davidson's corruption allegations came after he had left the Lawrence murder team and joined the corrupt East Dulwich Regional Crime Squad Team. Davidson is connected with the following suspected corrupt serving and former officers:

“Officer B  
Officer R  
Neil Putnam...  
... Officer F  
Officer K  
Ray Adams.”

- b) Failings and mistakes in the conduct of the debriefing process itself (such as the failure to retain original notes and the failure to tape-record the process) mean that the MPS does not have a verbatim record of everything that Mr Putnam said. It is therefore possible that he made a comment of the type that he suggests, which was not recorded.

We do not here seek to go into the arguments advanced by CIB3 in Operation Russia as to why the debriefs were not taped. We simply point to the fact that the method that was adopted led to the result that the records made were partial rather than comprehensive and that the surviving notes are incapable of proving that something was not said.

- c) Mr Putnam's claim that he was informed by CIB3 that his allegation that DS Davidson had admitted he had corrupt links to Clifford Norris at the time of the Lawrence investigation had not been disclosed to the Stephen Lawrence Inquiry because it would “blow the Met apart” may be argued to be consistent with:

- the MPS's failure to fully inform the Inquiry of the details of Mr Putnam's debrief on other aspects of DS Davidson's corruption; and
- material suggesting that not all quarters of the MPS had the appetite to expose corruption that might have been at work in the Lawrence murder investigation.

For example:

- There are documents around the summer of 2000 when material was being made available to the journalist Mr McLagan that speak of the risk attached to disclosure related to complaints made against DS Davidson

“14 August 2000 memo from David Hamilton [MPS Department of Legal Services] to Detective Sergeant Neil Hibberd [handling the provision of MPS material to Mr McLagan] regarding documents requested by Mr McLagan.

“Complaints history of ex-DS John Davidson

“As before, this material is confidential and should be treated as such. Additionally, if confidence were to be breached, consideration would have to be given to the effect on any on-going trials in this series should any of the contents of the complaints history be leaked.

“Disclosures relevant to DS Davidson's contact with the Norris family could have an adverse effect on the Commissioner's position in the on-going High Court action by Mr and Mrs Lawrence. Part of their claim is based on misfeasance in public office and alleges wrongdoing in relation to dealings between police and the Norris family.”

- d) The CPS lawyer in day-to-day charge of Operation Russia (the allegations arising out of Mr Putnam's debriefing process), Martin Polaine, told the IPCC in 2006 that he believed that

he had been advised by someone from CIB3 “of an association between Clifford Norris and John Davidson”, but he was unable to find any document or recall who that was. He told us that he was not surprised by Mr Putnam’s allegation against DS Davidson. He recalled being made aware of a potential link between Clifford Norris and DS Davidson through some kind of briefing process, which he believes was given to him in July 1998, although he still cannot recall any of the details.

- e) In light of the significance of the Stephen Lawrence Inquiry, the focus on DS Davidson’s role in the murder investigation and his motives, and the generally high opinion of Mr Putnam’s credibility within CIB3, the fact that no senior officer seems to have thought of asking Mr Putnam whether his fellow corrupt officer had ever confided in him as to his motives when investigating the Lawrence murder is surprising to us. It is consistent with an attitude that was protective of Mr Putnam being exposed as a potential witness before the Stephen Lawrence Inquiry. Exposure of Mr Putnam was likely to have been viewed as creating a risk of severe debilitation to CIB3’s anti-corruption investigations. The failure to ask such a question is inconsistent with an approach of exploring every avenue of possible evidence of corruption by DS Davidson for the benefit of the Inquiry.
- f) Mr Putnam was not asked any extensive questions about the Stephen Lawrence case and DS Davidson during Mr McLagan’s interview with him for a *Panorama* programme broadcast in October 2000. It might be argued that a journalist knowing of DS Davidson’s central role in the murder investigation, and the focus that was placed on him at the Public Inquiry, would have been expected to press Mr Putnam on DS Davidson’s role in the Lawrence case.

Documents that we have seen also suggest that Mr McLagan had a close relationship with some officers within the MPS at the time of the 2000 programme. This included DCS Yates. He was provided with privileged access to police material generated during Operation Russia. MPS documents also suggest that there were some concerns that the programme might link corruption issues to the Stephen Lawrence case. If Mr Putnam is correct in asserting that there was a deliberate attempt to suppress this information, then the MPS liaison with Mr McLagan in the preparation of the programme raises the question of whether there was any attempt to influence its content.

We invited Mr McLagan to co-operate with the Review and agree to talk to us. After a short period of correspondence seeking to arrange a meeting, he did not return our communications. Other journalists such as Michael Gillard and Mark Daly (the journalist behind the 2006 documentary ‘The Boys Who Killed Stephen Lawrence’ in which Mr Putnam gave a further interview) have also expressed concern as to why it was that Mr McLagan’s interview with Mr Putnam in 2000 did not explore these issues in greater detail.

- g) Following Mr Putnam’s release from prison in 2000, he did tell a number of people about DS Davidson’s alleged confession in 1994:
  - In 2001, Mr Putnam told Vikram Dodd (*The Guardian*) that DS Davidson had told him that “Old Man Norris” (which he took to mean Clifford Norris) had been “putting some work our way”. The only material we have been able to obtain regarding this interview is that published on *The Guardian* website after the BBC *Panorama* programme ‘The Boys Who Killed Stephen Lawrence’ was broadcast on 26 July 2006, which stated:

"The Guardian spoke to Mr Putnam in February 2001 when he was in a witness protection programme. Here we present audio extracts from the interview."

Clip 1: On alleged corruption in the investigation

"It was just us two on duty and **he said 'Old man Norris', I assumed old man Norris was Clifford, that 'he had been putting some work our way'. By that I assumed he was giving information. It was not until later on that I started to realise that there was corruption going on,** the whole investigation was blighted by it."

Clip 2: On alleged links between Clifford Norris and DS Davidson

"Clifford Norris was never going to admit to anything; the minute he does that, the boys are in the dock... and he'd be in the dock for perverting the course of justice, so he's covered that way, everything is deniable. John is not a stupid man, quite the reverse."

Clip 3: On the police decision not to pursue corruption matters

"I remember the words. It would be too much of an embarrassment for the Metropolitan Police, and it was likely if it came out it could destroy the Metropolitan Police, those were the exact words, destroy the Metropolitan Police."

- In 2006 Mr Putnam told Mr Daly, on the BBC *Panorama* programme 'The Boys Who Killed Stephen Lawrence':

Putnam: "... the four suspects had recently been at court that week or something like that... I made some comment about them. And John's literally followed... turned round and said that, uh, one of the boys, uh, Norris, um – John had been, **they'd looked after the boy – and the father because the, uh, old man Norris was uh, basically, he was [giving] them the information... police information and that, uh, they were looking after the boy** for his sake to continue the information coming on because they were getting some good results. From old man Norris. And also that, uh, John basically turned around and said that, um, they've had some good, really good results off of it."

MD: "So, are you saying that – basically Davidson admitted to you that he was acting corruptly in the Lawrence case?"

Putnam: "**I would say that John Davidson admitted to me that he was, um, engaged in corrupt practices with the father of the, the son of, of, of the Norris family** and that, um, they were doing that for the sake of so-called protection of the informant but, uh, at the cost of justice really."

MD: "The last time I spoke to you, [you] mentioned that [Davidson had] said it had been a good earner."

Putnam: "Oh yeah, John had said that his relationship was one that he'd earned out of, he'd earned out of it. It had been an earner for him. Um, but that was as far as the conversation went."

MD: "Davidson was taking money from Clifford Norris?"

Putnam: "Uh, quite possibly, yes."

MD: "In one of Britain's most famous murder cases, you're telling me that a section of the investigating team was corrupt and in the pocket of Clifford Norris, the father of one of the suspects?"

Putnam: "From my conversation that I had with John Davidson on that day, I would say that John Davidson was receiving cash from Clifford Norris by his expression that he was getting a nice little earner out of it."

- Mr Putnam was also interviewed by the IPCC, which investigated his claims after 'The Boys Who Killed Stephen Lawrence' was broadcast. He stated that his relationship with DS Davidson was very good. He played in a football team which was coached/ managed by DS Davidson. He visited DS Davidson's house on a number of occasions and met his family. DS Davidson came to his son's christening. DS Davidson was known as 'OJ' – Obnoxious Jock – and he had been told that he was the sort of man who didn't suffer fools. They were working together on a Sunday before a bank holiday Monday (either May or Whitsun) either in 1993 or 1994. It was a couple of months after DS Davidson joined the team. They were investigating robberies of jewellers in South London:

"We were waiting in the office, there was only John and I in the office on this Sunday afternoon and we were just generally chatting, waiting for a phone call... we started having a conversation and I brought up the fact that John had been on the Lawrence Inquiry, and I can't remember what the question was I asked him exactly, but it was something along the lines that that must have been a tough one to be on something like that and he responded and then somehow, and I don't know quite how it came around, but he suddenly came out with the fact, he turned around and said that... he had been... I'm sure he'd been the Family Liaison Officer dealing with the family, the Lawrence family and that I then came up with the fact, I said 'You know it's so obvious that those boys were guilty' and everything else, and **I remember he sort of laughed and turned round and said that he'd been dealing with Old Man Norris, that he'd been looking after him, Old Man Norris had acted as an informant for them and that they'd looked after him and that he'd looked after them, and it had been... and then he said the words 'it was a little earner'.**"

Mr Putnam told the IPCC that he was aware of the connection between the Norris boy and his father, and he knew that the South London Regional Crime Squad was currently working on Clifford Norris, "so you know I was a bit taken aback by it, but I just thought at that time I was also engaged in corrupt practices with other members of my team, so we didn't say anything more about it... and that's what I told the police later". He knew from his experience that DS Davidson was referring to losing or hiding evidence, and that Clifford Norris had paid for it to protect his son: "he was giving them information and money in exchange for them doing whatever they did". He interpreted "Old Man Norris" as being the father of the boy Norris, the person who is known as Clifford Norris:

"The only other man by the name of Norris that I knew was a man called David Norris, who'd been an informant of the Metropolitan Police for many years, and I knew he was dead, he'd already been killed... and I knew it wasn't him because it was... because we were also talking in the context of the Lawrence Inquiry.

He knew that Clifford Norris was 'a criminal, I knew he was a gangster; he was a drug dealer'."

As to his debriefing by CIB3 about DS Davidson, he said:

"... they would ask me to tell them about a subject and I would talk about it and they would write it down in a large A4 book. I remember that we spoke about John Davidson, I gave them all the details of the corruption that I was involved in with John Davidson that was... theft of some cocaine... he sold watches for me, and when he gave me some money from selling electrical goods... but then included in that time **I turned round and told them about Stephen Lawrence and the conversation I'd had with John at East Dulwich Police Station in the RCS. I remember quite clearly Pat Walsh turning round and saying that 'that would blow the Metropolitan Police wide apart' because at the time we had the Macpherson Inquiry going on and there had already been some criticisms, basically it would blow the Metropolitan Police wide apart and that they would speak about it. As far as I was concerned it was recorded in the book, in the A4 book which I was then invited to sign...** I remember asking whether they wanted me to make a statement about what I said, they said no, not at this time, because other people would want to speak to me regarding that and I assumed by the people at the Macpherson Inquiry.

"There were dozens of A4 notebooks that were used, 'a kind of light blue Banner notebook'."

He assumed that everything that he was saying was written down. It was recorded at the same time as he was telling them about the other Davidson allegations. Officers Pat Walsh and Vincenzo Esposito were there. DS Hibberd could have been around on the fringes.

The debriefers said that they were going to have to "take that back" because it was something that they could not make a decision on. He is sure that it was recorded in a notebook, although it may not have been in the same notebook as the other Davidson allegations. Walsh did not say "this will blow the Met apart" in the debrief. This was said after the debrief, when Walsh came to see Mr Putnam and asked him if he was sure about Lawrence. It is possible that Esposito was there as well, but he cannot be sure. Walsh seemed to him to be suggesting "are you sure you wanna be saying this?".

- We also acknowledge that Mr Putnam gave evidence on oath at the Central Criminal Court in 2011 in the case of *R. v Clark and Drury*, asserting the truth of the allegation that DS Davidson confessed to him and that he told CIB3 of it in July/August 1998.
- h) Even after the 2006 documentary, senior officers such as DCS Yates remained of the view that Neil Putnam was generally a "credible witness and a witness of truth", but disputed that Mr Putnam told his debriefing officers about the link between DS Davidson and Clifford Norris in 1998.
- i) Mr Putnam's wife Gail supported his account as to his consternation and sense of injustice that the allegations relating to the Stephen Lawrence case had not been acted upon at the time. She also confirmed that he had told her what DS Davidson had admitted to him.

- j) Mr Putnam does not appear to have had any significant motive to lie about these matters. Mr Daly (BBC) has described Mr Putnam as an unwilling witness, who he had to pursue at some length to establish the allegations made in the 2006 documentary. Mr Putnam described his decision to speak to Mr Daly about these allegations as “the biggest mistake I ever made... I ended up losing my wife because of it. I ended up getting divorced, but that’s another story because she didn’t want me to carry on pushing it forward.”
- k) In response to the 2006 *Panorama* programme, DCS Yates suggested that Mr Putnam was probably confused between David Norris (deceased and the informant to SERCS) and Clifford Norris. This explanation seems unlikely to us.

Mr Putnam had made it very clear to his debriefers that he knew about David Norris the informant being very useful to the squad, but also that David Norris had been dead for years before the time of the Lawrence investigation. There was some apparent confusion in police memos about which Norris was being spoken of at any particular time. This confusion was documented in a summary prepared by DS Hibberd at the time of Operation Russia. The confusion was repeated in the statement that DCS Yates provided to the IPCC. In our view, it does not seem likely that the source of the confusion was Mr Putnam, who was clear about who David Norris (deceased) was. Mr Putnam was also asked about this distinction by the IPCC in 2006 when he was questioned about the expression “good earner” used in Mr McLagan’s book *Bent Coppers* to describe David Norris (deceased). Mr Putnam confirmed that he was sure that in 1994 DS Davidson was referring to “Old Man Norris”, and that they were discussing it in the context of the Lawrence Inquiry: “The conversation I had with OJ was about Stephen Lawrence and it was old man Clifford being Clifford Norris, old man Norris being Clifford Norris, definitely, without a shadow of a doubt.”

- l) The failure to record the allegation in the A4 notebooks might be argued to be consistent with a ‘corporate’ unwillingness to become embroiled in what would have been a ‘disclosure and operational nightmare’. It would have inevitably resulted in the Stephen Lawrence Inquiry being informed, with the possible result of Mr Putnam even becoming a witness.
- m) CIB3 strongly believed that Mr Putnam’s description of DS Davidson’s corrupt behaviour at SERCS was true. That being the case, then as well as having similarities to aspects of his ‘failings’ in the Lawrence case, Mr Putnam was exactly the sort of person who DS Davidson might have confided in over his motivation in the Lawrence investigation.

### The arguments against Neil Putnam’s allegation

- a) There is no written record of the allegation regarding DS Davidson in the records of the debriefing exercise. If Mr Putnam had wanted it to be known, he might have been expected to check that it **was** recorded in the notebooks he was asked to sign. When the IPCC put the debrief notebooks to Mr Putnam in 2006, they recorded: “He cannot explain why it does not appear in the criminality or the intelligence books which cover Davidson.”
- b) The debriefing officers, who also have no apparent motive to lie, have denied that the allegation was ever made both in statements and on oath in evidence in the 2011 *R. v Clark and Drury* proceedings. It follows that if Mr Putnam is correct in his suggestion that the allegation was deliberately suppressed at the time of the Inquiry, this would have involved a ‘conspiracy’ between a number of officers to ensure that the information was not recorded, was suppressed and not acted upon. Such a widespread conspiracy to suppress what he said is denied by all the officers involved.

- c) There were people who Mr Putnam claimed he had told about the allegation, but who did not support his claim – in particular, the journalist Mr McLagan. We have considered the following narrative in relation to Mr Putnam's exchanges with Mr McLagan:
- Mr Putnam was released from prison on 24 April 2000. He was interviewed later that year, at length, by the BBC journalist Mr McLagan. We have obtained what we understand to be the unedited transcripts. We have not, at the time of writing, been able to obtain the unedited footage of this interview. The programme 'Bent Coppers' was broadcast in late 2000, and was followed by publication of a book of the same name. There is no mention of these allegations in the material that we have been able to obtain.
  - Mr Putnam has suggested that the reason why he was willing to engage with Mr McLagan was because he was concerned that the connection with the Stephen Lawrence case had not been resolved. That being the case, it is difficult to understand why he failed to mention the allegation in clear terms in his interview with Mr McLagan.
  - The terms in which Mr Putnam mentioned DS Davidson and the Lawrence investigation to Mr McLagan in the transcripts that we have been able to obtain are somewhat odd if Mr Putnam was truly intent on making public what he later alleged that DS Davidson had confessed:

Qu: "You told Complaints Investigation Branch about a Sergeant, that's Sergeant Davidson, who gave you £500 in an envelope for a job, he was never prosecuted. Were you told why?"

NP: "Yes, I actually asked the question 'what's happened to him?' and I was told that it wasn't in the public interest for him to be prosecuted because of his involvement in the Stephen Lawrence Inquiry."

Qu: "And what was his involvement with that?"

NP: "**Well he'd been the family liaison officer I understood, and I think that he'd been involved in some sort of corruption that they'd uncovered in that. But they wasn't party to what it was or told...**"

NP: "**... I mean what happened between myself and Sergeant Davidson happened. I don't know what the allegation was against him on the Lawrence Inquiry, but yes, I mean in my mind Sergeant Davidson was committing acts of corruption with me.**"

- Mr Putnam told the IPCC in 2006 that Mr McLagan had called him after the Mark Daly *Panorama* programme was broadcast and asked why he did not tell him about the allegation because he would have used it. Mr Putnam said Mr McLagan did know all about it, and that it had been the reason why he and his wife Gail had approached Mr McLagan in the first place.
- John Yates confirmed to us that Mr McLagan was granted access to MPS material, but he also said that the MPS was never given any editorial control over the content of Mr McLagan's work.

- When Mr McLagan was seen by the IPCC in 2006, he referred to his notebooks of contact with Mr Putnam, indicating that there was no reference to Clifford Norris in the notes. He said:
  - He had gained access to Mr Putnam via an intermediary, who had stressed that one of the reasons that Mr Putnam wanted to talk concerned the Stephen Lawrence Inquiry.
  - Mr Putnam's motivation for speaking to him appeared to him to be that he was a Christian and felt the need to confess and unburden himself. He also felt badly about the Stephen Lawrence case and wanted to assist, particularly because he knew that DS Davidson had been involved and he had told CIB3 that DS Davidson was corrupt.
  - He had no recollection of any mention of Clifford Norris or DS Davidson's connection to Clifford Norris in the Stephen Lawrence case.
  - He did not pursue the Davidson matters in the *Panorama* programme because DCS Yates had told him that there was insufficient evidence to prosecute. There was therefore only one small reference to Mr Putnam having labelled DS Davidson as corrupt. DCS Yates had explained to Mr McLagan the lengths that they had gone to in order to corroborate the Davidson allegations. Mr McLagan was told by Yates that the details had been passed on to the Public Inquiry and that it had been the Chairman's decision not to pass them on to the interested parties.
  - Mr McLagan stated that in the interviews there was no mention of Clifford Norris or any conversation about him being a "good earner". The interview gave Mr Putnam an ideal opportunity to detail any allegations he had about DS Davidson and any association with Clifford Norris. If there had been anything, he would have expected him to say it at the time.
  - As to the original, unedited footage, Mr McLagan was unable to assist as to whether this had been retained.
  - In relation to page 279 of *Bent Coppers* in which David Norris (deceased) is described as being "a good earner", Mr McLagan stated that this comment was not attributable to a single individual, but rather was a general comment in SERCS when Mr Putnam joined.
  - He made it clear that he would have pursued any suggestion that DS Davidson had been mixed up with Clifford Norris.
- d) The producer of the 2000 McLagan BBC programme was also unable to support Mr Putnam's account. Mr Putnam told the IPCC in 2006:

"I told Graeme McLagan, I know we spoke about it, but as I seem to recall, the director; the female, a lady director; I can't remember, she didn't want to get dragged down with that side of it, she said that was something else."

The IPCC contacted the producer in Hong Kong, who said that although Mr McLagan had wanted to expose other allegedly corrupt police officers, including DS Davidson, this had not

been possible due to legal constraints. She did not recall Mr Putnam speaking of a corrupt link between DS Davidson, Clifford Norris and the Lawrence murder.

- e) Witness protection officers who were involved in Mr Putnam's care following his release from custody did not support Mr Putnam's account. Mr Putnam told the IPCC that, after he had finished giving evidence and had been released from prison, he had a meeting off the M25, at Clackett Lane, with "Bob and Simon" from Witness Protection. They discussed his pension and a letter that they had written asking for no more than a 25% reduction in his pension. He asked what was happening with the Stephen Lawrence issue as the Macpherson people had never come to see him. Bob Morrell told him that they did not think that he was needed. He assumed that Mr Morrell knew what he was talking about. That was the last time that he spoke to any police officer about it. In 2006, the IPCC spoke to these witness protection officers. Both denied that Mr Putnam raised the matter with them. They produced their original contact sheet for the meeting on 20 September 2000. This reference did not appear. This was the same period that Mr Putnam was being interviewed by Mr McLagan.
- f) There are no intelligence files which provide any direct support to the allegations. Whilst the material provides support for allegations of corrupt association between DS Davidson and other informants, they do not directly link Clifford Norris to DS Davidson.
- g) Mr Putnam claims that he was told by CIB3 officers that it was not in the public interest for him to be prosecuted because of his involvement in the Stephen Lawrence Inquiry. It is clear though that there was considerable effort made by DCS Yates to secure DS Davidson's prosecution. In the end, it was the simple lack of evidence providing independent corroboration of Mr Putnam's claims that was the basis of the CPS decision that there was insufficient evidence to merit prosecution. There is no evidence that we have seen to show that the public interest came into the decision making at all.
- h) Correspondence between Mr Putnam and his solicitor in 1999, before he was released from prison, suggested he felt aggrieved at the way the MPS had treated him over his pension and that he may have seen talking to the media as a way of getting his own back:

"I understood that my pension will be paid out after sentence with interest. Have we been misled yet again by my former employer?... I feel if forfeiture is made against me I'm being further punished... The long-term implications were not exactly good before, but I feel now as though I am falling down an abyss. I had hoped for a bit of good faith from CIEP and particularly John Yates who I have described in the past as an honourable man. It seems to me they wanted a pound and a half of flesh from me... I see non-co-operation with the Crown as one means, **also as Gail has mentioned, certain sections of the media are interested in speaking to me, particularly concerning possible corrupt cover-up by senior Scotland Yard officials in relation to a recently well-publicised matter.**"

In evidence on oath in 2011, he agreed that was a reference to the Lawrence case.

- i) Mr Putnam's credibility, as an admitted corrupt officer, is such that his claims require independent corroboration before they can be proven and, as the IPCC found, there is no clear independent support for his claims.

## Findings

- There are arguments on both sides of this issue and we have been unable to reach any definitive decision. The pivotal factor is Mr Putnam's credibility on this issue, which we cannot test in the same way that a Public Inquiry, seized of all the material and evidence that could be adduced, might be better equipped to decide.
- The issue accordingly remains a 'live' one that a Public Inquiry might have a greater chance of resolving. We are of this view despite the fact that Mr Putnam gave evidence in 2011 on the issue, because the focus of his evidence then was more on whether he told CIB3 of the claim during his debriefing, rather than on whether the claim was true. In addition, as a result of this Review, there is now a body of material touching on the likelihood of DS Davidson having had a corrupt motivation at the time of the Lawrence investigation, which would provide context when testing Mr Putnam's credibility on this issue.

## 5.8 The 1999–2000 investigation of possible corruption in the Stephen Lawrence murder investigation

Deputy Assistant Commissioner John Grieve headed up CO24 (Racial and Violent Crime Task Force) in the Metropolitan Police Service (MPS), which was established before the end of the Stephen Lawrence Inquiry. He has publicly stated (for example: [www.theguardian.com/uk/2012/mar/16/met-fears-corruption-lawrence](http://www.theguardian.com/uk/2012/mar/16/met-fears-corruption-lawrence)) that, notwithstanding the finding of the Stephen Lawrence Inquiry that corruption had not been proved to the criminal standard by the evidence placed before it, he had feared corruption might have played a part in shielding the killers.

The material that we have obtained demonstrates how that fear resulted in DAC Grieve commissioning a full re-examination of the corruption issue in the summer of 1999. The project continued through a series of intelligence analyses and reports, alongside some proactive investigation initiatives, until September 2000. It was then abandoned due to a lack of evidence having been generated.

We have referred already to the absence of any clear records of the intelligence checks that were carried out at the time of the Stephen Lawrence Inquiry, or of the summary position that resulted in and formed the basis for the assessment that led to the terms of the letter sent by Deputy Commissioner John Stevens in June 1998.

None of the three written reports generated as a result of DAC Grieve's initiative refer to any such records being available to the analysts in 1999–2000. Indeed, the three 1999–2000 analytical reports appear to have been 'starting from scratch' in terms of plumbing the depths of held or controlled intelligence on anti-corruption.

As we set out above, those we have spoken to have said that in 1998 at least, whilst the Operation Othona 'standalone' computer database came under CIB3's control, it was not amalgamated with CIB3's system and remained off-site in the covert premises where it had been located.

We find it surprising that there are no records from the time of the Public Inquiry showing the intelligence picture at that time, capable of providing the basis for the assertions made in the letter of 11 June 1998 from the MPS to the Inquiry.

Our concerns were increased when we requested that the MPS conduct an exhaustive review of all relevant corruption records. This exercise failed to uncover the 1999–2000 corruption intelligence analyses. We located these reports in a separate review of material which we discovered at the Independent Police Complaints Commission (IPCC). One of the reports was also provided to us separately by the Senior Investigating Officer (SIO) of the recent murder investigation, Detective Chief Inspector Clive Driscoll.

The failure to find the 1999–2000 intelligence reports during this searching exercise also resulted in the author of the 31 May 2012 Review apparently reaching conclusions without having the benefit of the contents of the reports.

It goes without saying that we would have expected such key potential documents for our Review and the MPS 31 May 2012 Review to have been captured by a search of MPS records for relevant material. The fact that they were not located when searches were conducted inevitably raises serious questions as to what else of relevance to our terms of reference remains undisclosed.

We set out below some of the records that we have seen. They document the history and results of the 1999–2000 corruption investigations and, in so far as they touch on the intelligence picture regarding officers involved in the initial investigation of Stephen Lawrence's murder, we have summarised the assessment made as to what the available intelligence suggested.

It is important to indicate that the reports also identified a number of potential lines of enquiry. As far as we are aware, these lines of enquiry remain uninvestigated.

The content of the reports demonstrates the intelligence picture as at 2000. They do not provide any direct evidence of corruption having played a part in the initial murder investigation. We have accordingly not included the names of officers who were suspected of corruption but who were not involved in the Stephen Lawrence case. We have, however, sought to describe where the potential for connections with other officers or relevant corrupt criminals was thought to exist.

The 1999–2000 reports (which are lengthy) show that the process was both clearly documented and recorded in decisions by DAC Grieve's team (CO24). The assistance provided by CIB3 was also clearly recorded in June and July 1999. As such, in terms of surviving records, it is to be contrasted with the absence of records as regards the work done at the time of the Public Inquiry.

### **5.8.1 The first analysis**

On 19 July 1999, the Intelligence Cell Analysis System of CO24 produced Briefing Note 20, described as 'Interim Analysis of Possible Corruption Issues Stephen Lawrence Enquiry'.

This report was prepared by an intelligence analyst "to provide an interim analysis of possible corruption issues that may be associated to the investigation into the death of Stephen Lawrence, for both Detective Chief Inspector Jones, Senior Investigating Officer, and Detective Chief Inspector Denholme, Intelligence Co-ordinator Racial and Violent Crime Task Force".

The report analysed the following material:

- a) the Stephen Lawrence Inquiry Report and appendices;
- b) transcripts of evidence from the Inquiry;
- c) an anonymous letter sent to the Inquiry Chairman; and
- d) "other intelligence", which the reporter told us was obtained by his having some general contact with CIB3 appropriate to his low level of security clearance.

The report focused on the following individuals: Detective Sergeant John Davidson, "Officer XX", Clifford Norris, David Norris (son of Clifford Norris) and Alex Norris (brother of Clifford Norris).

In summarising the position as it was in 1999, the report stated:

"Allegations that the failings [of the original investigation] were attributable to corruption received considerable airing. The Inquiry found that no collusion or corruption affected the investigation...

"The PCA [Kent] Report examined whether any possible links could be found between the suspects and members of their families and key officers in the murder investigation who were in a position to influence the course of the Inquiry. Research had been undertaken of local and

central MPS, NCIS, HMCE and prison databases. Kent Constabulary could find no connections between relevant police officers, suspects or families to support collusion or corruption and likewise the Macpherson Inquiry could not find evidence to support corruption or collusion affecting the investigation... **Obtaining proof of corruption by virtue of the cursory examination of databases is difficult, especially if the search criteria is restricted to specifics. Without the required investigative depth, proof of corruption may be impossible. A major investigation in its own right is often required.** Nevertheless, although the PCA and Macpherson findings could not evidentially corroborate proof of corruption or collusion, certain issues have raised concern.”

## Detective Sergeant John Davidson

In relation to DS Davidson, the report set out his employment history and considered the findings of the Inquiry in relation to DS Davidson’s handling of witnesses, in particular the ‘informant’ “James Grant”, and suggested:

“... that research be conducted alongside SO10 and/or National Crime Squad Informant Indices to ascertain whether he had either been a handler or co-handler of previous informants and if so evaluate his administration i.e. record of authorised meets. Similar patterns may or may not be identified... Intelligence exists within CIB(3) and indicates Davidson’s previous involvement in a corrupt relationship with a registered informant. This centres around an operation involving the recovery of drugs and the subsequent recycling to the informant. It is believed that payment was received for the drugs and subsequently distributed by Davidson amongst members of the team. It is understood that the CPS are currently considering the facts of this case. However, due to legal difficulty surrounding the use of the informant as a witness it is not likely that he will be prosecuted...”

“Whilst CIB(3) may currently be developing intelligence, and it is recognised that any corruption enquiry had to be treated with extreme sensitivity, it is suggested that a dialogue be maintained with Operation Athena Tower ‘Intelligence Cell’.

“It is suggested at this stage, the following research mechanisms are deployed through sterile data sources:

- “Identification of all telephones (landline and soft/pagers) which Davidson may have access to, both current and historical within relevant time-span
- Provision of itemised billing and subscriber data
- Cross interrogation of intelligence indices (data to include telephone numbers, subscribers, and addresses, obtained from itemised billings) to ascertain criminal association, with particular focus upon criminals associated to the ‘Norris’ organisation
- Establish a sterile dialogue with NCIS OSU and HMCE ‘ALPHA’ to ascertain if subject matter may have been historically ‘double written’
- Establish dialogue with CIB Intelligence Cell

...

“A sterile intelligence research operation with a joint CIB/RVCTF analytic capability co-ordinated by DCI Denholme may be the best way to gauge whether John Davidson had an involvement with suspects or subsequent families or associates surrounding the Stephen Lawrence investigation.”

## “Officer XX”

In relation to “Officer XX”, the analyst set out his career history; summarised the HM Customs and Excise investigation in 1987–1988, including “Officer XX’s” meetings with Clifford and Alex Norris; and “Officer XX’s” complaint history, as described by the Inquiry.

When commenting on “Officer XX’s” association with Clifford Norris, the report stated:

“Intelligence identifications have since provided a strong inference that Clifford Norris is a corrupter. This adds an additional perspective to the XX scenario, which may even be extended to DC R... [who] may have been protecting his partner, but it is not to be discounted that both were working together.

“It is suggested that sterile enquiries initially be expedited with CIB(3) to ascertain if both officers XX and R are subject to on-going investigation.”

Similar lines of enquiry were suggested to those proposed in relation to DS Davidson.

The report also considered Clifford Norris and described him as follows:

“Clifford Norris is a higher echelon criminal, currently serving a term of imprisonment within HMP Swanside. He is a violent, large-scale drug importer and has been involved in the supply of firearms. It is inferred that he is a corrupter (suspect meetings have been evidenced with a police officer prior to the conclusion of the HMCE operation of which he was the principal suspect), whilst he is also strongly suspected of intimidating witnesses.

“A number of lines of enquiry, including covert surveillance, were suggested both during his period of imprisonment and afterwards.”

We have seen documents recording how various (but not all) of the steps suggested in the first analysis were then put in train.

### **5.8.2 The second analysis**

On 20 January 2000, CO24 produced a report on corruption issues within the investigation of the murder of Stephen Lawrence (prepared by an intelligence analyst). It began:

“This report concerns ex-DS John Davidson and his associates and his participation in alleged corruption matters during the course of the initial Stephen Lawrence murder investigation. It is based on intelligence supplied by CIB3 – CIBIC, which must be viewed as unconfirmed until proven otherwise.”

The report considered the intelligence position relating to individuals who included “Officer XX”, Detective Sergeant Christopher Crowley, DS Davidson and “Officer R”.

“Of these only Davidson was directly involved in the murder investigation. The involvement and associations of the others may provide some suggestion as to the veracity or otherwise of the corruption allegation.”

The report summarises the association between “Officer XX” and Clifford Norris, in particular the HM Customs and Excise investigation in 1987–1988, and includes:

“XX was required to resign. He appealed and the punishment was varied to a reduction in rank to DC. In November 1989, he was posted to Croydon. **At some stage during the discipline and appeal process, XX was seconded by Cdr Ray Adams to perform a review of surveillance operations** and was subsequently assigned to assist the RCS in the Heinz Food contamination enquiry.

**“In common with the others, Davidson too has a significant amount of CIBIC intelligence relating to alleged corrupt activities, particularly in relation to his relationship with informants and his association with other CIB subjects.**

“Neil Putnam cites three occasions when Davidson apparently acted corruptly in tandem with an informant of his ‘Informant 1’. In 1996, Davidson, who at the time was suspended, attempted to speak to the victim of a crime whilst he was detained in hospital. The injured man was ‘Informant 1’, of whom Davidson, amongst others as already mentioned, had been a handler. On this occasion Davidson was accompanied by Officer R, also well known to CIB. Davidson had also contacted Officer K during this period, to ask him to carry out a PNC check.

“In 1991 Davidson had taken over the handling of ‘Informant 2’ along with Officer W, currently under investigation by CIB3. This CIB3 investigation has revealed that W was using ‘Informant 2’ to introduce false information to cover the current activities of, inter alios, Officer F, a previous handler of Informant 1.

“It has been alleged that during the initial enquiry into the murder of Stephen Lawrence, officers acted corruptly to deliberately hamper the investigation. **If this is the case then it would seem that John Davidson is a very likely suspect.** What must be established is why he acted in this manner, or how the opportunity was presented to him to do so.

“If it is inferred that Clifford Norris, David Norris by extension, was the beneficiary of the corrupt activities, then it must be established how Norris got to Davidson.

...

“If XX may be regarded as Norris’ agent inside the Service, it must be asked whether there is any link between XX and Davidson...

“Another possible route from Norris into Davidson may be through ‘Informant 2’. Davidson was ‘Informant 2’s’ handler from 1991 and it must be assumed that their relationship, given the intelligence available regarding his informant handling, was not professional. If a link may be established between ‘Informant 2’ and Norris, then ‘Informant 2’ may have been the conduit between Davidson and Norris.”

“Recommendations:

“That CIBIC, SIS, OCG, SIB databases be searched to provide intelligence regarding the links between Clifford Norris and ‘Informant 2’.

“That further analysis of the relationship between XX and Ray Adams be undertaken.

“That if possible the informant docket for ‘Informant 2’ be obtained for the period whilst Davidson was a co-handler.

“That the CR docket for the Heinz enquiry be obtained and any open sources exploited to ascertain exactly who and which branches were involved.

“That consideration be given to obtaining itemised billing for Adams, XX, ‘Informant 2’, Davidson, Norris and Officer R for the period immediately following the [Stephen Lawrence] murder.

“That consideration be given to obtaining itemised billing for Adams, XX, Davidson, Davidson Reid Ltd, and Officer R for the period when Adams and Davidson gave evidence to the Inquiry and for the period following the publication of the Inquiry report.

**“Davidson’s history as portrayed by the CIBIC intelligence available suggests that he had no integrity as a police officer and would always have been open to offers from any source if financially viable. His association and links with so many CIB targets must be considered beyond coincidence: Officer B... Officer XX, Officer F, Officer K, Putnam, Officer R, Officer W.**

**“If the link between Davidson and XX can be properly established for the relevant period, then there would clearly have been a direct link available for Cliff Norris to exert some influence over the initial investigation of the murder of Stephen Lawrence.”**

In addition to the second analysis, we have considered the following file notes:

- a) Meeting on 25 February 2000 with the following present: Detective Superintendent White and Detective Superintendent Craig Denholme:

“D Supt White stated... that a major targeting initiative directed at Davidson was now being undertaken. It was not possible to give an accurate prediction as to when this was likely to come to fruition. Analysis has identified a common link between XX and Davidson.”

- b) Meeting on 17 March 2000 with the following present: D Supt White, D Supt Denholme and Detective Inspector Pat Melody:

“DI Melody stated he had now completed his research. He has found no evidential opportunities in relation to either XX or Davidson. He believed it would not be possible to provide sufficient details to create a disclosure pack for any arrest/interview team.”

### **5.8.3 The third analysis**

On 2 July 2000, the CIB Intelligence Cell (CIBIC) produced a briefing document entitled ‘Confidential Enquiry for Detective Chief Superintendent Quick (prepared by DS Simon Crane)’. It began as follows:

“This briefing document has been prepared as a result of a request from Detective Chief Superintendent Quick to the CIB Intelligence Cell to provide a factual overview of allegations of corruption surrounding the Stephen Lawrence...”

“The following subjects have been identified as the principal causes of concern in relation to these allegations:

“Ex-Commander Raymond Adams  
Ex-Detective Constable XX  
Ex-Detective Sergeant John Davidson...  
Clifford Norris...”

In relation to each of the above, the report stated that it was considering the following areas of information:

- a) a chronological history of the subject;
- b) corruption enquiries of which they have been the subject whilst in the MPS;
- c) corruption enquiries of which they have been the subject after leaving the MPS;
- d) any historical intelligence held about the subjects;
- e) any current intelligence held about the subjects; and
- f) details of their current status and the threat posed by them, if any.

### **Commander Ray Adams**

The report considered Commander Adams’ career history, which was described as “a fairly meteoric rise through the ranks” working in “some of the most sensitive posts within policing. His levels of access to confidential material would have been second to none”:

“Adams was the subject of two major corruption allegations during his service with the MPS, both of these allegations were investigated by CIB under the auspices of Operation Russell. In addition, Adams was the subject of 11 other complaints between 1965 and 1985 all of which were either unsubstantiated, withdrawn or not proceeded with.”

The report summarised the Operation Russell allegations based on an analysis of the ‘CR’ docket containing documents relating to the investigation conducted by Commander Thelma Wagstaff into the death of Detective Constable Alan ‘Taffy’ Holmes. The ‘OG’ dockets relating to the investigation by Deputy Assistant Commissioner Peter Winship had not been considered.

The report also summarised other allegations and the historical and current intelligence held by CIBIC.

### **“Officer XX”**

“It is worthy of note that whilst pending appeal from his discipline board, XX was removed from Flying Squad duties and seconded by Commander Ray Adams to a review of surveillance operations. He was subsequently ‘loaned’ to the Regional Crime Squad for the investigation of the Heinz Food Contamination Enquiry.

“A review of historic intelligence held by CIBIC revealed that XX was ‘a close associate of B and ...’”

## Detective Sergeant John Davidson

The report summarised Operation Gallery, indicating:

“The specific allegation made against Davidson was that he was Officer B’s main defence to claims of corrupt contact with Donald. Officer B claimed that he believed that an incriminating pager message from Donald signed with the initials JD was from Davidson... Davidson provided a witness statement supporting B’s claims. No action was taken against Davidson in relation to Gallery.”

The report summarised Operation Gayle (the investigation carried out in 1995 into “Officer B”, “Officer R” and DS Davidson relating to the provision of a chauffeur and protection services for Reg Grundy, the Australian media tycoon). The author of the report had not been able to consider the Operation Gayle papers; “it is therefore unknown what, if any, punishment Davidson received”.

Operation Belize was then summarised:

“Whilst suspended as a result of Operation Gayle, Davidson became a subject in Operation Belize. The operation was initiated as a result of an incident on 30 April 1996 where a registered police informant [“Informant 1”] was seriously injured during an apparent drug transaction that went wrong. The... informant is... a south London criminal well known as having corrupt links with MPS officers. He had jumped through a closed 1st floor window to escape a drugs tip-off and was taken by ambulance to Greenwich Hospital and placed under police guard.

“At 10pm that evening the officers guarding him were approached by Officer R and Davidson who stated that they needed to speak to him. After their conversation with him, Officer R and Davidson went to Greenwich Police Station at 10.30pm to speak to the OIC... Davidson was recognised by another officer as being suspended and both he and Officer R then left... ‘Informant 1’ has previously been handled as an informant by Officers F, B, R and Davidson. Again the CIB papers in relation to Operation Belize were not available so no final outcome is known.”

Operation Ashburn:

“On 14.10.96 Davidson (suspended) contacted Officer K to carry out PNC checks for him.”

Operation Russia was summarised.

In the section entitled ‘Historic Intelligence held by CIBIC’, there is reference to an incident on 17 June 1999 when DS Davidson contacted “Officer L” in the OCG Extradition Squad and asked him to carry out passport checks on a client for him.

There was reference to “Informant 2” (a previous informant handled by DS Davidson) who was used by “Officer W” to “introduce false information into a corrupt case”.

Intelligence from the ‘Two Bridges’ investigation indicated that DS Davidson was in regular contact with Officers “R”, “F”, “G” and “K”.

**“As can be seen by the numerous allegations of corrupt practice against Davidson he is a thoroughly corrupt individual. Davidson has no qualms about mixing with known criminals and utilising serving MPS officers to progress both his legitimate and corrupt enquiries. His many corrupt contacts within both the serving and ex-police arenas coupled with his level**

of expertise and knowledge of police techniques make him a viable commodity among the criminal community.’

## Clifford Norris

“The links between Clifford and Alexander Norris and XX are irrefutable and must be conceded. No other research carried out in the preparation of this briefing however has identified any other police officers who have any direct or indirect links with the Norris brothers.

“It must be accepted that XX undoubtedly had a corrupt relationship with Clifford Norris... However, the only role he took in the entire investigation of the murder of Stephen Lawrence was to escort Duwayne Brooks to the Central Criminal Court on 22 April 1996.

“Research of XX’s corrupt police contacts has not identified a well placed officer within the murder team who could have influenced the investigation by proxy.

“XX is connected with the following suspected corrupt serving and former officers:

“Ray Adams  
Officer B...

“Detective Sergeant John Davidson (OJ):

**“Again it must be accepted that DS John Davidson is intrinsically corrupt. The weight of intelligence from the numerous operations levelled against him is damning. However, no links have been established with the Norris family, XX or any other person who may have wanted to affect the murder investigation.** It should be noted that all Davidson’s corruption allegations came after he had left the Lawrence murder team and joined the corrupt East Dulwich Regional Crime Squad Team. Davidson is connected with the following suspected corrupt serving and former officers:

“Officer B  
Officer R  
Neil Putnam  
Officer W  
Officer G  
Officer F  
Officer K

...

Ray Adams.”

## Comment

- We note that a number of the above officers with whom Davidson is said to be connected by the intelligence also figure in the review of Daniel Morgan's murder investigation by the Daniel Morgan Independent Panel. This review is still in its early stages. We made enquiries of that review in the summer and the late autumn of 2013 but were informed that it had not yet been possible to index the vast quantity of material held under its control. What impact or relevance the Daniel Morgan Independent Panel material may hold to our Review has, therefore, simply not been possible to identify.

### 5.8.4 Additional intelligence on corruption

- a) 11 September 2000: Intelligence report details an investigation by the Anti-Corruption Unit into the activities of "Informant 1" dated 11 September 2000, prepared by Detective Sergeant Neil Hibberd. Within the body of this report it states that a number of the informant's previous police handlers are suspected of having been corrupt, repeating what has already been summarised from the earlier reports.
- b) 20 September 2000: Meeting on 20 September 2000 with the following present: DCS Quick, Detective Chief Superintendent Michael Parkes, D Supt White (CIB3) and D Supt Denholme:

"DCS Quick stated that a significant amount of activity had been undertaken by CIB to identify evidence and/or intelligence that showed a corrupt compromise of the investigation of the murder of Stephen Lawrence or the potential for any corrupting influence during the investigation. The position taken by the organisation during the Macpherson Inquiry stands in that neither evidence nor intelligence was found.

"DC XX and DS John Davidson, both now retired, were the primary focus of CIB activity. At various times both officers had been involved in the Lawrence investigation. **Whilst it is suspected by CIB that they were involved in corrupt activity whilst serving in the Metropolitan Police, there was no evidence or intelligence to suggest they had done so whilst employed on the investigation. Nor was there any evidence or intelligence that they had corruptly influenced the investigation in any way.**

"DCI Denholme's Decision log entry 28 (20.9.00): During a meeting with DCS Quick (CIB) it has been identified that there is no information/intelligence that suggests the investigation was compromised as a result of corrupt activity. Should any further information/intelligence identify new lines of enquiry this decision will be revisited."

This brings the 1999–2000 corruption investigation to a close.

## Findings

- Whilst some of the intelligence analysed for the purpose of these reports clearly post-dated the currency of the Stephen Lawrence Inquiry, a great deal of it must have pre-dated it and been in existence and available for the purpose of MPS disclosure to the Inquiry.

- The content of these reports illustrates what a proactive approach to the analysis of the available intelligence in 1998 might have achieved in terms of providing the Public Inquiry with more helpful information to the issues it was considering. This is particularly the case in relation to DS Davidson. The intelligence would have provided greater assistance than the limited personal, complaints and medical files that were provided to the Inquiry. It also went far beyond the terms of the letters from Dept Comm Stevens, which alluded in non-specific terms to the existence of unspecified intelligence and “lines of enquiry” which were asserted to have nothing to do with the Lawrence case or the Inquiry.
- These reports represent the most recent source of information that we have been able to obtain demonstrating the suspected corrupt nature of DS Davidson, “Officer XX” and the doubts that were harboured as to the integrity of Commander Adams.
- The possible connection between Clifford Norris and DS Davidson via “Officer XX” and Davidson both being connected to “Officer B”, who was also suspected of corrupt activity, does not appear to have been followed up and so remains, to some extent at least, a possible further line of enquiry.
- The common connections between DS Davidson and other officers suspected of involvement in corruption also create a link with the Daniel Morgan Independent Panel’s review. As this review is still in its early stages, and we understand has yet to even index the vast quantity of material held under its auspices, it is impossible to assess the significance of this material. This must also be viewed as a possible further line of enquiry regarding DS Davidson at least.
- As we have stated elsewhere in this Review, we believe that an extensive trawl of the available intelligence, of the kind demonstrated in these reports, should have been conducted by the MPS at the time of the Public Inquiry. Assuming that material of the type set out above has been located during this trawl, it should have been made known to the Inquiry team. Anesta Weekes QC (Junior Counsel to the Inquiry) has confirmed to us that no such intelligence as is described in these reports was revealed to the Inquiry and that, had it been, it would have been of great significance to the issue of DS Davidson’s (and potentially other officers’) motives.

Very shortly before publication of this report, the MPS provided us with a document entitled “Briefing Note Re Panorama Programme on Stephen Lawrence and related Corruption Issues”. This was written by John Yates, then a Deputy Assistant Commissioner working within the Specialist Crime Directorate. It was addressed to the Commissioner, the Deputy Commissioner and other senior officers and dated 31 May 2006, shortly before ‘The Boys Who Killed Stephen Lawrence’ was broadcast.

The stated purpose of the note was “to provide senior colleagues with some context and a timeline regarding the corruption issues relating to the above in light of the imminent broadcast of the *Panorama* programme”.

In the document, Mr Yates described John Davidson as follows:

“This officer had a particularly significant corrupt history and there were numerous items of intelligence about him within the CIB systems throughout the 90s. He was also a significant witness at the Macpherson Inquiry into the murder of Stephen Lawrence.”

The report also summarised the Inquiry’s findings in relation to John Davidson.

Mark Daly had clearly notified John Yates as to the allegation being made by Neil Putnam in the *Panorama* programme, namely “that Putnam disclosed to the initial debriefing team the fact that Davidson had a corrupt relationship with Clifford Norris and that money regularly changed hands. They will further allege that Putnam disclosed this fact to the debriefing team but that they deliberately chose to ignore this intelligence, suggesting that it would be too difficult for the MPS to deal with it.” The report went on to identify that “the BBC will be suggesting that corrupt issues relating to the Stephen Lawrence murder were deliberately suppressed by the MPS”.

Mr Yates added the following:

“My clear recollection is that initial research on Davidson indicated that he was involved in the investigation into the murder of Stephen Lawrence and that he had already provided evidence to the Macpherson Inquiry. Once aware of the potential links, I discussed these matters with then DAC Roy Clark. A confidential letter was then written (signed I believe by Roy) to Sir William outlining the scope of those matters revealed by Putnam. This letter, I believe, was written in the mid-late August 1998.”

This must be the letter of 11 September 1998, signed by Deputy Commissioner Stevens.

Mr Yates has also seen this report recently. He has emphasised to us that the report demonstrates:

- a) That he sought to alert senior officers to the content of Neil Putnam’s debrief once he became aware of the potential links to the Stephen Lawrence case. Decisions on disclosure were then made at a senior level to him.
- b) His “personal appetite to push forward against Davidson for corruption” and his “willingness to be entirely transparent about Davidson and his long-suspected corruption. This report shows that I sought the views of the most senior people in the MPS of my intention to state that Davidson was a corrupt officer on the *Panorama* programme”.
- c) All of the above is entirely inconsistent with there being any inappropriate collusion with the journalist Graeme McLagan to minimise references to John Davidson in Mr McLagan’s documentary broadcast in 2000.

### Comment

- We accept that at the time of the Public Inquiry in 1998, Mr Yates was the Senior Investigating Officer in charge of Operation Russia, the anti-corruption investigation, and that therefore he was not responsible for what was or was not disclosed to the Public Inquiry. We also accept that the note drafted in 2006 suggests that he recollected drawing the contents of Neil Putnam’s debrief to the attention of senior officers at the time of the Public Inquiry.
- His clear recollection, as recorded in the 2006 note, was that “the scope of those matters revealed by Putnam” was set out in a letter to the Inquiry. This is incorrect. As we have set out elsewhere in this section, the letter of 11 September 1998 sent by Deputy Commissioner Stevens to the Inquiry merely suggested that there was an anti-corruption investigation and that “one of those lines of enquiry has implicated ex-Detective Sergeant John Davidson”. The “scope” of what Neil Putnam was saying about John Davidson was not disclosed.
- It follows that whilst we acknowledge and accept Mr Yates’ submissions as to his role in events in 1998, our findings on the failure to disclose these matters to the Public Inquiry remain unaltered.

## 5.9 Mark Daly

Mark Daly, the BBC journalist who had worked on the 2006 *Panorama* programme involving Neil Putnam, indicated to us that in April 2006 he had met with a “crime source” that he felt unable to name, who told him:

“It’s no secret that CN [Clifford Norris] paid off the cops. Everybody knows it. It goes straight back to the lodge. Clifford paid good money to keep his boy out of jail. I know he [David Norris, Clifford’s son] deserves to be banged up and that poor lad didn’t deserve to die but if it was my kid, I would have done the same.”

Simon Ford, who was the producer of the programme, has assisted us with the following information:

“In 2005, as Executive Producer in the BBC’s Documentaries Department and in charge of investigations, I commissioned my programme team to investigate the circumstances of the Stephen Lawrence murder. Mark Daly was the reporter and main journalist on the investigation.

“During the course of the investigation, Mark Daly made contact with Neil Putnam, who told him John Davidson had told him he had assisted Clifford ‘Old Man’ Norris.

“I knew from Mark, that he had gone to his sources in the criminal underworld to ask around about this, and he had reported back to me that he’d been told that it had been ‘common knowledge’ in certain circles that ‘Old Man’ Norris was paying an officer or officers for information, and this information included access to information from the investigation into his son’s possible involvement in the murder.

“We realised this was an important allegation and in order to seek to corroborate what Mark was telling me, I decided to contact some of my old contacts. There was one journalistic source in particular, who I remembered was familiar with Clifford Norris. I asked him directly whether he knew if Norris Snr had been paying police for information at the time of the failed first investigation. He confirmed that he did remember and his recollection was being told that ‘Old Man Norris had it squared’ with the police. By that, my source took it to mean that he was paying police for information in relation to the investigation into his son and that he expected them to help his son evade prosecution. I specifically asked and he confirmed that was his understanding at the time and not based on the subsequent allegations aired at the time of the Lawrence inquiry. This information was given to me on an ‘off the record’ basis and on the understanding that I would continue to protect my source.”

Information from the sources above provided Mr Daly and Mr Ford with support for the account provided to them by Mr Putnam.

We mention it for completeness. Both accounts were provided by untested and unattributed sources. It follows that little weight can be attached to them for the purpose of this Review, save to note that they provided corroboration of Mr Putnam’s account at the time of the 2006 documentary. Nevertheless, we are grateful to Mr Daly and Mr Ford, who have been two of the few journalists who actually provided assistance to us. Mr Daly has provided us with his original note of this meeting.

## 5.10 The key officers revisited

We will now briefly summarise the position of each of the key witnesses on the corruption issue at the Stephen Lawrence Inquiry in the context of the material that is now available.

### 5.10.1 Detective Sergeant John Davidson

Detective Sergeant John Davidson's role in the initial investigation into the murder of Stephen Lawrence was the focus of much attention and debate during the course of the Stephen Lawrence Inquiry, and it is clear from what we have described that the Inquiry Panel ultimately had real concern about his motives and sought disclosure of any material that was capable of discrediting him or shedding light on any corrupt motive he may have had.

His conduct, both in the witness box at the Inquiry, and during the course of the initial investigation, led to a number of criticisms being made against him in the Inquiry's report, although in the event the Inquiry could not be sure that a corrupt motive had been proved to have been in play.

For example, in evidence:

- a) he emphasised how he had extensive experience in handling informants correctly;
- b) he was outraged at the implication that his failure to act properly in this case suggested racism on his part;
- c) he stressed that he would never alter his duty state to suggest that he was doing something that he was not, when that was a specific matter of complaint in one of the files seen by the Inquiry; and
- d) he said he did not know anything about the significance of the Norris family or Clifford Norris until he was involved in arresting Clifford Norris in 1994.

The manner in which he came to leave the Metropolitan Police Service (MPS), and the fact that none of the discipline and corruption allegations made against him have ever been resolved, mean that he remains a figure of concern in the context of this Review.

We have referred already to the frustration expressed to us by ex-senior officers at the frequency with which officers strongly suspected of being corrupt managed to secure 'medical retirement' as one of the few practical means of the MPS getting them out of the service when the evidence coming out of largely reactive CIB2 investigations was insufficient to justify formal proceedings.

We should also record that, having reviewed the paperwork and spoken to officers involved in the attempts that were made to bring criminal proceedings against DS Davidson regarding the corrupt activity described by Neil Putnam in his recorded debriefs, it is apparent that Detective Chief Superintendent Yates made persistent efforts towards that end, but in the end the refusal to co-operate by "Informant 1" essentially left Mr Putnam's claims uncorroborated, whereas they had to be corroborated to provide any realistic prospect of conviction. Accordingly, the Crown Prosecution Service correctly advised that there was insufficient evidence to justify criminal proceedings.

In the years that followed the Inquiry, in particular as a result of allegations made against him by Mr Putnam and the quite strong suspicions that he was corrupt within the intelligence held by the MPS (as now revealed by the 2000-era analysis of that intelligence, even though the MPS has not

been able to make the intelligence itself available to us), the suggestion that DS Davidson was a corrupt police officer and that his corruption is likely to have extended to the Stephen Lawrence case, through a corrupt relationship with the father of one of those convicted of murdering Stephen Lawrence, has persisted and is, in our assessment, more supported than it was on the material that was made available by the MPS to the Stephen Lawrence Inquiry.

The opportunities for corrupt activity by DS Davidson in the original murder investigation were many, as was identified by the Inquiry, and included the following:

- a) His dominance over most of the more significant 'outside enquiries', whereby he dealt with a number of important witnesses and arrested and interviewed two of the suspects and the significant informant "James Grant", placed him in a position to influence significant aspects of the investigation.
- b) Whilst overt acts of corruption are likely to require the complicity of other officers, 'light-touch' corruption through, for example, the provision of information about where an investigation is, or is not, going is a subtler and no less effective method, coupled perhaps with 'a light touch of the tiller' where possible around what evidence is developed and how, without requiring others to be involved.
- c) We have, like the Inquiry, found no evidence indicative of a broad conspiracy between a number of officers to act corruptly in this case, and, as the Inquiry noted, there are a number of 'mixed messages' in the evidence whereby at times those under suspicion of having a possible corrupt motive behind their incompetence at other times acted quite forcefully to pursue the suspects. Nevertheless, as it seems to us, DS Davidson was in a position, if so minded, to act corruptly in the 'light-touch' manner we have identified. He had access to significant information and the opportunity to subtly affect the investigation, and this would plainly have been of value to those under suspicion.
- d) In this respect, DS Davidson remains in a different and more suspicious category from other officers such as Commander Ray Adams and "Officer XX", as to whom there is simply no real evidence that they played a part consistent with their having acted corruptly to affect the murder investigation. That is why, as we read it, DS Davidson was of such concern to the Inquiry, and his motives remain of concern to us in this Review.

Having reviewed the original investigation papers again, we endorse the conclusions of the Inquiry in relation to the curious and apparently deficient manner in which DS Davidson handled a number of sensitive witnesses and sources of information, which were put as follows:

"Criticism of DS Davidson and his dealings with the very important sources of information and potential witnesses and of his attitude is justifiable. Our conclusion is that he was the wrong man to have been given many of the tasks that he was given."

We accept that, based on the material placed before the Inquiry, the Inquiry's conclusion that corruption had not been proved against DS Davidson was inevitable.

But having considered whether the Inquiry was provided by the MPS with the fullest possible disclosure regarding material that might have impacted on DS Davidson's credibility on the contentious aspects of his evidence as to how he had conducted his enquiries and handled witnesses and "James Grant", or on the issue of his having had corrupt motives for what he did,

we do not consider that the disclosure made to the Inquiry was as full as it could or should have been, particularly given the Chairman's last plea for material demonstrating any wrongdoing.

We are of the view that, in the light of his importance and the worry that DS Davidson clearly caused the Inquiry, and given that DS Davidson clearly did figure to an extent on the corruption intelligence database, the MPS should have performed a proper analysis of all that was suspected regarding him, which ought to have resulted in a similar picture to that which emerged in 2000 when Deputy Assistant Commissioner John Grieve's team set about the same exercise using the same resources. There is no evidence that was done, and some evidence that all that was done was a more 'routine' check coupled with an approach that, as intelligence had no real evidential value, its existence did not need to be disclosed.

The intelligence picture surrounding DS Davidson appears to have suggested the following possible lines of questioning of DS Davidson as to the role that corruption played in his mishandling of "James Grant" and his failures around the development of evidence from witnesses:

- a) He was strongly suspected of having been corrupt both before and after his involvement in the Lawrence investigation in mishandling informants and evidence for profit.
- b) His suspected corrupt activities and disciplinary complaints had involved, amongst others, "Officer B", a fellow South East Regional Crime Squad (SERCS) officer with whom "Officer XX" was also connected. Given "Officer XX's" apparent corrupt connection to Clifford Norris, this might be used to explore a possible link having developed between Clifford Norris and DS Davidson. (See below, however, under section 5.10.2, "Officer XX", as to the paucity of the information suggesting that "Officer XX's" relationship with "Officer B" was other than proper.)

When Mr Putnam debriefed on DS Davidson in late July 1998, it should have been realised that, in the context of the issues under debate in the Inquiry, Mr Putnam's direct potential evidence of DS Davidson acting corruptly shortly after and throughout his time at SERCS, and apparent dealings in the past with informants in a similar inappropriate manner, as well as the breadth of his connections with other suspected corrupt officers, was additional material to the broader intelligence picture that the Inquiry should have been given details of.

We do not underestimate the perceived difficulties, and possible operational damage to CIB3's work, that such a course might have entailed, particularly if the Inquiry had decided that Mr Putnam should be available to give evidence. But what happened, so far as we can determine it, was that no analysis such as that made in 2000 was carried out, and no details of where and how DS Davidson appeared in the corruption database or of Mr Putnam's debriefing on DS Davidson were passed to the Inquiry. As a result, the Inquiry and the public were denied a potential opportunity to progress the corruption issue.

Based on the information made available to us, it is impossible for us to reach a firm conclusion as to whether or not this failure to provide the Inquiry with all relevant information relating to DS Davidson was deliberate or simply a result of a lack of joined-up thinking on the part of the MPS. A number of senior officers have accepted the need for such an exercise to have been conducted. None has really been able to explain why it was not done. What it does seem to confirm, though, is that there was a lack of positive and proactive thinking within the MPS in grasping the opportunity to investigate and expose any corruption that may have been at work in the initial Lawrence investigation.

We are bound to observe that some of the internal MPS memos and records of meetings at the time of the Inquiry we have seen suggest that the MPS believed and hoped that corruption would not be a significant issue in the Public Inquiry. The lack of any positive approach being made to Mr Putnam as to whether DS Davidson had ever confided in him over his motives in the Lawrence investigation is consistent with such an attitude.

If, as the letter dated 21 September 1998 from the Chairman to Deputy Commissioner John Stevens seems to us to have implied, the Inquiry saw the position of DS Davidson and his credibility as pivotal to the Inquiry's conclusions, then the disclosure of a developed position regarding the intelligence, combined with details of Mr Putnam's debrief regarding DS Davidson's corrupt activities, might have provided a critical weight to the corruption issue. In particular, this may have been significant to the Inquiry's conclusions about the importance of DS Davidson's mishandling of "James Grant", given DS Davidson's potentially corrupt relationships with other informants, but also generally in terms of the indication of a general propensity towards corruption.

We note also that, although the 2000 analysis identified possible new lines of enquiry, such as undertaking detailed communications and financial analysis as well as more detailed reviews of key officers' previous and subsequent placements and connections, after some development it was decided that pursuing this ex-officer had to give way to other priorities.

Perhaps more in theory now than in practice, given that it is 13 years on, those unfollowed lines of enquiry could still yield some fruit.

As we have set out above, the live and unresolved issue, as we have found it to be, of whether DS Davidson confessed to Mr Putnam that he had a corrupt connection with Clifford Norris at the time of his involvement in the Lawrence murder investigation must also be put in the balance.

So far as we know, Mr Putnam remains available as a witness concerning this alleged confession and, as we have identified, a forum in which his and others' evidence could be tested, such as a Public Inquiry, is likely to provide a greater opportunity than a review such as this to get closer to where the truth lies.

We would conclude this section, however, with a cautionary observation that if, as appears to be the case:

- a) MPS records that are missing or incomplete in a number of relevant areas remain so;
- b) relevant communications and financial data that may provide as yet unfollowed further lines of enquiry are unavailable;
- c) the intelligence founding the MPS suspicion as to DS Davidson's corrupt activity before and after his involvement in the Lawrence investigation cannot be turned into evidence; and
- d) Mr Putnam's evidence as to DS Davidson's alleged confession remains unsupported by any independent evidence, meaning any tribunal would have to treat his evidence with considerable caution;

then, as is the position at the time of writing this report, it may well be that even after a Public Inquiry, there will remain insufficient evidence to justify a finding that DS Davidson acted corruptly to adversely affect the investigation into the murder of Stephen Lawrence.

That there are stronger grounds to suspect it than there were known to the Stephen Lawrence Inquiry, we are satisfied. That the MPS failed to make the fullest disclosure to the Stephen Lawrence Inquiry, we are also satisfied. But as to whether a Public Inquiry sitting in 2014 or 2015 would have any realistic prospect of gaining sufficient further clarity around the state of the evidence capable of justifying a finding of corruption, so as to be sure of it, we have real doubt.

In January 2014, as part of our 'Maxwellisation' process, the MPS Department of Professional Standards attempted to deliver documents on John Davidson at all known addresses for him. The documents set out our possible criticisms of him. Mr Davidson could not be located at these addresses and only received the documents by email in the week of 10 February 2014. Mr Davidson has indicated in correspondence with us that he did not feel that it was fair that he was being asked to provide a response in a short period of time. Nonetheless, he provided us with a 'Summary Response', which stated the following:

- a) He wished to emphasise that if the findings made about him in the Public Inquiry were to be "endorsed", they should be endorsed in full, including the following quote:

"The Inquiry did not believe that there was any strength in the suggestion that DS Davidson was affected by the aura cast over the case by the presence of the un-arrested Clifford Norris. Or that it had been established that he was influenced by the presence of Clifford Norris or by any connection with Mr Norris in respect of any of the actions taken or not taken by him during the investigation.

"The Inquiry was not convinced that he positively tried to thwart the effectiveness of the investigation: he took the statement from Stacey Benefield which effectively launched the prosecution of David Norris and Neil Acourt for that stabbing; he was in charge of the protection of the witnesses leading up to the trial of David Norris at the Central Criminal Court, a case which failed for reasons which cannot be attributed to any activity of DS Davidson; and there was no evidence that he held back positively in respect of the lines of investigation which he followed in order to favour David Norris or indeed any of the other suspects."

- b) He invited us to endorse the findings reached by the Independent Police Complaints Commission (IPCC), following its investigation in 2006 into the allegation that he had links to Clifford Norris, namely that it found no evidence to support this allegation.
- c) He stated that he had performed his job to the best of his ability, which had earned him a good reputation, which the Senior Investigating Officer was aware of. It led to him being requested to work on the Stephen Lawrence murder investigation.
- d) He did not accept that the allegations made by Neil Putnam could properly be treated as "going to his credit" for a number of reasons:
- Mr Putnam's credibility is tainted to the extent that it would be completely improper to treat any unsupported allegations made by him as "going to his credit".
  - He believes that the allegations were made against him by Neil Putnam as a direct result of a threat made to him by CIB officers that Mr Putnam would otherwise lose his status as a protected witness.

- In the absence of a full examination of the history of the allegations made against him and the circumstances in which they first came to be made, it would be completely improper to treat them as carrying any weight whatsoever.
- e) As to the comments made by Neil Putnam in 'The Boys Who Killed Stephen Lawrence' in 2006, he suggested that the words uttered by Mr Putnam to Mark Daly were "vague and unclear" until the information was effectively "put into his mouth" by Mr Daly. Until that occurred, Mr Putnam had not made any specific allegations against Mr Davidson personally.
  - f) He denied having any links with any corrupt police officers.
  - g) He stated that all of his informants were handled appropriately and lawfully, and with great benefit to the MPS.
  - h) He stated that his only contact with Clifford Norris was after the Stephen Lawrence investigation, when he was under the supervision of DCI Mellish, and arrested Mr Norris at gunpoint. He told us that he had no other link, directly or indirectly, with Clifford Norris or any Norris.
  - i) He asserted that in 2011/12 he was warned as a prosecution witness for the murder of Stephen Lawrence. He was verbally told by DCI Clive Driscoll that the MPS was "regretful" as to how he had been treated after the 2006 BBC programme. He asserted that he was told that he was a "credible witness" and that his evidence "was believed and accepted by the defence".

### Comment

- As Counsel involved in prosecuting the trial in 2011–2012, we feel bound to observe that the trial focused on the continuity of exhibits seized by the police, and the scientific examination of those exhibits. Mr Davidson's role in seizing or handling exhibits was extremely limited, which was the principal reason why, despite being 'warned' as a witness who might be required to attend the trial, he was not ultimately required to give evidence.

- j) As to the content of the intelligence analyses in 1999 and 2000, he stated that they:

"appear to disclose no proper evidence of misconduct on my part which is independent of the mouth of Mr Putnam. Guilt by association is a concept not known to the law, and apparent suspicions held by others are valueless in the absence of proper reasons for any such suspicions. It is clear from [the intelligence analyses] that I was the subject of an extensive investigation by CIB. No evidence whatsoever was found of corruption on my part. I am not corrupt. The material set out... cannot possibly be said to provide evidence of any propensity for wrongdoing on my part, no evidence of corruption in the initial investigation, and no evidence of links between myself and Clifford Norris (an allegation already investigated thoroughly by the IPCC)."

He also observed that the information set out in the intelligence analyses (in which the full names of some officers had been redacted) was not sufficiently detailed to enable him to provide a proper response.

k) He stated that:

“bearing in mind the potential for criticisms to be levelled at those responsible for collating and/or disclosing the information referred to in [the intelligence analyses], it would be completely improper, in the absence of further scrutiny, to describe it as referring to a ‘body of intelligence’, let alone one which should have been disclosed to the 1998 Inquiry.”

l) He concluded his summary by stating: “Once again this will only cause further distress to the Lawrence family and show the Metropolitan Police incompetent.”

### Comment

- We believe that we have considered all of the matters referred to in Mr Davidson’s response. It follows that his response does not alter the findings that we have set out in this section.

### 5.10.2 “Officer XX”

As it was before the Inquiry, the evidence remains that the only part played by “Officer XX” in the Lawrence investigation was his escorting of Duwayne Brooks from the Central Criminal Court in April 1996 after he had given evidence on the legal argument when the judge was expected to give a ruling the following day. There was, and had been, no complaint from Mr Brooks that “Officer XX” did or said anything to influence him or his evidence during the period of that escort.

In that regard, and subject to the matter discussed below, the position of “Officer XX” after this Review remains very much as it was at the Public Inquiry: an officer who was strongly suspected of having had a corrupt relationship with Clifford Norris when he was under observation by HM Customs and Excise in 1987, but whose only part in the Lawrence investigation was his non-controversial escorting of Mr Brooks at the time of the 1996 private prosecution.

What has emerged regarding “Officer XX” from the intelligence picture, which we have concluded was not disclosed to the Stephen Lawrence Inquiry, is that as well as “Officer XX” having the apparent corrupt connection with Clifford Norris, he was also connected to “Officer B”, who was suspected of corrupt activity with DS Davidson, amongst others.

“Officer XX’s” connection with “Officer B” was said in the intelligence reports to have involved a lot of contact after “Officer XX” had agreed to be a witness for “Officer B” in relation to libel proceedings he brought against the *Sun* in 1995. Beyond that, however, there is little or no detail within the surviving intelligence reports as to any specific suspected corrupt activity between “Officer XX” and “Officer B”. In the absence of any further material, the intelligence reports raise no more than a thinly based suspicion.

At best, the possible Clifford Norris–“Officer XX”–“Officer B”–DS Davidson connection is therefore, at the time of writing, more of a line of possible further enquiry than anything tangible.

In response to our notification of possible criticism of him, “Officer XX” has responded as follows:

a) He stated that there “is no new evidence and nothing that has come to light since the Stephen Lawrence Inquiry to justify [his] character being besmirched again”.

b) He has always stated that his only dealings with Clifford Norris were to try to recruit him as an informant for the Flying Squad. A detailed investigation was conducted into his association

with Clifford Norris and “the result of the investigation was that no evidence of corrupt activity came to light”.

- c) The intelligence reports (in 1999 and 2000) contained suggested lines of enquiry which were never progressed beyond the level of ‘suspicion’.
- d) In relation to any suggested link to Commander Ray Adams, “Officer XX” disputed that he was “called for” by Mr Adams to come and work on the Regional Crime Squad (RCS). He told us he “was on restricted duties during the investigation... This meant he was rendered fairly useless to the Flying Squad (SO8) and Commander Adams the then Head of RCS (SO9) identified a job that Officer XX could do to make use of his time. This was part of a Force Surveillance Review Team based at New Scotland Yard... Officer XX can state that he never met Commander Adams in any capacity.”
- e) “Officer XX” denied any of the “corrupt links” suggested in the intelligence reports, and suggested to us that it was “unfair to criticise Officer XX for corrupt links without specifying who these links are with and what the corrupt nature is”.
- f) “Officer XX” stated that he had never met, worked or socialised with John Davidson.

### 5.10.3 Ray Adams

The material available to us as to Ray Adams’ part in the Stephen Lawrence murder investigation is, in short, the same as that which was available to the Stephen Lawrence Inquiry. We have found no new material.

The assertion on behalf of Mr and Mrs Lawrence in the notice of issues and allegations delivered to Mr Adams on 14 July 1998, shortly before he returned to be cross-examined on 16 July 1998, indicated:

“Given Cmdr Adams’ seniority, his purported state of health and lack of knowledge or participation in the Lawrence murder investigation, it is not accepted that he would have decided to take on or been allocated the role of family liaison nor that he would have delegated the relatively menial task of drafting a letter on 30 April 1993 in the terms that appear.”

As the Inquiry stated in its findings, despite a long and hostile cross-examination, it had no reason to conclude that Mr Adams gave evidence which was otherwise than the truth in connection with the signing of the letter.

In our assessment, the evidence before the Inquiry clearly justified such a conclusion, and we would emphasise the following:

- a) Detective Superintendent Brian Weeden’s evidence supported Mr Adams’ evidence that he had only got involved at D Supt Weeden’s request [Transcript Days 31 to 34]:

“... I was concerned enough to raise the matter with Commander Adams to see how we could go forward and he suggested that was the best way to deal with it... I had not fallen out, but I could see it was going to be a very time consuming business trying to provide them with that sort of information at a time when I had many, many, operational decisions and a lot of catching up to do on the Inquiry. That had already been going for some days and I was anxious that it should not divert me over much and that was also Commander Adams’ view...”

“Q: How did they distract you?

“A: I seem to recall that there were several letters which were also faxed and I think there was some follow up phone calls. So although there were just three letters, I think it was probably coming in through several different directions, coming from several directions and I thought it was going to be difficult to try and give that sort of information in detail and if I did, I felt it would be at the expense of the actual inquiry. I was not trying to sideline Mr Khan in any sense, but it was just another duty which would have perhaps taken me away and deflected me from my main goal which was to investigate the murder...

“Q: The role of the Commander – he is the guy in the area responsible for all things CID, Commander of Ops – I understand at the time it was Mr Adams who was covering that post?

“A: To the best of my knowledge we did not have a Commander of Operations during the last part of April, I think that Commander Adams was Commander Support, and I am not sure if he was covering also the operations position or not... I spoke with Commander Adams on the matters of family liaison, and I believe that that was the extent of my contact.”

- b) The Policy Book entry Decision 17, which from its position in the book had clearly been made by D Supt Weeden contemporaneously, also supported Mr Adams' evidence.
- c) D Supt Weeden also explained that there had been no Commander 'Ops' present that day to help him out, and he felt that the need to respond to Imran Khan's latest letter was quite urgent.
- d) The letter to Mr Khan from Mr Adams, dated 30 April 1993, addressed the situation that D Supt Weeden had approached Mr Adams to assist him with, and was not the product of an initiative by Mr Adams to erect a 'sham'.
- e) As to the suggestion that the letter was just a 'sham' disguising Mr Adams' real involvement, which was to delay or prevent the arrests of the suspects, on one view all the letter did was draw attention to Mr Adams rather than assist him in playing a nefarious other part.
- f) Moreover, and crucially, there simply was no evidence that Mr Adams had in any way played any other part in the investigation, or sought to influence any of the actions taken or not taken by any of the officers involved in the investigation.
- g) As to the allegation made on behalf of the family that Mr Adams must have had some sinister connection with Clifford Norris, the Inquiry noted that, although he had been questioned at length about his possible knowledge of Clifford Norris, it had never been positively suggested to him that such a connection in fact existed, and that there was no information which Michael Mansfield QC could properly use to do so. We have found no such evidence either (but note our proviso regarding the lack of files).
- h) The suggestion that, by reason of his involvement at the Regional Crime Squad (RCS) between 1985 and 1987 and as the authorising officer for the informant David Norris (deceased), Mr Adams was likely to have had knowledge of or contact with Clifford Norris was also rejected by the Inquiry after perusal of the RCS contact files relating to Norris

(deceased), which contained no reference to Clifford Norris, and there being no other evidence to connect Mr Adams with Clifford Norris.

- i) The suggestion that the circumstances of Mr Adams' medical retirement added fuel to there having been a corrupt part played by Mr Adams was also not supported by the records made available to the Inquiry by the MPS, as the Inquiry stated. We have obtained and examined those records and they clearly bear out what the Inquiry set out under the heading 'Medical Retirement' in the Chairman's letter of 25 June 1998, namely that it had seen documents recording that:
- Mr Adams was recorded as absent through "back disorders" from 4 May 1993 and that he did not resume duty before retiring on 31 August 1993;
  - on 7 May 1993 Mr Adams was recommended by the Force Medical Officer for medical retirement on the grounds of chronic back pain, an injury award being made by reason of his condition being attributable to an injury on duty; and
  - on 7 June 1993 it was reported that Mr Adams was "likely to be in hospital for the next three weeks" and that his retirement would formally begin on 31 August 1993.

Other than the general reservations expressed about the frequency with which officers over whom a cloud of suspicion had settled appeared to secure retirement on medical grounds, we have found no specific reason to doubt the validity of his medical retirement as accepted by the Inquiry.

The material available to us as to the part played by Mr Adams in the Stephen Lawrence murder investigation provides no basis for any different conclusion from that arrived at by the Inquiry.

This is an important context now, as it was then, in any consideration of the potential for material in historical complaints files or other potential conduct matters being capable of displacing that evidence and amounting to evidence providing reasonable grounds to suspect that he did play some corrupt part, despite the absence of any evidence that he tried in any way to influence the investigation.

Nevertheless, we requested and reviewed all available material concerning Mr Adams that the MPS held.

However, it is clear from the documents created at the time of the Stephen Lawrence Inquiry that the files provided to us are the same files that were disclosed by the MPS to the Inquiry in 1998 and which, according to the Chairman's letter to all parties dated 25 June 1998, were examined in detail by "the chairman and his advisers (and counsel to the Inquiry)".

In full awareness of the issues that had been raised on behalf of the Lawrence family, which we have summarised and which remain the issues at the time of this Review (25 June 1998 letter to all parties), the Chairman concluded:

"There has been produced to the Inquiry voluminous papers relating to disciplinary investigations conducted in the late 1980s by Winship and by Wagstaff. Winship's principal investigation, known as Operation Russell, was carried out subject to PCA supervision. None of these investigations resulted in any criminal or disciplinary proceedings against any officer or revealed any facts in any way relevant to the issues before the Inquiry. The PCA agreed that no disciplinary proceedings should be brought. The Inquiry has previously directed that

unsubstantiated allegations could not properly be introduced, the law forbidding reliance to be placed upon them: *R. v John Edwards* and *R. v Goney*. Adams was given 'suitable advice' in relation to one incident which occurred in 1987. Having regard however to the time that had elapsed since then and the lack of any connection between the 1987 events and persons alleged to have played a role in the Stephen Lawrence investigation, the Inquiry does not consider it appropriate or necessary to direct the disclosure of any documents relating to the above, or to permit cross-examination of Adams concerning the disciplinary investigations."

As we have already touched upon, the cases cited in the Chairman's letter (*R. v Edwards (John)* [1991] 1 W.L.R. 207 and *R. v Goney* [1998] 2 Cr.App.R. 242) were two of a number of cases around the time of the Inquiry that generally restricted the extent to which unsubstantiated complaints could be used in cross-examination questioning the credibility of police officer witnesses in criminal proceedings. The cases did refer also to a court having a discretion on the matter, to be exercised so as to present the fact finder as far as possible with a fair, balanced picture of a witness's reliability, bearing in mind on the one hand the importance of eliciting facts which may show, if it be the case, that the police officer is not the truthful person he represents himself to be, but bearing in mind on the other hand the fact that a multiplicity of complaints may indicate no more than the "band-wagon" effect (*Edwards* p216b-c).

The law has moved on significantly since 1998, and the use of evidence that a witness has previously acted in a reprehensible manner may be permitted, subject to a number of checks and balances within what are commonly referred to as the 'bad character' provisions within the Criminal Justice Act 2003.

Having fully apprised ourselves of the voluminous contents of the complaints files concerning Mr Adams, it is clearly understandable how the Chairman exercised his discretion in the way he did, with the result that the contents of the files were not disclosed, other than in terms of the summary provided in his 25 June 1998 letter, and cross-examination on the contents of the disciplinary files was not permitted. As was indicated in the letter, no disciplinary proceedings or criminal charges were initiated following the investigation of any of the complaints and, perhaps more importantly, there simply was no evidence of any potentially corrupt part played or influence having been brought to bear on the Lawrence investigation by Mr Adams.

Were the matter to be adjudicated upon under the current state of the law, however, we are of the opinion that some disclosure **might possibly** be ordered to the parties as to the limited adverse finding that was made by the investigating officer as regards Mr Adams' conduct, albeit that no disciplinary proceedings were recommended, and that it is accordingly **arguable** that permission might be granted for cross-examination based upon that disclosure if the matter was being heard today.

It is clearly not, in our view, appropriate to go into the alleged facts of complaints that were found to be wholly unsubstantiated (in the absence of new evidence), but it does seem appropriate to us in the context of this Review, particularly where one of the two principal 'triggering' articles published after the conviction of Dobson and Norris (*The Guardian* on 16 March 2012) (Appendix 9) appears to have been based on allegations considered by Deputy Assistant Commissioner Peter Winship in Operation Russell and by Commander Thelma Wagstaff, to indicate the following:

- a) That the investigating officer came to the following conclusions capable of amounting to reprehensible conduct by Mr Adams during the course of a complaints investigation:
  - Mr Adams had failed to report meetings with Detective Constable Alan Holmes as he should have done; and

- he had also, contrary to what he asserted, engineered a meeting with DC Holmes via a criminal intermediary against DC Holmes’ wishes, as he needed to know what he was going to say to the complaints investigators about an earlier meeting they had had, which in the opinion of the investigating officer bordered on interfering with the complaints investigation;

and that in each of these respects his conduct was considered by the reporting officer to be highly questionable and unprofessional.

- b) That otherwise the investigating officer found the various complaints concerning Mr Adams to be unsubstantiated by the balance of the evidence before him.

We would also emphasise that, whilst we are of the view that disclosure of these matters might be ordered if the matter was dealt with under the law as it stands now, it is by no means certain that permission to cross-examine on the adverse findings made by the investigator, rather than a tribunal, would be permitted, particularly if it was felt by an Inquiry Chairman that the adverse findings, given their age and disconnected nature to the clear evidence supporting Mr Adams’ evidence as to the limited part he played in the Lawrence investigation, rendered them of insubstantial value in the determination of the part Mr Adams had really played.

We are also of the view, in the absence of any further evidence showing that Mr Adams did actually try to influence the course of the investigation, that even if he admitted those matters, it is very difficult to see how this could ever justify the leap required to conclude that he must have acted in some unspecified and unproven way to influence the investigation.

#### **5.10.4 Possible connection between Ray Adams and “Officer XX”**

There is a further matter that concerns us regarding Ray Adams that emerged from the 1999–2000 intelligence reports commissioned by DAC Grieve, namely the assertion that the analysts had established that:

**“At some stage during the discipline and appeal process, XX was seconded by Cdr Ray Adams to perform a review of surveillance operations.”**

As we summarised under section 5.4.5 “Bawdsey” above, this appeared in the intelligence files as Commander Adams having ignored Acting Commander Holbrook’s recommendations on disciplining “Officer XX”, “that he be removed from duties that utilise aspects of police work of a delicate and confidential nature” by seconding “Officer XX” to a review of surveillance operations, and then subsequently loaning him to the RCS to work on the Heinz food contamination enquiry.

Our concern arises because, when he gave evidence to the Inquiry, Mr Adams said [Transcript Day 54]:

“Q: I want to ask you about a detective sergeant who has been referred to as “X” in these proceedings. That is his name, in fact, on that piece of paper. Now, the question, and I think you have been – it was on the notice served on you by me weeks ago now – do you know that officer?

“A: The first time I heard this name in connection with this was, in fact, when a journalist in this building said to me: ‘You are going to be asked about “Mr X”’. My immediate response then was: ‘Who?’ It is still so. I had no recollection of this officer whatsoever.

“Q: So you know nothing about that officer at all?

“A: As far as I can recall I have not encountered the officer as far as I can recall.”

Obviously, if Mr Adams had been personally involved in “Officer XX” being seconded to the department in which he worked, or if he had otherwise had personal knowledge of “Officer XX” as a result of that secondment, such that he must have remembered him when he gave evidence, then the truthfulness of the above evidence falls into sharp focus.

Were there to be clear evidence that this was a lie, it is also fair to say that the whole of Mr Adams’ evidence to the Inquiry may need to be re-evaluated in that light, as “Officer XX” was the one officer shown to the Inquiry’s satisfaction to have most likely had corrupt connections with Clifford Norris as a result of the Customs investigation that observed them meeting in suspicious circumstances.

We have emphasised to the MPS the potential importance of establishing the source for this entry into the intelligence files and establishing the true position, but, at the time of writing, no evidence has been found that demonstrates that there was such a secondment, let alone that Mr Adams must have known “Officer XX” at the time he was asked about him at the Inquiry.

The assertion in the intelligence reports remains one unsupported by any evidence, and although there may still be some further steps that could be taken to explore it, there is nothing tangible existing for us to act upon.

We have set out “Officer XX’s” account to us about this connection above.

## Findings

- The position regarding Mr Adams, as we have found it in this Review, is substantially as it was at the time of the Stephen Lawrence Inquiry – there is no evidence providing any reasonable grounds for suspecting that he acted corruptly in the Lawrence murder investigation.
- It is unfortunate that one of the prominent media publications that followed the convictions of Dobson and Norris in 2012 and sought to reopen the corruption issue in the Lawrence case reported that the Operation Russell files relating to complaints made against Mr Adams had been withheld from the Inquiry Panel. In fact those files had been reviewed in detail by the Inquiry and it had found that the content was incapable of properly assisting the Lawrence family’s allegations of corruption against Mr Adams in the context of the Lawrence investigation.
- None of the complaints against Mr Adams in Operation Russell were found to be substantiated, and neither the Stephen Lawrence Inquiry nor this Review could possibly reopen that very large investigation in some attempt to re-evaluate the investigation’s findings when there is no evidence he did anything or sought to influence anyone out of any corrupt motive in the Lawrence murder investigation.
- As it seems to us, any repetition of aspects of the Operation Russell complaints in the context of the Lawrence case ought, out of fairness, to recognise both that they were found not to be substantiated by Operation Russell and that they were found to be of no value by the Stephen Lawrence Inquiry and by this Review, in terms of providing any basis for suspecting Mr Adams of playing any corrupt part in the Lawrence case.

### **5.10.5 Detective Sergeant Christopher Crowley**

The position following our review regarding Detective Sergeant Christopher Crowley can be stated briefly: we have found nothing to indicate that the position reached by the Public Inquiry was incorrect or should be revisited.

### **5.10.6 The senior officers**

We have found no fresh material regarding the senior officers that impacts on the reliability of findings made by the Public Inquiry as to there being no evidence indicating that their collective or individual failings were the result of corruption at work.

Having reviewed their personal files, we would simply add the comment that the glowing nature of the references made as to their extraordinary level of competence and skill in the investigation of serious crimes, including murder, is in stark contrast to their lack of achievement in the initial Stephen Lawrence investigation.

## 5.1 I Overall findings on the corruption issue

In light of the length and complexity of our review of the corruption issue, we have set out below a summary of our principal findings with reference to our terms of reference.

### Term of reference

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?

#### 5.1 I.1 Metropolitan Police Service disclosure of material to the Stephen Lawrence Inquiry

As the Inquiry progressed, the ambit of material the Inquiry wished to have revealed to it regarding any possible corrupt motivation of officers involved in the initial investigation widened to include unsubstantiated, as well as substantiated, complaints and any other material capable of impacting on the credibility of, or showing any wrongdoing by, any of the key officers.

As a result, the Metropolitan Police Service (MPS) revealed to the Inquiry a large number of discipline, personal, medical and other relevant investigation or prosecution files. The Inquiry reviewed these files to determine the relevance of the contents and disclosed such facts or material to the interested parties as it felt appropriate, together with its decision as to the proper ambit or limit upon cross-examination.

In a letter of 11 June 1998, the Inquiry Secretary, on behalf of the Inquiry Chairman, asked Deputy Commissioner John Stevens of the MPS whether a police corruption investigation referred to in *The Guardian* of that date extended to any officers involved in the Stephen Lawrence case or any relatives or associates of Clifford Norris. On 12 June 1998, Dept Comm Stevens replied, saying:

- a) that no police officer or former officer called or due to give evidence to the Inquiry was under active investigation for corruption;
- b) that a considerable amount of intelligence of various values had been gathered for the current investigation and, whilst the names of some of the witnesses to the Inquiry were included in the intelligence database, the intelligence did not necessarily indicate corrupt or suspect behaviour;
- c) that there were no records relating to Clifford Norris; and
- d) that the intelligence was a matter of extreme sensitivity, and disclosure of it could considerably hamper MPS anti-corruption investigations.

## Findings

- We have found no evidence or record indicating that the Inquiry was told any more about the anti-corruption intelligence held by the MPS than what was said in Dept Comm Stevens' letter of 12 June 1998.
- It also appears to us that, had it not been for the Chairman's letter of enquiry on 11 June 1998 as to the basis of the recent *Guardian* article, the Inquiry would not, in all probability, have been alerted to the existence of anti-corruption intelligence that featured witnesses appearing before the Inquiry.

There was then a development in late July 1998, in terms of the material held by the MPS of possible relevance to the Inquiry, when the 'debriefing' by CIB3 (Anti-Corruption Command) of Detective Constable Neil Putnam regarding corrupt activity in the South East Regional Crime Squad (SERCS) (involving him and other officers) included specific details of corrupt activity by Detective Sergeant John Davidson at SERCS. This development led to a further letter being sent to the Inquiry Chairman by Dept Comm Stevens, dated 11 September 1998, which stated:

"I should now make you aware that recent information has enabled officers investigating offences of alleged corruption to open new lines of enquiry. One of those lines of enquiry has implicated ex-DS John Davidson... There is no connection between the investigation and Clifford Norris, any of his known relatives or associates or any other person connected to the Lawrence Inquiry..

"... I would again wish to stress the extreme sensitivity of our corruption investigations and the intelligence and evidence supporting them."

In a letter of 21 September 1998, the Chairman of the Inquiry replied to the Deputy Commissioner underlining how central the credibility and motives of DS Davidson were to the Inquiry:

"Naturally we are most concerned to know whether any contact, however remote, may have existed between Mr Davidson and, in particular, Clifford Norris... or anybody involved in the Clifford/Alex Norris drug cases... You will appreciate that any wrongdoing would go to Mr Davidson's credit... Much may turn upon this retired officer as the Inquiry proceeds."

## Findings

- We have seen no evidence or record to indicate that any further details of the "new lines of enquiry" that included DS Davidson were revealed to the Inquiry beyond the content of the 11 September 1998 MPS letter.
- We have found no records to demonstrate that any specific individual or team within the MPS took responsibility for revelation of all relevant information about corruption intelligence to the Public Inquiry, or to demonstrate that a comprehensive search of all material in its possession was made in the manner requested by the Chairman to the Inquiry, or to indicate the results of such a search.
- In the absence of any such records, we find it difficult to attach much weight to the recollections of various individuals involved as to what "would have been done", particularly given our findings below as to the anti-corruption intelligence that it appears the MPS did hold at the time.

### **5.11.2 Should more have been revealed by the Metropolitan Police Service to the Stephen Lawrence Inquiry?**

#### **Anti-corruption intelligence**

In 1993, the then Commissioner, Paul Condon (now Lord Condon), authorised at the cost of millions of pounds a top secret anti-corruption intelligence initiative. It was predicated on the assessment of a serious corruption problem existing within pockets of the MPS, particularly some of the specialist squads, where apparently successful officers were in fact out of control and acting corruptly in organised groups with criminals. Those criminals were also often their informants, and they were recycling drugs or other property seized as a result of the informant's information back to the informant to sell and then share the proceeds. Corrupt officers were also providing police information, or 'losing' evidence for payment. The perception was also that CIB2 was ill-equipped effectively to investigate what was sophisticated corrupt activity by detectives skilled in covering their tracks, and that new methods of proactive investigation would be required when the intelligence initiative went operational.

The anti-corruption initiative was called Operation Othona, and from 1994 to at least 1998 it operated wholly outside the MPS estate, gathering existing intelligence from all available sources and generating its own intelligence by various sensitive and covert means. It operated from covert premises and it used a state-of-the-art standalone computer system apparently sourced with the assistance of the military. Extraordinary lengths were also taken to conceal the recruitment of officers to it from anyone in the MPS other than the very small circle who knew about the initiative.

In late 1997, CIB3 had begun to emerge as the operational initiative to action the intelligence generated, and was publicly announced in early 1998. The standalone intelligence capability, however, remained, and the unit communicated its intelligence as necessary or as requested by CIB3 in a sanitised format.

The MPS has been unable to find or account for the original intelligence generated by Operation Othona.

With the exception of what appears to be some original Operation Othona intelligence found on a hard drive manufactured in 2001, which was only discovered in mid-November 2013 (after more than a year of the MPS searching) in a cardboard box in the IT department of the MPS Department of Legal Services, the MPS has been unable to locate or account for the Operation Othona intelligence that existed before 1998.

It has accordingly not been possible for us to carry out the fairly fundamental task to this Review of checking exactly what intelligence was held by the MPS at the time of the Public Inquiry, so as to check exactly what should have been revealed to it.

We have instead had to work on various reports and briefing documents, as well as what is held on the 2001 hard drive, to try to assess what it appears would have been available to the MPS in 1998.

We have been most assisted by three intelligence analyses generated as a result of Deputy Assistant Commissioner John Grieve taking on the investigation of Stephen Lawrence's murder in 1998 and his fear that corruption had played a part in the investigation, despite the findings of the Inquiry.

## Findings

- It is a further real cause of concern to us that MPS database and file system searches to identify all relevant material for the MPS Review of 2012, and for this Review, failed to find these reports, some of which we found only at the Independent Police Complaints Commission and others via the Senior Investigating Officer in the recent murder investigation, Detective Chief Inspector Clive Driscoll, as a result of his own work.
- If MPS searches for all relevant material cannot reveal such reports of central significance to the issue of possible corruption in the Stephen Lawrence murder investigation, there must be serious doubts that further relevant material might be revealed.
- Doing the best we can from the limited sources available to us, the intelligence picture that emerges is that the MPS did hold intelligence around the time of the Inquiry that suggested:
  - a strong inference that Clifford Norris was a corruptor of police officers and an intimidator of witnesses, and that a possible link from him to DS Davidson existed through both “Officer XX” and DS Davidson having a common connection with “Officer B”, another officer suspected of corrupt activity; and
  - an enhanced level of suspicion that DS Davidson was corrupt both before and after he worked on the Stephen Lawrence investigation, due to the sheer number of other officers suspected of corruption with whom he was connected, a number of whom were/are under suspicion of corruption connected to the Daniel Morgan investigation (on which DS Davidson had also worked), and the detail and implications of Mr Putnam's debriefing regarding DS Davidson in mid-1998.
- A number of further lines of enquiry were identified in 1999 and 2000 which had the potential to develop and evidence the suspicions voiced in the MPS analyses. Only some of these lines of enquiry were pursued before, having obtained no evidence, the initiative was terminated in order to concentrate on other priorities.

In the summer of 2013, we made enquiries of the Daniel Morgan Independent Panel, whose terms of reference extend to “the role played by police corruption in protecting those responsible for the murder from being brought to justice, and the failure to confront that corruption”. We were informed that the work was at an early stage and that the amount of material it had in storage was so enormous that it had not even been possible to index it. Enquiries made in December 2013 indicated that it still had not been possible to index it.

## Comment

- We remain concerned that there is a real possibility that the Daniel Morgan Independent Panel may hold, or later acquire, material of relevance to our review, but what that may be remains unknown to us.

## The detail of Neil Putnam's debriefing regarding Detective Sergeant John Davidson in 1998

The debriefer's records surviving from 1998 show that Mr Putnam provided potential evidence of DS Davidson's corrupt activity at SERCS, from shortly after he arrived there from the Stephen Lawrence murder investigation in the early summer of 1994, that included:

- a) recycling drugs and stolen property, often seized as a result of informant information, back to the informant for them to sell for the shared benefit of the informant and officers;

- b) DS Davidson having explained how his corrupt relationship with one or two such informants had gone back years, which explained why he had 'hit the ground running' at SERCS in terms of acting corruptly and suggested that he had been involved in corrupt activity including informants both before and immediately after he had worked on the Stephen Lawrence murder investigation; and
- c) the involvement of Mr Putnam and DS Davidson as well as others in the squad in such corrupt activity.

Whilst we do not have the original intelligence available in 1998 to CIB3, we do have the recollection of John Yates, who was in effective day-to-day command of the debriefing process of Mr Putnam, as to the response he got after asking the intelligence section of CIB3 what they knew about DS Davidson after Mr Putnam started talking about him being corrupt:

"... he had been the subject of intelligence work for years as I understood it... from recollection without doubt somebody that they have been wanting to find something about for a while."

## Findings

- In our view, the combination of the detail recorded in the debriefer's notes of what Mr Putnam told CIB3 in late July 1998 and the intelligence picture that otherwise suggested DS Davidson was corrupt was of a sufficient weight and quality that the MPS should have revealed it to the Chairman of the Inquiry in order for him to determine if, and how, it could assist the Inquiry in its determination of DS Davidson's motives in the Lawrence investigation, particularly given the terms of the Chairman's letter to the Deputy Commissioner dated 21 September 1998.
- With no disclosure having taken place to the Inquiry or to the MPS legal team, what happened instead was that the MPS submitted to the Inquiry that the fact of John Davidson's involvement in the arrest of Clifford Norris on 8 August 1998 was positive evidence against him being corrupt. When in fact Putnam had told the MPS John Davidson had been acting corruptly with informants from at least August 1994 at SERCS.
- Another matter that causes us particular concern is that, on the basis of Mr Putnam's recorded debrief on DS Davidson (acted upon as credible by CIB3), they were fellow corrupt officers shortly after DS Davidson moved on from the Lawrence investigation to SERCS. Anybody focusing on the vexed issue of the motives behind DS Davidson's involvement in various deficiencies in the Lawrence investigation, and knowing this, should have recognised the potential for DS Davidson to have confided in Mr Putnam as to his motivation in the Lawrence case. Yet nobody in the MPS appears to have thought to ask him.
- The failure by the MPS to exploit the obvious opportunity to ask a fellow corrupt colleague (Mr Putnam) if DS Davidson had ever spoken about his approach to his part in the Stephen Lawrence murder investigation, or to allow the Inquiry to consider doing so, as we believe it would have wanted to (again confirmed by Anesta Weekes QC), does little to suggest or indicate that there was any real appetite within the officers in the MPS who knew of the detail of Mr Putnam's allegations against DS Davidson to explore its implications on the issue of corruption in the Lawrence Inquiry around DS Davidson.

## Alleged confession by Detective Sergeant John Davidson to Neil Putnam that he had a corrupt relationship with Clifford Norris when he worked on the Stephen Lawrence murder investigation

After the Stephen Lawrence Inquiry had reported and he had been released from prison in 2000, Mr Putnam alleged that DS Davidson had admitted to him in the summer of 1994 that he had had a corrupt connection with Clifford Norris at the time he worked on the Stephen Lawrence investigation. He also alleged that he had told his debriefers this in July 1998, who had responded by saying it "would blow the MPS wide apart" but that they would speak to senior officers about it. He had assumed someone would come and see him about this, and thought that what he had said had been noted, but no one did come to see him.

### Findings

- We believe there are substantial arguments on either side of the issue of Mr Putnam's credibility as regards these claims, and whether or not DS Davidson admitted to Mr Putnam that he was in a corrupt relationship with Clifford Norris at the time he worked on the Stephen Lawrence murder investigation remains, for us, an unresolved issue, and one which a forum in which all witnesses relevant to the issue can be tested under oath may have a greater chance of resolving.

We add the cautionary observation, though, that the prospect of such a forum being able to make a definitive finding on the issue, particularly if the criminal standard of proof is applied, remains in our view unlikely, owing to Mr Putnam being a 'tainted witness' whose evidence any reasonable tribunal should be cautious of acting upon in the absence of independent corroboration.

### **5.11.3 What impact might disclosure of the intelligence and details of Neil Putnam's potential evidence regarding Detective Sergeant John Davidson have had on the Stephen Lawrence Inquiry?**

### Findings

- Had the MPS informed the Inquiry Chairman of the combination of the detail of Mr Putnam's debriefing regarding DS Davidson to CIB3 in July 1998, and the intelligence picture otherwise suggesting to the MPS that DS Davidson was corrupt, the Chairman would, in our view, have been likely to want to consider the following options:
  - identifying and disclosing to the interested parties information which might be used in questioning DS Davidson as to a connection existing between Clifford Norris, "Officer XX", "Officer B" and DS Davidson, and as to the allegations of corrupt activity involving informants by DS Davidson before and after he worked on the Lawrence case;
  - finding a mechanism for Mr Putnam to be asked if DS Davidson had ever mentioned anything about his role in the Lawrence investigation; and
  - allowing Mr Putnam to be called to give evidence at the Inquiry.

- If, in addition, the Chairman had been aware that Mr Putnam had alleged that DS Davidson had admitted he had a corrupt relationship with Clifford Norris at the time of the Lawrence investigation, then it seems to us that the Chairman would have been highly likely to have sought a means whereby Mr Putnam gave evidence to the Inquiry.
- If CIB3 had indicated that it wished to actively pursue a possible prosecution of DS Davidson in relation to either matter, or the Chairman felt on the material he was shown that one should be considered, the Chairman may also have had to consider adjourning the Inquiry for that process to take place. The immunity given to all witnesses appearing before the Inquiry would have seriously complicated or prevented such a process taking place after the Inquiry.
- We appreciate the extreme operational sensitivity CIB3 attached to both its intelligence and to Mr Putnam's debriefing towards his becoming a prosecution witness. Nevertheless, in our judgement, the combination of Mr Putnam's evidential potential and aspects of the intelligence CIB3 held to inform the Inquiry further on the subject of DS Davidson's corrupt nature and likely full motivation when playing such a crucial and unsatisfactory role in the Lawrence murder required that the Inquiry Chairman was put properly in the picture so as to make the important decisions the material would have raised to the outcome of the Inquiry.
- We are naturally reluctant to predict what the outcome would have been in terms of the Inquiry's findings. But it is not, in our view, impossible to envisage that the Inquiry might have ended up being driven to the conclusion that there must have been more than just DS Davidson's inappropriate manner and unfortunate unconscious racism behind his failure to develop information and evidence in the Lawrence investigation. As the Chairman's last letter implied, they were clearly very worried about DS Davidson's evidence and motives and felt "much may turn" on it.

#### **5.11.4 Is there evidence providing reasonable grounds for suspecting that any officer associated with the initial investigation of the murder of Stephen Lawrence acted corruptly?**

##### **Findings**

- Assuming that Neil Putnam is available and willing to give evidence, the answer must be yes as regards Detective Sergeant John Davidson. Other than Mr Putnam, the material available suggesting that DS Davidson may have been corrupt in the Lawrence investigation remains intelligence that has, so far, not been developed into evidence.
- As regards other officers, the answer is no, but there are still some potential lines of enquiry that might be capable of providing such evidence, as to which see below.

### **5.11.5 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?**

#### **Findings**

- There were a number of lines of enquiry indicated from the 2000 analysis of the intelligence suggesting that Detective Sergeant John Davidson may have acted corruptly in the Stephen Lawrence investigation that were not fully pursued then, owing to a lack of success following the limited investigation that was undertaken and other operational priorities.
- These lines of enquiry therefore remain open, but it must be recognised that the prospect of their resulting in evidence of a quality to be capable of supporting a potential finding of corruption will almost certainly have diminished over the 13 intervening years. This prospect is also reduced by the loss of relevant records.

### **5.11.6 Have we been able to uncover all material evidence relating to the issue of corruption and, if not, would a Public Inquiry have a greater chance of doing so?**

#### **Findings**

- We have not been able to uncover all material evidence.
- It is clear that there are significant areas where relevant MPS records should exist but cannot be found.
  - A graphic example is the fact that searches of MPS databases and file systems for the purpose of the MPS May 2012 Review, and then for this Review, failed to flush out all the 1999–2000 intelligence analyses on the central issue of corruption having played a part in the initial Stephen Lawrence murder investigation.
  - There is no record available of the result of any search of the anti-corruption intelligence in 1998 before it was decided not to disclose any intelligence to the Inquiry.
  - The original anti-corruption intelligence database itself cannot be accounted for.
  - There are no comprehensive records of what the MPS did disclose to the Stephen Lawrence Inquiry.
  - A significant tranche of potentially relevant informant records cannot be found, including the informant files that were revealed to the Inquiry.
  - There are some records confirming the destruction of some relevant files, but no records relating to the destruction or location of other potentially relevant files that cannot be found.
  - We are unaware of what the Daniel Morgan Independent Panel may be holding of possible relevance to the issue of possible corruption in the Lawrence murder investigation, as it has not yet been possible to index it.

- There may well be some potential for a statutory Public Inquiry to discover more evidence than we have discovered, given the powers of such an Inquiry to order the production of documents and the attendance of witnesses and to examine witnesses and allow them to be cross-examined by interested parties.
- That potential may, however, be limited, given the somewhat chaotic state that historical MPS records appear to be in. This includes incomplete records of file movement, many different file logging systems and the natural depletion of records that will have occurred as a result of age-based destruction, or destruction to protect the identity of informants.

### **5.11.7 Neil Putnam's claim that Detective Sergeant John Davidson admitted having a corrupt relationship at the time he worked on the Lawrence investigation**

#### **Findings**

- On the issue of the veracity of Neil Putnam's allegations implicating DS John Davidson on the corruption issue, a Public Inquiry with represented interested parties and live evidence should have a greater chance of resolving the issue than we have had.
- But, unless some independent evidence supporting Mr Putnam emerges, and particularly if a Public Inquiry again adopts the criminal standard of proof, it seems to us more likely than not that a Public Inquiry would find itself unable to make any positive findings, given the caution with which unsupported evidence from a 'tainted' source such as an admittedly corrupt police officer must be treated.
- We should also point out that, in the event of evidence supporting Mr Putnam's claims emerging, the question of possible criminal proceedings may then resurface and need to be addressed, taking account of the immunity provided to witnesses in the Stephen Lawrence Inquiry.
- It may therefore assist a decision as to whether a further Public Inquiry is merited if any possible outstanding lines of enquiry were first explored and efforts were made to establish whether or not the Daniel Morgan Independent Panel's review is likely to touch on either the role of DS Davidson in that investigation or others with whom he was suspected of being involved in corruption.

### **5.11.8 The 31 May 2012 Metropolitan Police Service Review**

In our view, the 2012 MPS Review contained errors and inaccurate phrasing. We accept, however, that the inability of MPS system searches to reveal existing material may have been a significant contributing factor.

The 2012 MPS Review failed to point out when dealing with Operation Othona that none of the anti-corruption intelligence generated by Operation Othona could be located or accounted for at the time of the MPS Review. The reality was reported internally within an MPS summary: "... it is impossible to say whether Ray Adams, Davidson or other officers related to the Stephen Lawrence Inquiry actually appear within the auspices of the operation in their right". But the published report referred simply to it being difficult to identify the operations that the intelligence had led to retrospectively, and to any files generated referring only to finance and administration and not subjects.

The MPS Review was incorrect, in so far as we have been able to ascertain, in stating that the MPS legal team or Inquiry legal team had reviewed all intelligence and that a decision had been made to disclose any intelligence relevant to the possible corruption issue. Jason Beer QC informed us that he was unaware of the existence of an anti-corruption intelligence initiative and was never told of its contents, and Roy Clark appears to confirm that the matter was dealt with between the police and the Chairman of the Inquiry without any intelligence being disclosed. Anesta Weekes QC, Junior Counsel to the Inquiry at the time, has also confirmed that no more than what was stated in the two letters from Deputy Commissioner John Stevens in June and September 1998 was said by the MPS about the anti-corruption intelligence it held and the “new lines of enquiry” that related to DS Davidson.

The MPS Review stated that DS Davidson had been a handler of David Norris (deceased), when he was not.

If the author of the 2012 Review had had available to him the 1999–2000 MPS intelligence reports and the details of the Putnam debriefing regarding DS Davidson in July 1998, as he should have had, he would (or should) have realised their combined potential to inform the Inquiry further on the issue of a possible corrupt motive behind DS Davidson’s ‘deficiencies’ in the murder investigation. He should not therefore have written: “The MPS disclosed all material in relation to adverse information held regarding the three officers of concern.”

Given that the author was aware that the intelligence could not even be found and that it was impossible to say whether or not it implicated those officers, this was, in any event, in our assessment, a somewhat reckless statement.

Neil Putnam implicated DS Davidson in July 1998, when Part One of the Inquiry was still active, and not “late in 1998”.

### Findings

- We would add that, although the author of the report deserves some criticism in these respects, we find the commissioning of such a potentially wide-ranging and significant review by the MPS as the May 2012 Review, over such a tight timescale, to have been unrealistic and somewhat ill-judged.
- The result was that the 2012 Review was another example of the MPS saying incorrectly to the family and to the public: “It’s all right, we’ve looked at it all again, there is nothing new, and there is no material indicating possible corruption that was not revealed to the Public Inquiry.” In our assessment there were, in fact, clear defects in the level of information that the MPS had revealed to the Inquiry. The MPS held material of some potential importance to the determination of the true motives behind DS Davidson’s deficient investigative work on the Stephen Lawrence murder investigation which it did not reveal.

In response to notification of our potential criticisms of this report, the author has emphasised the following matters:

- a) “... the context in which that Report was written and in particular the widely differing circumstances which were in existence at that time, as compared to those which have surrounded the work of the Review and the capacity the Review may now have to view matters in a different light.”

- b) He was tasked to provide the report at an MPS Gold Group meeting on 5 or 6 May 2012. Initially he was given about two weeks to produce the report, but in due course this was changed and he was required to produce an initial report by 11 May 2012.
- c) He has told us that, within the time permitted, he did his best to establish what material existed “mindful of the difficult, probably impossible, time limit which had been set in relation to the preparation of an initial Report”.
- d) The deadline for the report was extended to 28 May 2012, but there was an expectation that the final report would be available by 25 May 2012 (only 20 days after he had been tasked with writing the report).
- e) He had “little or no editorial control over the content of that Report”, which was forwarded to senior officers for consideration.
- f) The report was intended as “no more than an attempt to identify material, rather than commence a re-investigation of the issues”.
- g) The report was written in good faith, based on his “understanding of the position at the time in relation to the matters referred to therein”.
- h) He “devoted a substantial amount of time and energy to assisting the Review and obviously became aware that, with the benefit of hindsight, the position as I had expressed it in May 2012 was not entirely accurate, but this was not because of any bad faith on my part at the time, but simply because new material came to light”.

### **5.11.9 The Guardian, 16 March 2012 – Ray Adams**

#### **Finding**

- In so far as this article asserted that the Stephen Lawrence Inquiry Panel had not been shown the Operation Russell files relating to Ray Adams, it was incorrect.

The Operation Russell and other files were clearly disclosed to, and reviewed by, the Inquiry Panel. Furthermore, its decision regarding the lack of relevance of the contents to the issues before the Inquiry was communicated to all parties by the Chairman’s letter of 25 June 1998, which also set out that, but for some words of advice, all the complaints made against Mr Adams had been found to be unsubstantiated.

#### **Finding**

- The position regarding Mr Adams, as we have found it in this Review, is substantially as it was at the time of the Stephen Lawrence Inquiry – there is no evidence providing any reasonable grounds for suspecting that he acted corruptly in the Lawrence murder investigation.

We reach this finding despite the general, and we feel justified, complaint expressed to us by a number of senior officers we spoke to that CIB2 investigations around alleged corrupt activity were limited in scope and somewhat unimaginative. The stark reality in the case of Mr Adams was that there was simply no evidence that he played any part in the Lawrence investigation other than to write a single letter to the Lawrence family’s solicitor at the request of Detective Superintendent Brian Weeden, or that he sought to influence others involved in it.

That remains the case following our review and, although we reviewed the full discipline files relating to Mr Adams, there is no reason for us to seek to reopen those very protracted investigations with a view to trying to redetermine the complaints made.

### **5.11.10 Independent Police Complaints Commission investigation in 2006**

In 2006, the Independent Police Complaints Commission (IPCC) carried out an independent investigation prompted by Neil Putnam's public claims on BBC *Panorama*'s 'The Boys Who Killed Stephen Lawrence' regarding Detective Sergeant John Davidson's alleged confession to him of having had a corrupt relationship with Clifford Norris at the time he worked on the Stephen Lawrence murder investigation, and that he had told CIB3 (Anti-Corruption Command) of it in the summer of 1998.

One of the questions the IPCC posed was whether the MPS, despite knowing or strongly suspecting that DS Davidson was corrupt, had misinformed and/or withheld such knowledge/suspicion from the Public Inquiry.

The material the IPCC obtained from the MPS included the 1999–2000 anti-corruption intelligence analyses and identified lines of further enquiry.

The IPCC concluded that there was no evidence to suggest that the MPS withheld information concerning the integrity of DS Davidson from the Inquiry and that it was, in fact, clear from the correspondence obtained during its investigation that the MPS ensured the Chairman was aware of the emerging facts concerning the allegations around DS Davidson.

There is no reason to think that the IPCC had access to the original anti-corruption database in 2006; indeed it may not even have known about it. But the 1999–2000 reports referred to a strong suspicion that DS Davidson was corrupt and the reasons for this, and the details of what Mr Putnam alleged concerning DS Davidson's corrupt activity before and after he worked on the Stephen Lawrence murder investigation were such that, in our judgement, the Chairman should have been informed of the details of the intelligence and Mr Putnam's debriefing regarding DS Davidson.

The correspondence between the MPS and the Inquiry (letters of 12 June and 11 September 1998) simply did not provide that, or any real, detail at all.

#### **Findings**

- It follows from our findings so far summarised that we do not agree with the conclusion reached by the IPCC in this regard in 2006.
- The IPCC also found Mr Putnam's allegation that he had told his debriefers in the summer of 1998 that DS Davidson had admitted having a corrupt relationship to be unsubstantiated, whereas we find it to be a live issue with powerful arguments on both sides, as we have explained.

In February 2014, following notification of the criticisms which we proposed to make about its 2006 report, the IPCC responded as follows.

As to the failure to disclose the nature of the anti-corruption intelligence to the Inquiry:

- a) It was clear that some disclosure was revealed to the Inquiry of "bad character" material relating to John Davidson, although this was not disclosed to the parties, consistent with the Inquiry's approach towards unsubstantiated allegations.

- b) Having been informed that Counsel representing the MPS (Jason Beer QC) and Junior Counsel to the Inquiry (Anesta Weekes QC) were both unaware of anti-corruption intelligence, the IPCC:

“accept that the intelligence material was not provided to the Inquiry and that it is reasonable to believe that at least some of that material might have been available in 1998. Therefore the IPCC’s 2006 investigation was wrong to have concluded that ‘there is no evidence to suggest that the Metropolitan Police withheld information concerning the integrity of Davidson from the Stephen Lawrence Inquiry’.”

- c) As to the content of the intelligence analyses, the IPCC stated:

“this material provides a potential link or conduit between Sergeant XX and Davidson, sufficient to fit within the ‘however remote’ language of the 21 September 1998 letter, and some of which may have existed in 1998. The material was therefore potentially admissible and there can be no doubt that it should have been disclosed if in existence. Therefore, having regard to the material referred to in the intelligence reports, the IPCC accepts that the conclusion ‘there is no evidence to suggest that the Metropolitan Police withheld information’ is wrong.”

As to the failure to disclose the contents of Neil Putnam’s debrief to the Inquiry, in so far as it related to John Davidson:

- a) The IPCC stated that the Inquiry was made aware of “further lines of enquiry” originating from Putnam in the letter of 11 September. It is correct that the letter does not provide the detail of the allegations. However, the Inquiry was then in a position to ask for those details if they thought they might be relevant. In their reply, on 21 September 1998, the Inquiry did not ask for those details. The IPCC believes that this approach was explained by the letter sent by the Chairman to all parties on 25 June 1998, in which it indicated that unsubstantiated allegations could not be relied upon. On that basis, the IPCC suggested that the allegations made by Neil Putnam were “entirely of a ‘bad character’ nature” and could not therefore have been used as an evidential basis for finding that Davidson had a ‘propensity’ towards corruption.

### Comment

- We do not accept this analysis of the significance of the allegations made by Neil Putnam in his debrief.
- Taken together with the intelligence position, which the IPCC accepts should have been disclosed to the Inquiry, we remain of the view that full disclosure should have been made to the Inquiry to allow it to conduct an informed assessment of John Davidson’s motives.
- We do not accept that “the Inquiry did not ask for those details” in its letter of 21 September 1998. On the contrary, we believe that the Chairman was explicit in stating that “any wrongdoing would go to Mr Davidson’s credit”. Such “wrongdoing” must, in our view, have included the intelligence position and the allegations made by Mr Putnam.

## 6. Our review of the role of undercover policing in the Lawrence case

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## Term of reference

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 might it have had on the Inquiry?

## 6.1 The allegations published in the summer of 2013

This area of our Review, as we have already identified, was added to our terms of reference following allegations that appeared in the media in June and July 2013. Those allegations can be summarised as follows.

### 6.1.1 The Guardian, 23 June 2013

On 23 June 2013 an article by Rob Evans and Paul Lewis was published in *The Guardian* under the headline “Police ‘smear’ campaign targeted Stephen Lawrence’s friends and family” (Appendix 13). The article described how a former undercover police officer called Peter Francis had spent four years living undercover in protest groups and had monitored a number of ‘black justice’ campaigns. These campaigns involved the relatives of mostly black men who died in suspicious circumstances in police custody. Mr Francis revealed how he had participated in an operation to spy on and attempt to ‘smear’ the family of murdered teenager Stephen Lawrence, the friend who witnessed his fatal stabbing and campaigners angry at the failure to bring his killers to justice.

Mr Francis was described as having been a member of the Special Demonstration Squad (SDS) within Special Branch. The practices of this squad were already the subject of investigation by Operation Herne, overseen by Derbyshire’s Chief Constable, Mick Creedon. Mr Francis had been co-operating with *The Guardian* as a confidential source since 2011 using his undercover alias “Pete Black” but had decided to reveal his true identity so he could openly call for a Public Inquiry into the undercover policing of protest.

The article reported that Mr Francis had said:

- a) his superiors had wanted him to find “dirt” that could be used against members of the Lawrence family in the period shortly after the racist murder in April 1993;
- b) in 1997 he had argued that his undercover operation should be disclosed to Sir William Macpherson, but that senior officers deliberately chose not to because there would be “battling on the streets” if the public ever found out about it;
- c) he had come under “huge and constant pressure” from his superiors to “hunt for disinformation” that might be used to undermine those arguing for a better investigation into the murder;
- d) his superiors wanted the campaign to stop, as senior officers were afraid that anger at the failure to investigate the teenager’s racist killing would spiral into disorder on the streets, similar to that which followed the death of Rodney King in the US;
- e) the family’s bafflement about why family liaison officers were recording the identities of everyone entering and leaving their household was explained by the fact that the purpose was in order to formulate intelligence on who was going into the house, which part of the

political spectrum they belonged to, if any, and to predict which way the campaign was likely go; and

- f) he had been involved in an effort to discredit Duwayne Brooks which had ultimately failed. He and another undercover officer had trawled through hours of footage from a demonstration in May 1993, searching for evidence that would incriminate Mr Brooks. They had found evidence that had led to Mr Brooks being arrested and charged in October 1993 but a judge later stopped the case.

The article also stated that the disclosures made by Mr Francis would be revealed in a book about undercover policing published the same week, and in a Channel 4 *Dispatches* programme to be broadcast shortly.

### **6.1.2 Channel 4 Dispatches, 24 June 2013**

The Channel 4 *Dispatches* broadcast the following day, 24 June 2013, featured Mr Francis. He explained that he had been deployed by the secret and very well hidden Special Branch SDS into Youth Against Racism in Europe (YRE), as “Pete Black”, around September 1993. This deployment had been because of the Stephen Lawrence campaign and the strong alliance of that group to its cause. Once inside the group he had risen to be Branch Secretary and had attended meetings on the group’s behalf, gathering intelligence relevant to public disorder. As to the Lawrence campaign, he said:

“I was also asked, the same as all other campaigns, ‘could I find out anything else that could be used to maybe get the public to not have as much sympathy for the Stephen Lawrence campaign as what it truly had?’ ‘Is there anything that police could possibly use through the media to start maybe tarring the campaign?’ It means the amount of sympathy that that campaign can generate locally is going to be vastly diminished... They wanted any intelligence that could have smeared the campaign, yes, there is this general remit, so had I through my circles come up with something along the lines of, they, the family were political activists, someone in the family was involved in demonstrations, drug dealers, anything. What they would have done with the intelligence I can’t call it, but that is our remit, not just for them, that is always our remit when we are out there, we find out intelligence and then, if it is needed, then it will be used... I wasn’t successful, no SDS officer was successful in finding anything really concrete, it was just a bit of hearsay, tittle tattle, there was rumours and conjecture that the family itself may have not have been a sort of loving caring home, that was passed on about the family, that could have been used, may have been used, if they were really desperate to try to smear the family... The family liaison officer who was in Stephen Lawrence’s house was taking all the details of all the family members who were there, all the visitors who actually gave their details. This was then passed to the area Special Branch, the area Special Branch then passed it through the Special Branch to the Special Demonstration Squad and we were asked to comment on these individuals, whether or not, in their words ‘they were politicians’, or who or what they were... that would then allow us to make the assessment, which way this campaign was likely to go in the public disorder arena...”

[Narrator] “There is no suggestion that the family liaison officers knew the purpose or destination of the information they collected.”

[Mr Francis] “We only respond to external requests, so an external request, that I’m not privy to, would come in ‘Right, what do we know about the Stephen Lawrence campaign?’... Sir Paul Condon came to visit us at a flat and thanked us for intelligence gathered about a demonstration and presented us with a bottle of whisky...”

[Narrator] "What's not known is if the former Met Commissioner was aware that the SDS was gathering intelligence on the Lawrence family that could be used to smear them, so we asked him, he said: 'I cannot rule out a meeting with Special Branch officers, but I have no recollection of any meeting... I am certain that in my time as Commissioner I never authorised, condoned or was aware of the alleged activities of Peter Francis or any other officer being allegedly tasked to seek intelligence to discredit Mr and Mrs Lawrence.'"

And as regards Mr Brooks, Mr Francis said:

"We did start to look at Duwayne to see if there was a possible way that we could smear the campaign by a different direction..."

[Narrator] "Just a month after Stephen's death an anti-racist demonstration outside South East London BNP headquarters turned violent. Peter Francis picked up intelligence that Duwayne Brooks may have been involved, he reported the intelligence back to his superiors and was asked to dig further."

[Mr Francis] "... Myself and another SDS officer went through the material we had, the media we had and between us we identified him participating in some perceived criminality. This then was sent through the same chain of command, Special Branch DI, DCI, out to the Division again and the decision was obviously made to go and arrest Duwayne for said offences... They did seem pleased... I think also it provided probably the first 'in' ever in the Stephen Lawrence campaign, this was a clear 'whiter than white' campaign, 'can't be tarnished', the public's all behind it, all of a sudden Stephen Lawrence's friend was actually a violent activist..."

[Narrator] "A month after Peter Francis found the footage, the teenager was charged with criminal damage and violent disorder... the case was dismissed as an abuse of process."

"In 1997 allegations of police racism persisted, all denied by the then Commissioner of the Metropolitan Police, Paul Condon: 'The facts and the independent facts don't support that assertion...' However, the following year a Judicial Inquiry led by Sir William Macpherson was launched... In February 1999 the findings were published that the investigation had been marred by professional incompetence, by institutional racism and by a failure of leadership by senior officers... the report did not touch on undercover police officers... Peter Francis claims vital information was held back from the Inquiry, despite his attempts at the time to make Special Branch come clean..."

[Mr Francis] "So when I actually informed them, it went first to the DI Robert Lambert, it then went to Superintendent in Special Branch who's responsible for the overall decisions, it actually then went up to Commander Special Branch, who came out to see me. It can be encapsulated roughly along the following lines: 'If the public was to find out you were undercover there, they would still be battling on the streets about a year to come... so our whole idea is to prevent disorder, if we go in there and say we were undercover in there it will reignite disorder that hadn't taken place with Lawrence for quite a while.'"

[Narrator] "In response to these allegations the former Commissioner Paul Condon told *Dispatches*: 'I never authorised, condoned or was aware of... Peter Francis or any other officer being allegedly tasked to seek intelligence to discredit... Duwayne Brooks. Nor was I aware or would I have authorised or condoned any withholding of information of any kind from the Judicial Inquiry... Such action if it took place would have been clearly wrong and in direct contravention of my instructions to the Metropolitan Police to co-operate fully with the Inquiry.'"

The *Dispatches* programme also explained that, after leaving the Metropolitan Police Service (MPS) in 2001, Mr Francis had brought a civil case against the MPS claiming damages, after being diagnosed as suffering from post-traumatic stress and identity disorder. Mr Francis described this on screen as him being “Pete Black” the anti-fascist now, having said goodbye a long, long time ago to who he really was. He had got divorced since then, and had lost “pretty much everything”.

### **6.1.3 Undercover: The True Story of Britain's Secret Police, published 25 June 2013**

The author's note and acknowledgements indicate that the authors (Rob Evans and Paul Lewis) owed particular thanks to “Pete Black”, as their book could not have been written without him. We have assumed that the parts of their book that purport to describe Mr Francis' work for the SDS reflect what he told them.

The sequence of events attributed to Mr Francis in relation to his undercover deployment of relevance to the Lawrence family and Mr Brooks is as follows:

- a) His initial mission, which was amended shortly before he went out into the field, was set out in a report produced by the head of the SDS in September 1993, entitled ‘Targeting Strategy’.
- b) Within weeks of him starting in the field in September 1993, he was gathering intelligence from within the YRE on a large demonstration planned against the British National Party (BNP) headquarters in Welling on 16 October. South East London had by then become notorious for racist attacks.
- c) At an unspecified time – other than that it was said to coincide with the Commissioner, Sir Paul Condon “coming under persistent pressure from the Lawrences over the failure of the police to mount a proper investigation into the murder of their son” – the authors state that “Black's deployment was changed as a result of a secret order from the top of Scotland Yard, requiring the SDS to place the Lawrence campaign under surveillance, and he was told to ‘get any information on what was happening in the Stephen Lawrence campaign’, there was huge pressure from the Commissioner downwards... Commanders were concerned public anger would spiral into disorder on the streets... and Lawrence became a constant pressure throughout his deployment on him to find anything that would discredit these campaigns. He and two other SDS officers were all ‘hunting for disinformation’ about the family that could be used against them, and he had put total conjecture into reports.”
- d) When that failed and the Lawrence family could not be undermined, there was a concerted effort to find dirt on Mr Brooks, who was by then becoming involved in anti-racist campaigning. Mr Brooks had visited Kingsway College where “Pete Black” had based himself as a means of infiltrating the YRE, and “Pete Black” had “watched him all the time”. Later, “Pete Black” and another SDS officer embedded in the anti-racist movement had trawled through hours of footage from one of the anti-BNP demonstrations as the police were desperate to find any evidence that Mr Brooks himself participated in the violence. They were successful and as a result Mr Brooks was arrested in October that year, after the Lawrence suspects were released.

The authors also state that – after the Stephen Lawrence Inquiry had been announced (July 1997) and during the period that the MPS became increasingly concerned at the shift of public opinion against it, and after the *Daily Mail* had backed the Lawrence family campaign – “Pete Black” felt strongly that the time had come for the force to admit that it had been spying on the ‘black justice’ campaigns. He felt that the MPS should disclose his personal deployment in the anti-racist movement, including

the fact that there had been a secret order from the top of Scotland Yard requiring the SDS to place the Lawrence family campaign under surveillance. When he argued for such disclosure to the Stephen Lawrence Inquiry, he was overruled, he believed by the top of Special Branch, because the remit of the SDS was to prevent disorder and the consensus was that if his role had been made public the streets of London would have erupted all over again. By then, the summer of 1997, “Pete Black” had already started to plan his withdrawal, and on 27 September 1997 he left the SDS.

### Comment

- This appears to us to relate to late 1997 when, for example, the *Daily Mail* was amongst the first to publicly back the family’s case that the police had been guilty of appalling errors in the initial murder investigation (Appendix 14).

## 6.1.4 The Guardian website live Q&A with Peter Francis, 25 June 2013

A live question and answer session with Mr Francis was held on *The Guardian* website on 25 June 2013. The following exchanges were published:

“Q: Can you clarify whether you know or merely assume the purpose of your investigation of the Lawrence family was to smear them? If it is an assumption is this because of widespread other smearing of complainants? Alternatively could the investigation have been just to get background on the complainants? The latter would be an abuse, but smearing would be disgusting and in a different league.”

Mr Francis replied:

“Gathering intelligence secretly about campaigns, and then using that to potentially undermine them are separated, by a very thin line. Had I found out anything detrimental – and newsworthy – about the Lawrence family, the police, using the media then, would have used that information to smear the family. My superiors were after any intelligence of that order. That was made clear to me. But I would just like to clarify, the Lawrences were not unique in this. The same went for the other justice campaigns that I have already said I infiltrated. I would suggest journalists read back some of the information leaked to the press at the time about some of these campaigns run by relatives – and seriously question where they came from and why. They should also look back at how some of the tabloids reported the Lawrence death very early on – I know that changed as the campaign progressed.”

## 6.1.5 The Observer, 14 March 2010

We note that *The Observer* had published an article in March 2010 (Appendix 15), describing the activity of an SDS officer referred to only as “Officer A”, who also appeared in film attached to the website article using voice disguise, but who gave a very similar account of his work to that now publicly identified by Mr Francis as being his story. That account, as published in 2010, made no mention of him having been tasked to look for information capable of ‘smearing’ the Lawrence family, or Mr Brooks, or of him having trawled over footage of the May 1993 anti-BNP demonstration in order to identify Mr Brooks. The short film on the website article stated that, at the time of the Stephen Lawrence Inquiry, there had been huge concern in the SDS as to whether they had to disclose the deployment of undercover officers into “black campaigns” and that it was decided at a senior level not to do so as it had a significant public disorder potential and there was no way anyone would know about it, but it was not mentioned specifically in relation to the Lawrence family or Mr Brooks. Mr Francis has confirmed to us that he was the SDS officer on the film, i.e. “Officer A”.

## 6.2 The role of undercover policing

For the purposes of our review of the role of undercover policing in the Lawrence case, we have liaised with the on-going Operation Herne investigation being supervised by the Chief Constable of Derbyshire Constabulary, Mick Creedon.

Peter Francis' claim to have been tasked to gather intelligence that might be used to 'smear' or undermine the Lawrence family campaign came during the course of Operation Herne's investigation into the role of undercover policing across a far broader spectrum than just the Lawrence case. In order that our Review could report on the role of undercover policing touching on the Lawrence case in this report, it was agreed that Operation Herne would prioritise its investigation of any 'Lawrence-related' undercover Special Demonstration Squad (SDS) activity and share the results with us.

As a result of that liaison, Operation Herne has made a number of tranches of material available to us since July 2013. We have also pursued our own lines of enquiry with various people who have agreed to speak to us.

In the light of the on-going and broader Operation Herne investigation it is obviously important that we do not stray beyond our narrower terms of reference.

We do not, accordingly, purport to comment on the highly contentious issues of how SDS officers went about creating false identities, managed the proper limits of their relationships with individuals they encountered in their undercover role, or dealt with being arrested and prosecuted in their undercover identities.

We have nevertheless sought to gain a general understanding of the way in which the SDS operated, because it is the inevitable context to an evaluation of the role of undercover policing in the Lawrence case.

### Comment

- It suffices for the purpose of our Review to comment that, on any view, the methods that some members of this squad resorted to, in terms of the deceptions practised and conduct undertaken, clearly involved at times the violation of other individuals' human rights, and appear also to have extended to deceiving courts. The justification advanced for such conduct has been essentially that the value of the intelligence gained justified such levels of collateral intrusion and damage.
- When looking at the propriety of undercover policing as it touched the Lawrence case, we cannot ignore the background fact that, by 1993, the SDS had become accustomed to taking extraordinary steps to enter and maintain long-term undercover operations. These steps took the SDS, so far as we are aware, into uncharted territory of sensitivity in terms of the collateral intrusion and damage that was caused. We also cannot ignore the fact that there appears to have been a veil of absolute secrecy, based on the overriding reassurance that the activities of the SDS would never become public knowledge. This can become a substitute for a robust challenge of the propriety of the conduct.
- As regards any other undercover policing outside of Special Branch, the Metropolitan Police Service has told us there is no evidence or indication that there was any other undercover policing touching on the Lawrence case other than that carried out by the SDS within Special Branch.

### 6.3 Peter Francis

Further public statements made by Peter Francis after July 1993 indicated that he was not prepared to speak to Operation Herne because he had been warned that he risked prosecution under the Official Secrets Act if he disclosed details of his Special Demonstration Squad (SDS) work, and that he was only prepared to speak in a public forum.

Accordingly, we delayed contacting him to invite him to speak to us until after the Attorney-General was able to consider and respond to our request as to what, if any, form of undertaking could be provided to Mr Francis in the event that he did speak to us.

The Attorney-General decided that an undertaking could be given that would provide protection to Mr Francis from anything that he might tell us or provide to us relating to the public claims he had made being used against him in any future prosecution (Appendix 16). We notified him of the undertaking, and invited him to speak to us. After some correspondence seeking to clarify the extent of the undertaking, he agreed to speak to us. He did so in January 2014, after we agreed that we would not share what he told us with Operation Herne.

Our conversation with Mr Francis allowed us to clarify and expand on some of the detail of the matters reported in the media in 2013 as follows.

- a) He believed that his first eight months in the SDS (January to August 1993), prior to beginning his undercover deployment, had been somewhat unique. His Detective Chief Inspector in the SDS, N86, lived along the route he took to and from work. Almost from the beginning, he had driven N86 to and from work. On these journeys, he said, there had been quite a lot of discussion about the work of the SDS. Mr Francis felt that he had thereby gained a very good level of knowledge about SDS work, far beyond that he would have gained just by working in the back office.
- b) He said that, shortly after Stephen Lawrence was murdered, DCI N86 started to express a concern as an SDS manager that there was a lack of good intelligence available. This was despite there being a number of undercover officers deployed in that general area, on the range of political 'black justice' campaigns on-going at the time (including the Lawrence family campaign) which had a growing potential for serious public disorder.
- c) A potential opportunity was later recognised for deployment within the left-wing Youth Against Racism in Europe (YRE) group (which had only very recently been set up) to be a source of such intelligence. Mr Francis was told to begin to prepare for entering the group undercover. He felt that had he not had this unusual relationship with DCI N86 he would not have known about the pressure N86 felt in this regard. The feeling that N86 expressed to him around the risk these campaigns presented was very serious. He described it as "a sort of public order abyss" if the SDS did not sort the situation. DCI N86 also used to refer to them "stopping the campaigns" and of having to stop the political groups using them for their own ends. This was where the word "smear" came up, as in "we are looking for anything that is going on".
- d) Mr Francis told us that within the SDS many of the 'black justice' campaigns were perceived as presenting less of a problem than the Lawrence family campaign. This was because there was often existing police information concerning the dead or injured person who was the subject of the campaign that enabled them to be presented as unreliable (such as a criminal background or other discreditable conduct). The Lawrence family were both credible and

apparently of good character. Together with the support they had from their solicitor Imran Khan, and from some public figures, their campaign was seen as particularly difficult for the Metropolitan Police Service (MPS) to deal with. As Mr Francis understood it, the defining problem for the MPS with the Lawrence family campaign was that, within the first days, Mr Khan had become involved in representing the family and he “was believed to be a politically motivated troublemaker”.

- e) Mr Francis told us that DCI N86 frequently referred to black people using racist language. N86 made it clear to Mr Francis that he had no respect for a black officer in the SDS or the work he produced. N86 had also expressed his strong feeling that various protest groups were trying to politicise the ‘black justice’ campaigns and lead them down a path that would result in a potentially very serious public order risk. He suggested there was a real risk of the MPS having to face a similar kind of public order ‘meltdown’ as the Rodney King incident had sparked in Los Angeles and that it was the SDS’s job to prevent it.
- f) When Mr Francis was still in the back office, before his deployment in September 1993 and not long after Stephen Lawrence was murdered, DCI N86 had produced a list of names that he said had been recorded by the family liaison officers and was a list of people who were in the Lawrences’ house. He asked Mr Francis to research them. Mr Francis had then stapled the list into his SDS diary (which was in his personal SDS box file when he left the SDS).
- g) Mr Francis said he was unaware of any practice that an undercover officer’s records would be destroyed for security reasons when they left the SDS, but he would expect that the SDS had made sure there were no records surviving with the word ‘Lawrence’ on them, for cynical reasons.
- h) Mr Francis told us that it had been DCI N86 who had effectively been running the squad at the time, but Chief Superintendent Robert Potter had also been aware of the desire for any intelligence that might be used to stop the ‘black justice’ campaigns. Detective Inspector Bob Lambert had not been involved as he was not his manager at that time. He said that Mr Potter had also referred to black people in racist terms, and that he had been aware of what was going on in the Lawrence house and of what direction he was given regarding reporting back any intelligence that could be used to ‘smear’ the Lawrence and any other such campaigns.
- i) We asked Mr Francis to clarify how he came to think, as had been reported in the media, that pressure to find such intelligence had been applied to the SDS from the top of Scotland Yard. He said that he had thought that the Commissioner’s attendance after the Welling demonstration might be an indication of involvement in the pressure from a higher level within the MPS. However, he accepted the visit could simply have been the Commissioner wanting to thank those who had provided high-value public order intelligence that had enabled the MPS to successfully deal with the disorder that day. He had also been aware that DCI N86 had meetings with the public order units outside Special Branch, and he believed that the fears of serious public disorder certainly existed outside, as well as inside, the SDS. On reflection though, he said that he had no evidence of pressure or tasking to ‘smear’ having come from above, and that it may well have just been a ‘self-generated’ pressure within Special Branch:

“Q: Correct me if I’m wrong but it sounds to me... you don’t have anything that can say, ‘Look, it must have been the case that either the murder investigation or Division, or the Commissioner’s level, were actively seeking material of this sort.’ All you know is that, in

the SDS, there was certainly a feeling that, if material could be gathered that could be used that way, they needed to know about it.

“A: Correct.

“Q: Okay. That – and, again, I’m trying to summarise it in a way that I may have to in the report – seems to me to be, objectively, potentially an internal SDS initiative. I haven’t got, at the moment, the evidence that that tasking element emanated from outside the SDS.

“A: And I can’t provide it for you.”

- j) Mr Francis said that he began to attend the college where he might secure an entrance to the YRE in early September, a few weeks before his undercover deployment officially began on 27 September 1993. He then heard, very early on, from members of the YRE that the Lawrence family themselves were not political at all and that they had cold-shouldered attempts by them and other organisations to get close to them. Mr Khan, on the other hand, was believed to be political and it was felt he might be leading the family in a particular direction.
- k) It had been around the week that his formal deployment commenced that he had heard from YRE members that Duwayne Brooks had been involved in the 8 May 1993 Welling anti-British National Party demonstration and he reported that back to DCI N86. He told us that nobody had ever been tasked to find anything out about Mr Brooks. It was routine for SDS officers to try to identify people who were at protests they attended, but this was different as he had just happened to hear it while deployed and so he reported it back to N86.
- l) He had been aware that SDS officers had reviewed the footage of the May 1993 demonstration shortly afterwards, but that nobody had identified Mr Brooks then. As a result of reporting this intelligence back, he was asked to review the footage, as he had by then met Mr Brooks at a social event he attended at Kingsway College. He did so with another officer and identified him around the beginning of October 1993. That would then have been shared with the Area Division in an anonymous format unattributable to the SDS. After Mr Brooks had been arrested and charged on 6 October 1993, N86 had congratulated Mr Francis and he had assumed his intelligence had been instrumental.
- m) Mr Francis emphasised to us (as he had already publicly sought to clarify on *Channel 4 News*) that it was never suggested that he should make anything up, just that if he came across anything that might be used to discredit the campaign, he should report it in. He also confirmed that, with one exception, he had never found any such intelligence. The exception was that he had reported back that he had been told a rumour that Mrs Lawrence might have been out drinking without Mr Lawrence on the night of Stephen’s murder. This possibly suggested that things could have been less happy between them than might otherwise have appeared. Mr Francis said DCI N86 had been pleased to get that information and said it was exactly the sort of thing they were looking for. Mr Francis was unaware of whether it had ever been shared with any other person in the MPS.
- n) Mr Francis said that throughout his undercover deployment into the YRE he never got close to the Lawrence family or their campaign, as they would not let the YRE get close to them. Other than what we have referred to above, he said that the hearsay intelligence he reported back about what others were saying regarding the Lawrence campaign had been, throughout, that they were an honest, grieving family and that there was nothing ‘on them’.

He said that he had not really discussed the issue of being asked by DCI N86 to report back any intelligence that might be used to smear the Lawrences with either DI Lambert or the sergeants who processed his incoming intelligence.

- o) From around the summer of 1996, as he recalled, it began to look likely that if Labour won the general election in May 1997 they would announce a Public Inquiry. He said there had been some worry within the SDS that Jack Straw might 'come after' the SDS as Home Secretary, and that there would be a lot of questions about the work they did. By then, DCI N86 had left and DI Lambert was effectively in charge. Mr Francis said he began to worry that one way or another he might be revealed as having been an undercover officer, and around May or June 1997 he raised it with DI Lambert. He also spoke to N86 about it. The response was that any public disclosure would cause riots in the streets. Mr Francis said that he then asked that the issue be taken to a supervising officer, but he was told and he concluded that there could be no public disclosure. Mr Francis was then led to believe there would be some consideration as to whether there might be disclosure to Sir William Macpherson 'behind closed doors' as to the fact of some undercover deployments (not the 'smear' aspect). The debate was whether any disclosure could be made at all. He felt it should not have been left to him to raise this issue, as the Commissioner obviously had notice that the SDS were deployed into these groups (as he had come to thank them in 1993).
- p) Mr Francis suggested to us that we should speak to N78 as a person who he would expect to be able to confirm what he was alleging, namely the pressure that DCI N86 had applied to report back intelligence capable of use to 'smear' the Lawrence family campaign and the receipt of the names said to have come from the family liaison officers. Mr Francis said that N78 would not be able to confirm the racist language used by N86 and Mr Potter, as it had not been used in N78's presence.
- q) We asked Mr Francis if he wanted to comment on the fact that a number of SDS officers had reacted to the claims that he had made publicly in 2013 by saying that he was lying. He said:

"A: The SDS is split into roughly two groups: the light SDS officers and the deep-swimmers. The deep-swimmers, they would have under their repertoire of things to do, would include the tasking I was given. Some of the lighter swimmers, in all honesty, they were just coasting on with their groups and they were fairly rubbish. So, the deeper swimmers, they would have been tasked with more difficult things to do, which I was there. The same thing for these deep-sea swimmers. If they were to be publicly identified, I think anything they were actually saying there, that they would never do this, they never done that, would have been proven to be a total lie. I think Bob Lambert, I think anything he has to got to say in any of the areas is totally disparaged, and his targets would happily say that Bob Lambert would have done anything against his target groups, including that lot.

"Q: So, they're lying in order not to have to face up to the fact, so they're covering up their own problems, in that sense.

"A: One segment, and the other segments, I think, in all truthfulness... They've been totally truthful to you. They have not got a clue what it was like to be a proper deep-swimmer SDS officer."

- r) We also asked if he wished to comment on the fact that others had pointed to him becoming increasingly paranoid before he left the squad, and remaining unwell thereafter. He said:

“When I came off the SDS that September '97, I then had six months off, accumulated rest days, that I spent a vast amount of time by myself – a lot of the time, despite being married with kids, I spent quite a lot of time by myself. I then came back in March 1998, back into Special Branch, at the time the Macpherson Inquiry was just starting, so I had all the pressure of the Macpherson Inquiry... I'd left Pete Black, the role that I was in at the time, September '97... When I arrived back in March '98, that's who I was, so I was basically going back into Special Branch and I really didn't like the police. I hated the police, everything around me at the time, so it was a very, very difficult period of time. It then all just basically came to a head, and I ended up having a full nervous breakdown by the time I reached April 2001. That involved me being medically retired from the police force... I went to the New Scotland Yard Police Federation rep... and just said, 'I should be seeing the Federation rep in the Special Branch but I won't. This is my story.' That then led to the beginning of my five-year battle against the police – the civil case, just purely on psychological grounds. Then good old Bob Lambert, he became the port of call between me and the police, because I was out on a limb, and that was my regular contact. So, this is where all the threats about the OSA [Official Secrets Act] came in, but they didn't really have to threaten me that much, because I was actually exceptionally loyal. All I was saying was, 'I just really am not very well here.' I then went to see... It started off with nonsense people in the Met but I ended up seeing Professor Gordon Turnbull, a leading PTSD [post-traumatic stress disorder] trauma expert, and basically that's where he diagnosed me in the chronic... and the top end of the spectrum of the complex. That's what he diagnosed me with, but also identity disorder, as in I just actually couldn't get out of role. And that's really where I was throughout the entire trial, all the way up.

“Just before the trial came about in 2006, we had a mediation meeting... What I really wanted was somebody, for the first time ever, to just apologise to me or acknowledge that it wasn't my fault. Somehow, I'd done the work to my best ability and I just can't get out of this role. That broke down, didn't happen, and that didn't happen there. Just before it was due to come to court, that's 9 June 2006, I was... they done a settlement outside of court, with the usual sort of secrecy order slapped on it... that was it, finished. I then went off for a little break for a little while. I then decided that my longer-term ability to move forward still revolved around this apology, plus I had never been given my SDS commendation that I'd been given when I was out there. I chatted about all this with Professor Turnbull and he felt that I'd reached as far as enough from the treatment... we got rid of the triggers. He just felt, if I didn't turn it into a massive battle, he thought it might actually be worth me trying to go for the apology, so I then did.

“I then started off on the police again and I wrote to them... and said, 'Look, I haven't got my apology or my commendation. I'd really like to have one.' 27 September 2007, exactly 10 years on from the day that I left the SDS, I went back into New Scotland Yard, into the then defunct Special Branch. Commander of Counter-Intelligence there gave me the commendation in the presence of Bob Lambert... and basically he apologised for not providing more care for me. Limited responsibility but he accepted it, so it made me feel good. And then he just made the mistake – and this is actually what then led to all of this lot that actually happened. He then, after we finished there, we went off for a drink, me and this other officer as well.

“At the end of the evening, he just turned round and said, ‘Right, you’re back into the club now’... ‘Next year, 28 October, is our 40th anniversary. Because you’re now fully in and everybody accepts you, you’ll be coming along too to that.’... In the run-up to that, I spoke to Bob Lambert and he just said that – he lies. He lies all the time. He said, ‘I tried very, very hard on your behalf, tried to get you to come along to the 40th anniversary, but, in Masonic terms, the black balls have outweighed the white balls, and also you’re regarded by the ones who’ve done it again as being disloyal for the SDS.’ And I just said, ‘Mental illness I wouldn’t regard as disloyalty, and I’ll have to accept what you did.’

“29 October, I try to make contact with Tony Thompson from the book with a view to getting my book out to tell the story of the SDS, and I was going to show them really what disloyalty actually maybe really does mean, because I had been a phenomenally loyal officer, and the only thing I would never do... would never reveal any names, and all the names that *The Guardian* has shown up have all been by people who’ve found other SDS officers out. I’ve never done anything at all, and that was the only thing I went in with. I would tell everything about what I did, but when I went in, I never focused on ‘It’s going to be the Macpherson aspect’ or ‘It’s going to be this aspect.’ It was just, ‘This is my story.’

“And to this date, to bring us up to date, I then started to feel a bit better, and I’ve got to say, since... We then had the run-up to... Tony couldn’t get the book published. He went round to various different publishers – this is what this pitch was all about. We then almost stopped doing everything because we couldn’t get the book, he didn’t want to do a series of articles, and I actually didn’t want to do a series of articles either, because I felt the series of articles weren’t accurate enough. People who read a book will maybe read all of it rather than just little snippets of it. Paul Lewis and Rob Evans then came across the Mark Kennedy story, and Mark Kennedy was then being portrayed as a rogue officer who had sexual relations. That’s when I said to Tony, not with a view of trying to restart his book, but ‘Look, you know what I’ve got to say about it. Introduce me to these two journalists’... That’s where we started from then, and then I just kept along.’”

## 6.4 N78

As Peter Francis suggested that we look to N78 as an officer who should be able to confirm some important aspects of what he claimed, we approached N78, who agreed to speak to us.

- a) N78 had joined Special Branch in 1986 and then the Special Demonstration Squad (SDS) in 1991. N78 was then deployed undercover into left-wing groups in the summer of 1991 until late 1995.
- b) By the time of N78's deployment there had already been a number of 'black justice' campaigns. A number of left-wing and other groups had made it their business to try to associate themselves with and influence these campaigns as a means of promoting their own political agenda.
- c) After Stephen Lawrence was murdered, N78 agreed that the Lawrence family campaign had become something of a torch for other campaigns to follow and both the left- and right-wing groups were warming up around it, trying to progress their own agendas through association with it.
- d) During undercover deployment the closest that N78 got to the Lawrence family was being a spectator at some public meetings where they spoke. N78 never met them or spoke to them. However, N78 did pick up intelligence about the Lawrence family campaign through indirect means, and by knowing people who were close to the family. If N78 thought that the intelligence might be of significance to any aspect of Special Branch's remit, including where any activist group might be going, N78 reported it back. Thereafter it was for the office to decide what was done with it. N78's role as an undercover officer was to report back any intelligence that might be of use to Special Branch.
- e) N78 typed reports on a computer and handed over a typed sheet at the weekly meetings held with undercover officers. There was rarely any discussion about what their undercover reporting was being used for. Sometimes the office representative would ask if they could find out specific things they were interested in, but such 'direction' was only ever oral. N78 would not expect a written record of such 'direction' to have existed.
- f) N78 believed that records such as incoming reported intelligence would be retained after N78 left the SDS. It was part of the intelligence function not to destroy intelligence that might be of future use. However, N78 was also aware of there having been occasional 'document reviews' from 1998, as a result of which significant quantities of records were destroyed. N78 had no knowledge of any practice of destroying records relating to individual officers when their undercover deployment came to an end, but was not surprised that the intelligence reports N78 had filed had at some stage been destroyed.
- g) N78 agreed that there may well have been some pressure felt within the SDS regarding the breadth of coverage the squad had of activist groups associating with 'black justice' groups. N78 also agreed that things got more intense going through 1993. N78 confirmed that such pressure could well have been the reason why Mr Francis was deployed into Youth Against Racism in Europe.
- h) N78 provided quite a lot of reporting about the Lawrence campaign. That reporting might well have contained personal information if N78 felt it might be of relevance to any part of Special Branch. N78 accepted that the consequence was that there might have been

intelligence reported back to the office by N78, or another undercover officer; that was **capable** of being used to undermine a campaign. However, N78 had never been made aware of anyone within SDS **seeking** intelligence for the purpose of it being used to undermine any 'justice' campaign, including the Lawrence family campaign, during N78's time there.

- i) When we asked N78 about Detective Chief Inspector N86, N78 told us of concern engendered when N78 had witnessed first hand an incident in which N86 failed to give the proper level of credit to a black officer for a valuable piece of intelligence gathering that the officer had carried out. Instead, N86 gave the credit to a white officer. N78 had raised concern about the reason behind it with Mr Francis at the time in 1993. Mr Francis had responded to N78 with a comment that inferred that the reason might be racism on the part of N86. N78 raised the issue many years later with Bob Lambert, and at a more senior level. N78 indicated that such a tendency in N86 was never denied.
- j) N78 could not remember DCI N86 (or anyone else) producing a list or lists of names of people said to be visiting the Lawrence family home shortly after the murder. Nor did N78 recall there being any request to research such people. However, N78 told us that it was quite possible it had happened as it was not unusual for the SDS to be interested in the names of individuals who were associating themselves with justice campaigns in order to establish what, if any, activist group they might belong to or be affiliated with. N78 said that there was also a lot of interest in anyone close to the Lawrence family and in which organisations were trying to connect themselves to the family's campaign. N78 knew people who were close to the family as well. N78 would not be surprised if such names had emanated from family liaison officers either, as all family liaison officers remained investigative police officers. N78 would expect any contact between Special Branch and an investigation to have gone via a local Special Branch contact point – whether it was an incoming request from the investigation to identify visitors to the Lawrence family home (if they perceived them to be getting in the way of an effective liaison relationship) or the result of Special Branch seeking the information as to who was associating themselves with the family for their own intelligence purposes. Whilst N78 had no specific recollection of this actually happening in relation to the Lawrence family home, it is obviously of some significance that N78 regarded such activity as entirely routine. N78 also saw the sense in Mr Francis being shown such a list, as his group was closer to the Lawrence family.
- k) We pointed out the potential for such activity to be perceived by a grieving family as inconsistent with their understanding of the role of a family liaison officer. This was whether or not the family liaison officers were 'tasked' to gather the names or just decided to do so. N78 commented that such a misunderstanding was rooted in the failure of an investigation to make clear to a family that even a family liaison officer remained a police officer under a duty to report any potentially relevant information back to the investigators. This, N78 suggested, may well have been a more general policing issue in 1993.
- l) N78 doubted very much if DCI N86 could have felt pressure to seek any intelligence that might be used to undermine the Lawrence family campaign without other officers knowing about it and being involved. N78 felt that other officers in the SDS would not have countenanced such a purpose.
- m) N78 said that the idea that anyone in the SDS might feel that it was appropriate to use any intelligence that was reported back to 'smear' a campaign was "completely alien" to what they did in Special Branch. N78 also felt that the Metropolitan Police Service (MPS) was not

sophisticated enough to action such a plan in any event. Generally the MPS was exceptionally poor at defending itself, even where a defence was genuinely available.

- n) N78's real point of emphasis was that at no stage, to N78's knowledge, was the SDS looking at the Lawrence family. The SDS was simply looking at the organisations around the family. There was an element of the SDS acting to prevent or frustrate the aims of an organisation that had latched onto a campaign, but that activity was directed at the organisations and not the campaigns themselves.
- o) We suggested to N78 that if there had been a "thinning of patience" and a degree of indignation towards the family within the MPS at the time, then there must have been some potential for this manifesting itself in a request for any intelligence that might be used to redress the balance. N78 did not deny that potential, but maintained that it was simply not something that N78 had any indication had occurred at the time, and that N86 could not have acted in that way in isolation. If it had happened, others would have known and would not have approved or agreed.
- p) N78 confirmed that it was routine for SDS officers to be provided with images of people who had been on marches and protests where criminality had occurred. If the officer identified any individuals, a sanitised report would be sent to the appropriate division for them to investigate further. N78 had been involved in viewing the images from the 8 May 1993 demonstration shortly after the event. N78 was unaware of any identification being made of Duwayne Brooks in this way. N78 had no knowledge or involvement in relation to Mr Brooks other than being aware of what was in the media. However, if present at a meeting when it had been discussed, N78 would not really have taken any notice anyway.
- q) N78 had no knowledge or involvement in any discussions within the SDS at or around the time of the Stephen Lawrence Inquiry as to whether any disclosure of the SDS undercover work should or should not be made to the Inquiry. N78 had left the SDS by 1996.
- r) N78 had very few dealings with and little knowledge of Chief Superintendent Robert Potter.
- s) N78 emphasised that Mr Francis had been a good undercover officer, but that he had been highly damaged by his undercover work. N78 met Mr Francis some years later and noticed a real change in him. N78 believed that Mr Francis had become very embittered against the MPS, and he was obviously unwell. N78 concluded that Mr Francis found it very difficult to shed his undercover persona, and that much of Mr Francis' anti-police feeling may have resulted from this. Mr Francis indicated to N78 that coming forward about his undercover work was part of dealing with the damage that he had sustained. Mr Francis also referred to what he believed to be an absolute betrayal of him by the wider MPS.

## 6.5 Detective Chief Inspector N86

Operation Herne told us that Detective Chief Inspector N86 (Special Demonstration Squad (SDS) 1993–1995) had declined to be interviewed.

After it became clear to us that Peter Francis alleged that N86 was central to his claim of having been tasked to gather any intelligence capable of being used to undermine the Lawrence family campaign, we wrote to N86 in order to provide him with an opportunity to respond to those claims.

In summary N86 provided the following response:

- a) N86 denied using any expressions involving racist overtones and emphasised that the SDS had “a highly developed awareness of racial, gender, sexual orientation and religious issues”.
- b) N86 denied any suggestion that he had failed to recognise the contribution of a black officer in gathering intelligence relating to the Welling demonstration in 1993. N86 indicated that “a number of officers made a valuable contribution to the compilation of the assessment which detailed the considerable threat posed to public order at that time”.
- c) N86 denied that there was any tasking against the Lawrence family during N86’s time of service within the SDS. N86 stated that “all deployments were subject to the approval of senior officers. There was no pressure to access such intelligence as is alleged. All tasking requests were generated within SO12 and subject to approval by Senior Management.”
- d) N86 denied being provided with the report on the Lawrence family containing personal information about Mrs Lawrence.
- e) As to the circumstances of Mr Francis’ deployment, N86 indicated the following:
 

“My recollection is that he was deployed against the target he mentions... and was based in North London. Also, I think he was asked to monitor opposition in East London against participation by far-right activists in local elections. I moved to another post on 11 April 1994, about six months after his deployment. I very much doubt if, in that short time, the operative had done anything more than attempt to establish his credibility and therefore any reporting would be very limited. No such tasking was required or requested and, in any event, I believe there was sympathy within the Unit and SO12 for the parents.”
- f) Following on from this, N86 indicated that:
 

“as no such tasking took place, I received no such approach to make disclosure to the Macpherson Inquiry. On 21 April 1997 I was asked to take temporary oversight of the squad, including this Unit, as the Superintendent was unwell. I remained in post for about six months... If such an issue had been raised with the Supervisor, it would have been the subject of a written report as this would have been very significant and would have raised serious issues of operational security. It was policy not to reveal the existence of the Unit, or to identify the officers concerned. Such a matter would have had to be referred through SO12 senior officers to ACSO for a policy decision. I did not see any such reports or receive any such approach as described.”

g) As to his discussions with Mr Francis about his deployment, N86 has stated the following:

“When we spoke, he talked about his success within his target organisation and his past involvement in many events involving public disorder. He was anxious to discuss his idea for his future deployment as he was due to leave the Unit. As I recall, we disagreed over where his future might lie. He wanted an operational surveillance post but I assessed that for his own welfare, he needed a more administrative role within SO12 to reintegrate into normal police life. He struck me as evidently tired, somewhat withdrawn and a little hostile.”

h) More generally, as to the activities of the SDS, N86 indicated:

“It is the nature of political protest groups to organise around current issues which they then use to further their own views. There were many such protest groups, both on the extreme left, and right. Both were involved in protests or seeking to make political capital over the murder of Stephen Lawrence. It was the remit of the Unit to infiltrate these groups which were deemed to pose a threat to public order, and to identify their leaders and their plans.”

## 6.6 The Special Demonstration Squad

On 16 July 2013, Operation Herne published its *Report 1 – Use of covert identities* (Appendix 17) which provides some relevant general background, as follows.

- a) The Special Demonstration Squad (SDS) was an undercover unit formed by the Metropolitan Police Service's (MPS's) Special Branch in 1968 (when it was known as the Special Operations Squad) with direct support from the Home Office. It was formed in response to the violent anti-Vietnam war demonstrations that took place in Grosvenor Square in London on 18 March 1968. The SDS was required to cover its operations with the strictest of secrecy so as not to compromise the Government or its sensitive operations. Significant dedicated funding was provided by the Home Office to that end. Throughout its life, the issue of absolute secrecy was a prevailing theme used to justify many deployment decisions. Very few people outside of Special Branch knew of its existence until its later years.
- b) The SDS reported on groups concerned with violent protest. Over the years it expanded its remit beyond reporting on left-wing extremism, to the far-right, Irish terrorist groups and any other groups that were intent on committing public disorder. It was renamed the Special Demonstration Squad in 1972. In 1997 it became the Special Duties Section until it was closed down in 2008.
- c) Some 147 police officers are believed to have served in the SDS over the 40 years that it existed, almost all of whom were recruited from within Special Branch.
- d) There was no formal selection or training process and little legal guidance was given to its operatives. The SDS often had to break new ground in its covert deployments, which lasted several years. Practices evolved over time as a result of officers reporting their activities and personal initiatives and sharing these with colleagues.
- e) Officers who served in the SDS were, and are, owed an absolute duty of care by their employers, the MPS, to ensure that their identity is never disclosed by the organisation that asked them to carry out the covert activity.

### Comment

- In reporting our findings on the role of undercover policing in the Lawrence case, we have respected the absolute confidentiality that the MPS owes to its officers for life not to publicly identify any undercover role they played.
- To some extent our decision to respect the on-going duty the MPS owes to ex-SDS undercover officers has inevitably limited the level of the detail that we can describe about the undercover activities of individual officers. Nevertheless, we feel that we have been able to describe the gravamen of the inappropriate or improper conduct of which we have become aware.
- We have not identified any individual as having been an undercover officer in this report, other than Peter Francis, who has already publicly declared that fact. The extent to which we have named any other SDS officers is confined to those who have already chosen to identify themselves publicly as having had an SDS managerial role of relevance to our terms of reference, or where there is no risk attached to the senior officers being named so far as the MPS is concerned.

Some further relevant features of the SDS, described by documents that remain in its surviving records, or by ex-SDS officers who have been interviewed recently, include the following:

- a) In the 1992 to 1995 era, specific operational tasking was usually communicated orally by an undercover officer's detective inspector.
- b) By 1992, some 24 years after the unit's inception, the SDS's statement of purpose (*SDS Annual Report 1992/93*) still reflected the reasons for which it was formed:

“...To provide a quality service in the gathering and dissemination of relevant information and intelligence regarding matters affecting public order and the intentions of extremists who engage in politically motivated crime...”
- c) Given the nature of the groups that the SDS targeted: “Normally there was a natural overlap into the higher-profile events/campaigns such as the murder of Stephen Lawrence but not specific direction into these groups.”
- d) Operatives had specific tasking into Afro-Caribbean groups during the time of the Stephen Lawrence murder investigation and the concerns of the community afterwards. Some of the tasking **may** have arisen from the concerns of senior police officers at the time. However, the governance of the tasking for the deployment of operatives is not known and is not clear from the documents retained (taken from a recent interview of Detective Chief Inspector N275 conducted by Operation Herne).
- e) The process whereby raw intelligence provided by an undercover SDS officer was turned by others in the unit (usually a sergeant) into usable and sanitised intelligence product fit to be disseminated out of the unit to its 'customers' at various MPS 'specialist desks' (still mainly in Special Branch) was as follows:
  - In the 1992 to 1995 era, typically, an SDS officer attended twice-weekly meetings with all undercover operatives at a safe location to discuss all the intelligence they had gathered. Generally the undercover officers had handwritten notes and they were handed over. Sometimes they would telephone in urgent intelligence.
  - The 'intelligence product' provided by the undercover officers would then be reviewed back at the SDS and 'sanitised'. All references to the officer and their deployment would be removed and then it would be sent to relevant Special Branch desks. These desks would then pass it on to the units having to plan for and deal with public disorder. It would typically be described as intelligence from “a secret and reliable source”.
- f) An SDS office memo of May 1997 indicated that the operational focus of some of its work had begun to shift. This was after there had been a movement away from mass demonstrations and public disorder as a means of mainstream political protest:

“... If large-scale public order events of one kind or another once provided a common focus for our endeavours, it is now overwhelmingly the case that we serve independent groups of customers with entirely distinct requirements. Very often these requirements entail the long-term targeting of key individuals who have little or no interest in demonstrations...”

- g) An SO15 report into the SDS dated 2009 recognised how this shift away from the clarity of the original public order remit took the SDS into what appears to us to be a far more questionable area of covert surveillance:

“Over time the main objective of the SDS operation changed. It became focussed on obtaining strategic intelligence on the direction of subversive, extremist and other target groups for the purpose of informing decision making within the Police Service and Government. The objective was to know where a target organisation would be in five years and who would be leading or directing them. In this regard the SDS were successful and managed on many occasions to engineer their field officers into key positions within target groups. **Tactical intelligence became a by-product of the operation** and secondary to their long-term aim. Although, **when it suited the SDS management, they would offer the by-product of ‘tactical intelligence’ as a key indicator of their success.**”

### Comment

- This appears to coincide with the squad being renamed the Special Duties Section in 1997. It may be significant in an evaluation of whether the proper balance was maintained between gaining intelligence for these wider purposes, beyond the original ‘public order’ remit, and the collateral intrusion and damage that it entailed.

- h) The secrecy of SDS operations was summed up by ex-Detective Inspector Bob Lambert thus:

“... we were part of a ‘black operation’, that absolutely no one knew about and only the police had actually agreed that this was all okay.”

- i) The 2009 SO15 report on the SDS said of its management:

**“Many files would not have been subject to referral to senior management within Special Branch outside of the SDS and correspondingly had no senior responsible owner or corporate sponsor.** The papers contained within the files varied considerably in style and substance and some, as is often the case in reality, appear driven by necessity or misfortune...

“With the introduction of a new ‘code of practice’ for SB undercover operations in 1998 the deployments were subject to annual review. I have read the annual authorisations for all SDS officers for 1999 that were signed by the A/Commander Special Branch. None of the authorisations extended beyond one side of an A4 sheet and were obviously completed by the SDS prior to presentation for ‘rubber stamping’ without any further articulation of management consideration. Clearly the SDS preferred the less bureaucratic approach and directed their operational activity without intrusive senior supervision management at that time... The SDS directed their own operations with significant tactical latitude with minimal organisational constraints... **Inappropriate targeting on occasions and reporting upon peripheral subjects whom, on the face of it, were not worthy of mention** is further evidence of this... **There appears to be no value to the policing of London derived by recording and retaining such information. It neither prevents or assists in the detection of crime or helps secure the economic well being of the UK or protect National Security.**”

- j) As to how the SDS had managed disclosure obligations arising in prosecutions, and specifically how it applied the test of establishing what information it held that either undermined a prosecution case or advanced a defence case, the 2009 SO15 report suspected that the SDS:

“relied on their ‘intelligence only’ doctrine of never giving evidence in order to suggest their activity did not impact upon criminal proceedings, no matter how accurate that was”.

### **Comment**

- We have found no material to indicate that the SDS, or those in the line of seniority over it, ever revealed to a court that there had been an undercover deployment of relevance to a case before the court, other than in order to protect an undercover officer who was charged with an offence.
- The default position, as indicated by the above 2009 reference, seems to have been that the SDS regarded its activity as outside of any of the prosecution disclosure obligations. This was the case even when a prosecution was being pursued in circumstances in which an SDS undercover officer had interacted with the alleged offenders in a manner capable of being relevant to trial issues, or where an SDS undercover officer had reported back intelligence capable of undermining the prosecution case or assisting a defendant. As a result, it appears to us that many such prosecutions simply proceeded with no revelation to the prosecutor or court of the SDS role.
- This clearly has potential implications far wider than the Lawrence case and our terms of reference. It is a matter which we will return to in our postscript to this section.

## 6.7 The records of the Special Demonstration Squad

The 2009 SO15 report into the Special Demonstration Squad (SDS) stated the following in relation to record keeping:

“A lack of ‘cradle to grave’ lifetime files relating to the officers and their deployments leaves the MPS vulnerable to litigation, as there is no record to rebut accusations levelled against the organisation, unless they have been stored ‘securely’ elsewhere. This issue will become more acute when supervisors, who could assist by providing evidence of their action, policy and procedure, retire.”

Some SDS officers have stated in recent interviews that record keeping of operational activity was poor, particularly before 1996. For example:

“... record keeping of operative activity was very poor... no notebooks or recordings appear ever to have been used...” (N275)

And with regard to the challenges faced by Operation Herne in identifying audit trails for intelligence, deployments, strategy, methodology and supervision:

“Your [referring to Herne] job is difficult, because we did our best to make it difficult for anyone to understand/reveal our work... When I originally checked records... in 2000 – ‘very little’ was held on Peter Francis... Until the advent of the computer/systems – the SDS would retain very little that would betray it, that’s why it’s difficult for you... the Unit would not engage with SO10 to keep a firewall from other units/operations – best/effective way. The computer made things more vulnerable.” (ex-Detective Inspector NI90)

Operation Herne has described to us the position it faces in investigating:

- a) what tasking there was or was not;
- b) what intelligence was and was not gathered; and
- c) to whom, and for what purpose, intelligence was disseminated.

We would summarise the position Operation Herne has described to us as follows:

- a) Operation Herne has not located the original intelligence product for any SDS operative prior to 1997. Some individuals have asserted that no paper records were retained after the covert deployment of an officer concluded as this would provide a potential compromise to the officer’s real identity. After the intelligence was sanitised and forwarded to C Squad Special Branch, it was therefore destroyed in its original format. Another ex-Detective Inspector, N53, told Herne: “The SDS retained nothing that would betray its identity.” Others say that they thought that records were retained as part of the on-going intelligence function of the SDS. Many have also pointed to periodic ‘document reviews’, whereby tranches of material were weeded out and destroyed as it was felt that they were no longer of sufficient relevance to the changing SDS remit and tasking.
- b) The situation we are presented with is therefore that, for one reason or another, Operation Herne cannot find any original intelligence product from the Peter Francis era which would allow us to check it against the claims that Mr Francis has made.

- c) A computerised system was introduced during 1997/98 as a means of retaining and storing intelligence and information. Prior to Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) coming into force, in April 1997, the eight operations current at the time were registered through SO15's dedicated source unit. As a result, separate policy files, with very brief minutes, were endorsed as a means of enabling intelligence to be introduced without any attribution of it to the SDS. A pseudonym was used for the covert human intelligence source that was in fact an undercover police officer. However, these files provide no details as to the intelligence product.
- d) Using a degree of guesswork, it may be possible to correlate specific undercover deployments from the sanitised outgoing reports that were disseminated via Special Branch. However, the potential to identify specific intelligence reported in by any undercover officer in this manner remains poor.
- e) In light of the limited records available, little weight can be attached to the absence of a record confirming an assertion made by an officer as being indicative of whether or not the assertion is correct.

The SDS therefore succeeded in making the investigation of what it did, and the use that it made of the intelligence that was reported back by undercover officers prior to 1997, indeed "very difficult".

A clearer picture can be established of the nature of SDS activity after 1997 because of the computerised records that have survived.

However, in 2004 an extensive document 'rationalisation' process was initiated. This was due, in part, to a backlog of files requiring indexing, but also in the light of statutory duties not to hold personal information beyond its usefulness. The process resulted in the destruction of further large quantities of the surviving records. This destruction was conducted against a list of operational criteria and perceived future intelligence value.

Some of the comments made by those involved in document destruction include:

- a) Document destruction: "The process was a bit 'hit and miss'. I tried to take steps to retain the high-profile/very sensitive material. The advent of computer usage replaced paper. There was no defined process for destruction/retention." (ex-Detective Inspector NI90)
- b) Team meeting, 12 November 2013 (Operation Herne): "the searches that have been conducted... cannot definitively state one way or the other that SDS officers were directly tasked with infiltrating the SL campaign. This is due to reports being sanitised."

Operation Herne has specifically 'caveated' its search for records relevant to our review of the role of undercover policing in the Lawrence case on the basis that its search "is still incomplete and further pertinent records may yet be found".

## **Comment**

- Not untypically for the Metropolitan Police Service, as it appears to us, the position that we now face is that significant tranches of the SDS records that would have been of potential relevance in assessing the allegations made by Mr Francis are said to have been destroyed. This destruction could have been at any one of the stages that we have referred to, and appears to have been undertaken without retaining any definitive record of what was destroyed. This inevitably impacts adversely upon the potential for our Review, or any future investigation (if the situation remains as described to us), to be able to establish definitively the extent to which intelligence gathering and dissemination was properly and proportionately controlled.

## 6.8 The Lawrence family and Metropolitan Police Service campaigns in 1993

We turn then to material which indicates the temperature of the developing dispute between the Lawrence family campaign and the Metropolitan Police Service (MPS) in 1993. We have considered this as part of an objective assessment of the likelihood of a senior officer in the Special Demonstration Squad (SDS) or Special Branch feeling under pressure to gather intelligence that the MPS might be able to use to 'balance public opinion' in its favour, as Peter Francis alleges was the case.

Prior to the murder of Stephen Lawrence there had clearly been a 'brewing' concern within the community, in South East and East London in particular, at the increasing frequency of racist attacks and the apparent inability or lack of effort by the police, resulting in few successful prosecutions.

As the Stephen Lawrence Inquiry later recognised, from May 1993 the murder of Stephen Lawrence and the family's persistent, dignified pursuit of justice became something of 'a torch' for others to follow.

Events in 1993 included:

- a) The meeting on 6 May 1993 between Mr and Mrs Lawrence and Nelson Mandela during his visit to London. As a result of this meeting, the family's position was that the police were giving the murder inadequate priority and resources as they appeared to do with other racist attacks around that time.
- b) The anti-fascist demonstration on 8 May 1993 focused on the British National Party's (BNP's) headquarters in Welling. Youth Against Racism in Europe had a significant role in the demonstration.
- c) On 1 August 1993 Joy Gardner died after being arrested and physically restrained in relation to a deportation order on 28 July 1993.
- d) On 16 October 1993 further demonstrations followed the BNP by-election victory.

The increasingly strong public demonstration against the general level of racist violence and the MPS's inadequate response to it understandably led to a growing concern within the MPS as to potential public disorder. At the same time, the MPS was also increasingly challenged by the level of public concern as to the inadequacy of how it was addressing the growth in racist offending.

The material which we have reviewed indicates that following the murder of Stephen Lawrence, the Lawrence family campaign attracted an increasing range of interest and did indeed become something of a torch that other so-called 'black justice' campaigns followed. A variety of political activist groups sought to support and influence the campaign as part of pursuing their own agendas.

In our view, part of this same picture was the ultimate finding of the Stephen Lawrence Inquiry in due course that institutional racism had resulted in the stereotyping by officers of Duwayne Brooks. Further, the attitude of the investigating and family liaison officers towards the Lawrence family had been one of an organisation that was simply not prepared for and was put out by an articulate black family asking pertinent questions about the progress of the investigation.

The Deputy Assistant Commissioner of 3 Area, David Osland, who had been the driving force behind the setting up of what became the anodyne and falsely reassuring Barker Review of the initial murder investigation, prepared during September and October 1993, was also found by the Inquiry to have

been too ready to accept what more junior officers reported to him about the difficulties in liaison with the family.

The Inquiry found that there had been an insensitive and patronising attitude by the investigating officers towards the family concerns about what was, in truth, a seriously flawed and at best incompetent investigation. The investigation's flawed assessment of its own professionalism was promulgated upwards, with the consequence that the higher echelons of the MPS were led to believe that this was an entirely competent and properly conducted murder investigation that was being unjustly and unfairly criticised by the Lawrence family.

We can add a little more flavour to this unfortunate state of affairs as found by the Inquiry by referring to some further contemporaneous internal MPS documents:

- a) MPS note regarding the Lawrence family interview with LBC Radio on 7 September 1993:

"... During the interview the usual untrue complaints were repeated about police failures, disinterest and prejudice. This diatribe was accompanied by threats to sue the police... patience is now beginning to wear very thin in the face of frequently repeated slanderous and libellous remarks by the non-family group, especially Mr Imran Khan. The SIO is currently considering taking civil action in connection with recent spoken and printed remarks..." [dated 8 September 1993]

- b) File note written by DAC Osland on 8 September 1993:

"As stated in 2A, our patience is wearing thin on 3 Area, not only with the Lawrence family and their representatives but also with self-appointed public and media commentators."

- c) Document prepared by Detective Superintendent Brian Weeden, including a section on family liaison:

"As was mentioned in Briefing Note No. 1, outside groups and individuals have seriously impaired normal communications and sometimes information which has been given by the police, in confidence, has been publicised in a wholly counter-productive and damaging manner..."

- d) Note of a meeting between Peter Bottomley and Peter Clarke (Staff Officer to the Commissioner) on 20 September 1993:

"... Commissioner stated that they had been unable to get close to the family, but that two officers had been offered as permanent liaison very early on in the case. There had been an element of misinformation about the case and the conduct of the enquiry. [Peter Bottomley commented that] the ARA have taken steps to distance themselves from the ANL and Youth Against Racism in Europe. He also had the impression that the Lawrence family were now distancing themselves from the ARA position. He queried whether it would be helpful if he were to meet some of the officers involved to explain to them the family's concerns."

- e) Letter from Commissioner Paul Condon to Peter Lloyd (Home Office) dated 28 September 1993, copied to Peter Bottomley, which includes the following references:

“... the investigating officers had found it extremely difficult to gain access to the family because of the large number of ‘advisers’ who very quickly surrounded them. Thus it was impossible to build up the rapport between ourselves and the victims that we always seek to establish in such tragic cases... I am sad to say that the extreme seriousness with which we view this case and the exceptional lengths we have gone to in an effort to inform and reassure the family and the community at large have all too often been ignored... I will not tolerate any compromise on the integrity of the investigation. My officers will only work within the law, and there can be no variation from that principle.”

### Comment

- In so far as these records demonstrate it, in mid to late 1993, the ‘attitude’ within the senior ranks of the MPS towards the Lawrence family campaign **was** therefore one of some indignation at what was then believed to be the unjust and untrue portrayal of incompetence and prejudice by the murder investigation. It was further believed that family liaison had broken down out of no fault by the police, but at least in part because of the ‘advisers’ who surrounded the family.
- The Inquiry also found that after he had retired, but before the Inquiry, Mr Osland, who had been the DAC in charge of 3 Area, wrote letters to newspapers and provided information for public dissemination that was highly critical of Mr and Mrs Lawrence and those around them.
- We also note that the “deeply flawed” Barker Review that had been established by DAC Osland around August/September 1993 had falsely acquitted the investigation of any wrongdoing or lack of professionalism.
- For the purpose of our Review, in order to reach an objective assessment of Mr Francis’ claim that his Detective Chief Inspector felt under pressure to broaden the SDS’s undercover coverage of the Lawrence family to include intelligence that might be used to undermine or ‘smear’ the Lawrence family campaign, it is relevant that this material indicates that there **was** a level of indignation and a “thinning of patience” at the relevant time in senior elements of the MPS. This was directed **not just** at the protest groups seeking to use the Lawrence family campaign, but also at the statements made by the family’s solicitor on behalf of Mr and Mrs Lawrence.
- The **potential** for such a feeling to be translated into a desire to come by information that might enable the MPS to ‘even the odds’ a bit against the Lawrence family campaign in the public’s eye is obvious and must be recognised.
- As we will describe below, a number of officers in the SDS have commented that there was sympathy for the Lawrence family campaign at this time and they would not have wanted to do anything to undermine it.
- Having met with N81, whose reporting touched on the Lawrence family in 1998, and having read and heard what others have said, we recognise how officers who are deeply undercover in groups of activists may well come to share the sympathies of the groups. However, it does not appear to us that such a level of sympathy existed towards the Lawrence family in all those at a senior level in the MPS.

- It is also the case that despite such feelings of sympathy, SDS undercover officers still got on with the job of reporting back anything that might have a public order or other 'Special Branch customer use'. At times, this included personal information touching on the Lawrence family and tactical information as to where the family campaign was, or was not, likely to go.
- We recognise the **potential** for such indignation and "thinning of patience", as it appears was engendered in some senior quarters of the MPS, to have resulted in a desire to look for intelligence that might prove that the family or its advisers were not what they appeared to be. However, we must also point out that we have not seen any records indicating that this happened. There is also a body of material from other SDS officers to the effect that the squad was focused against political activists and not a family campaign such as the Lawrences'.

## 6.9 Special Demonstration Squad undercover deployment touching the Lawrence family campaign, 1993–1996

We set out in this section the records that are available, and the recent accounts of individuals, regarding Special Demonstration Squad (SDS) deployment in 1993–1996 touching on the Lawrence case.

Surviving SDS records include the following:

- a) Reference in the *SDS Annual Report 1992/93* to the targeting strategy having been to gather and record intelligence on the formation and development of target organisations carefully selected by the SDS supervising officers with regard to current involvement in, or control of, public order events, the profile of its membership, its past history and the coverage already given by the SDS or other Special Branch sources.
- b) Reference in the same report (repeated in later annual reports) to the specific objectives of the SDS including: “To identify suspects involved in breaches of the law before, during and after demonstrations.”
- c) A targeting strategy document dated 24 September 1993 (authored by Detective Chief Inspector N86) which referred to a new, violent anti-fascist group that was forming within the Youth Against Racism in Europe (YRE) group, in which an officer (Peter Francis) had begun undercover work towards forming links that might allow entry into the group and possibly another group.
- d) Reference in the *SDS Annual Report 1993/94* (authored by DCI N86) to:
  - “The period under review witnessed remarkable developments in terms of public order and political activity in London. The extreme-right British National Party (BNP) won a seat on Tower Hamlets borough council in September (1993), provoking an angry backlash from the serried ranks of the anti-fascist left. The local election victory came at the mid-point of an increasingly violent campaign against racist aggression which commenced after the murder of Stephen LAWRENCE, a black youth, in Eltham early in the year. **This campaign, a bandwagon which attracted all the major left-wing groups**, was marked by a riot in Welling in May, and it culminated in another riot in Welling in October.”
  - “The murder of a black youth, Stephen LAWRENCE, in Eltham on 22 April 1993, raised the temperature of the campaign to close the BNP headquarters and bookshop in nearby Welling. Opponents of the BNP claim that the presence of the bookshop inspires racists to commit acts of violence and directly adds to the increase in numbers of racial attacks. This argument, which is by no means indisputable, has been adopted by all left-wing anti-fascist and anti-racist groups, ranging from the non-confrontational Anti-Racist Alliance (ARA) to the more militant and aggressive YRE.”
  - “On 8 May 1993 a march in Welling by a combination of anti-racists under the auspices of the YRE deteriorated into violence with widespread damage and looting in the high street near to the bookshop. The most disorderly factions on the march were identified as being associated with the former black wing of Militant Labour...”

the parent body of the YRE. At the time of the disturbance there was no SDS coverage of the YRE.”

- “On 16 October 1993 another major demonstration was staged in Welling. Under the auspices of the Anti-Nazi League (ANL) and YRE, several thousand protestors gathered in Plumstead intending to march on the BNP bookshop. Advance intelligence provided by the SDS to the effect that up to 3,000 demonstrators were intent on violent confrontation and the physical destruction of the bookshop proved to be entirely accurate... **The SDS continues to assist with the identification of the primary culprits** who are being sought under Operation Fordwych... Special Branch no longer lists the names of everybody identified as attending the events described... However, **effort is put into providing intelligence and regarding the leaders and participants likely to be the cause of or encourage violence.** On several such occasions surveillance has been used prior to the event, or Special Branch officers deputed during demonstrations, to track such activists **and where possible to identify them to uniformed police.**”
  - “SDS effort had been directed primarily at gathering and disseminating intelligence of the divergent groups’ intention at major public events, and to the fact whenever SDS-monitored groups had been present, accurate intelligence of the intention of participants had been gathered and disseminated, making a major contribution to the many policing operations entailed.”
  - Also, under the heading of ‘General Training’: “Meetings are held with senior members of the relevant ‘customer’ sections within Special Branch for briefing and targeting purposes. These are an essential element in the development of each operation and understanding of mutual requirements. There is also a welfare benefit in these debriefings for the ‘field’ officers to find that their work is valued.”
- e) Reference in a 13-page debrief report regarding the YRE rally on 8 May 1993 having changed its route to Plumstead and Welling in order to go to the BNP headquarters.
- f) Reference in an intelligence report dated 21 December 1993 to the YRE intending to picket outside Southwark Coroner’s Court on 21 December 1993 during the Stephen Lawrence Inquest.
- g) Reference in SDS annual reports for 1994/95 and 1995/96 to Mr Francis having continued to target the YRE and other connected groups, and to him having been the first SDS officer ever to infiltrate this extremist organisation and enjoy privileged access to a range of intelligence that regularly assisted in the assessments of public order events in London, as well as to his ability to obtain intelligence of the scale and scope of emerging campaigns with public order implications.
- h) Reference in a dossier related to “Peter Francis’ reporting”, dated 1 June 1996, to him having risen to branch secretary and to his ability in the future to obtain a wide range of current intelligence on leading party members.
- i) Reference to “Peter Francis’ withdrawal strategy” beginning in January 1997 with scheduled completion in September 1997.

- j) Reference to Mr Francis having joined the SDS on 7 January 1993 and spending, as was normal, his initial months in the SDS back office mostly researching his own undercover identity and reading up on an undercover deployment he was expected to start later in the year. In August 1993 he was then redeployed to prepare to enter the YRE instead. His undercover deployment to the YRE started on 27 September 1993 and finished on 27 September 1997.

## 6.10 Alleged tasking to 'smear' the Lawrence family campaign

No surviving Special Demonstration Squad (SDS) records refer to any such tasking but many records have been destroyed. In any event, such a specific aspect of an officer's tasking was likely, it appears, to have been conveyed verbally to them by their detective inspector.

Peter Francis' intelligence reports, which might have been able to confirm or deny that such tasking was ever given, have also, apparently, been destroyed.

In our assessment, in such circumstances, little weight can be attached to an absence of any surviving record confirming or undermining what Mr Francis claims.

Ex-SDS officers who have been recently interviewed have emphatically denied that such tasking would ever have been given, and have denied any knowledge that such tasking had been given. Operation Herne has told us that it had spoken to 115 officers or former officers at all levels.

For example:

- Chief Superintendent Robert Potter told us that he was unaware of any desire within the Metropolitan Police Service (MPS) to gather intelligence to undermine the Lawrence family campaign. He described any such request as "totally improper".
- A former Head of Special Branch, who gave an interview to Channel 4 on 26 June 2013, stated:
 

"Undercover deployments would be made because the concern would be that the extreme right or left hijack the campaign, infiltrate it and use it for their own ends and the real concern was that this could lead to public disorder... there were riots in Welling as I recall, so there was concern that this could be repeated as the campaign gathered pace..."

"Q: Smearing the campaign as Francis claims – does that ring true?"

"A: No... because the tasking of SDS officers was to gather political intelligence, it wasn't to add any kind of value to it; that was returned to Scotland Yard and the people there would analyse and assess it. It wasn't our job to add a kind of sting to the intelligence or to pour poison upon it."

"Q: If that was their sole objective why do you think Peter Francis came out with the line about smearing the Lawrences?"

"A: Well I can't imagine why, but all I can say that is if anyone I'd known in Special Branch or anyone I'd commanded had done that, there'd have been no place for them in the Branch, I can't imagine that word being used, I find it incomprehensible..."
- Ex-Detective Inspector NI09 (1995):
 

"There was never any reference made to 'smearing' in relation to the Lawrence family. Deployments into the support campaigns surrounding Stephen Lawrence were specifically to build a picture of the public order background... Any meeting

I was involved in was never about any family member. It was done to protect the family.”

- NI27 SDS 1997–2001:

“... the activity [Mr Francis] describes is alien to me. I was aware of deployments close to what was a large and disparate campaign, and that these focused on managing public disorder and strategic issues for the MPS, not developing intelligence designed to besmirch the reputation of the L family. Nor was I aware of any source tasked to report on the L family... gauging community tension was a significant part of this equation (identifying problems well in advance allowing the deployment of optimal resources for favourable outcomes)... how smearing the L family would have benefited this objective I fail to see... The situation Francis describes is contrary to the reality of operations as I knew them... I was never asked to provide information to smear any of my targeted individuals or groups. I would easily have been able to, but never did... **I realize that senior officers might have indulged in politicking and negative briefing, concerning any number of issues... I was working in a politically charged atmosphere and never heard any gossip or innuendo that would corroborate [Mr Francis] story...** when I did hear senior officers or members of their staff comment their general tone towards the L family was sympathetic... I spent many hours examining reports and helped compile assessments on the L campaign... I had colleagues heavily involved in these matters who shared confidences with me... I find it difficult to accept the senior officers I served under would have sanctioned the activity alleged by [Mr Francis].”

- NI23 – posted to the SDS 1993–1998 and tasked to left-wing groups – spoke on the telephone to Operation Herne in November 2013: “Francis was lying about the smearing of Lawrence...” NI23 had taken over from Mr Francis when in the back office. Mr Francis had told him that it was their role to provide “gossip for the field...” NI23 had spent nine months in the back office and amongst management and had gone to field meetings. Not once did NI23 see or hear any instruction to ‘smear’ the Lawrences. He did not see any paperwork to reflect this either.
- NI29 told Operation Herne recently:

“[Mr Francis] was targeted towards the campaign in the same way as today... to perform a dual role of protecting the family from malicious extremist influences and providing information about potential public order issues. The anti-police sentiment on the streets was palpable, and Territorial Policing was very interested in any potential or planned disorder...”

NI29 believes that he was directly tasked to get involved with the campaign, although not necessarily with the family. His role was not about ‘smearing’ at all. In his opinion, Mr Francis was a very good undercover officer, his tradecraft was second to none and he was extremely dedicated to his role. However, this devotion had the knock-on effect of making him increasingly paranoid, which had a series of effects on his personal and work life. He became obtuse and complained about almost anything. He was an intelligent person, but obsessive in nature and blinkered in his outlook. NI29 believes that Mr Francis would have failed psychometric testing if it had been in place at the time of his entry to the unit.

### **6.10.1 Ex-Special Demonstration Squad Detective Inspector Bob Lambert**

On *Channel 4 News* on 1 July 2013, Mr Lambert stated that he had been an SDS manager from November 1993 until 1998. He joined as a DI manager shortly after Mr Francis had been deployed into Youth Against Racism in Europe. He denied that the SDS was “at any time concerned in smearing the Lawrence family or their campaign... 100% he had not been”, and he was almost as certain that during the period he was there that did not happen. He said he also had no direct knowledge of any names being passed back from a family liaison officer to Special Branch, but said: “I wouldn’t rule it out.”

He said he could see now how it would be an intrusion. He said he was 100% sure that Mr Francis was never tasked to gather intelligence to undermine the Lawrence family campaign, and that the SDS did a lot to support them and reduce the risk of racial violence. He was not aware of any desire to discredit Duwayne Brooks.

In a recent interview with Operation Herne, Mr Lambert said:

“Well, Peter Francis certainly wasn’t tasked to smear the Stephen Lawrence family. He wasn’t tasked to smear anyone... his tasking was fairly straightforward, in SDS terms... his initial tasking would have taken place before I joined the unit as a member of the management team at the end of October, early November 1993... [when] on the first day... I would have discussed [his] role (primarily with Detective Chief Inspector N86) and I remember meeting him at the safe flat after a big demonstration in Welling [Comment: this must have been the October 1993 anti-British National Party demonstration]... he was targeted against militants who were involved in serious public disorder, classified then as subversion... he’d be providing very high grade timely, pre-emptive intelligence around serious public disorder... and he would go throughout his tour of duty where the hard core activists went... You had extremist groups on both sides pursuing political agendas that had to be monitored, if you like, without fear or favour and [he] had a clear understanding of that... I can’t imagine how he would now perceive that he was tasked to smear the Lawrence family or anyone else... it was quite the opposite to that and I’m sure at the time he had a clear understanding of that... All of his contemporaries in the 1990s were in very similar if not identical positions... they would often be involved in campaigns that were for a good cause, but they were there only because their target groups that were extremist were there to exploit the situation for their ends.”

In his response to the possible criticisms that we were considering as part of our Review, Mr Lambert said that Mr Francis seemed to have a personal crusade against him, elevating his role in the SDS and making false allegations. He asserts that Mr Francis is an unreliable witness and someone who was clearly in need of help from a mental health perspective, who was having difficulty adjusting to life outside an undercover role and who has much to gain in making false allegations.

Asked about whether there was reporting around Stephen Lawrence after he came on board as management in late 1993, he said in his Operation Herne interview:

“Yes... what we had was every group on the extreme left, every group that was either directly infiltrated by the SDS... every time he or she went to a meeting or demonstration, the Stephen Lawrence case would be mentioned, would be addressed... you know, if we were to look at reports throughout 1993 and through 1994 onwards we would see that the Stephen Lawrence case was on the agenda, sometimes top of the agenda, every week... across the board...”

Welling was evidence of that and [Mr Francis] is absolutely right when he recalls that Sir Paul Condon came out fairly soon after that, a few weeks later to one of the safe flats to thank all of the field officers.

“Q: This intelligence is getting fed to the various people and interested agencies, in the normal course of events with other intelligence?”

“A: Yes, yes.

“Q: Would it be fair to say then, that at that time, that the SDS was still all about pre-emptive intelligence around public disorder?”

“A: Ehm no, I think that was our prime purpose... certainly for the SDS management... a service to our uniform colleagues... that really mattered to us... the most important part of the work... but on the other hand... the work that was valued by the Security Service... the field officers would be asked to write more reflective pieces to help with this broader assessment about what's happening in the movement, what's the mood... is the membership up or down...

“Q: He would be present (with other SDS officers) at the regular meetings and privy to what other people who may have been closer to these talks about Lawrence and their respective organisations and would know all of the SDS activities at that time that had Lawrence mentioned in it?”

“A: Absolutely correct, yes.

“Q: Were there any other officers within the unit at that time with direct tasking to Lawrence?”

“A: Well, as a starting point, pretty much across the far left... would have been at least two officers there... N123 (who started fieldwork after I had arrived in management)... and I am sure from day one the Stephen Lawrence case would have been on N123's agenda, and... they must have attended, started to attend meetings with the Stephen Lawrence campaign, almost goes as read that they would have been there... they would want to be inside the meeting, to have a speaker on the platform and so N123 is following close behind 'Pete Francis'... they became quite close friends and times would have been at the same events... May well have been events specifically in support of the Stephen Lawrence campaign... N27 (also deployed into a different left-wing group) and would have come across Peter Francis, certainly both were at Welling... N89 was also a contemporary of Pete Francis and one of the team that I managed who infiltrated the far right and was always involved in the public order situations where it was sort of left and right attending... would be someone to whom Peter Francis would turn to for advice... as the Stephen Lawrence campaign developed it was, you know, very important to them in London and for their political purpose which was assessed to be subversive... N101 was another contemporary of Pete Francis who also reported... and would have had an involvement in Stephen Lawrence campaign issues... N15 similarly... N17 also from the far right perspective another of his contemporaries...

“Q: To your knowledge did anybody report, **did anybody get close to the Lawrence family and report on the Lawrence family not on groups that were using it?**

“A: **Not to my recollection not at all... Well I mean I would expect to remember that to be honest...** I think it is worth mentioning, you go around any of the safe flats any of the period

here between 1993 and 1998 and I never had one bad word against the Lawrence family... it was completely the opposite... I just cannot conceive how you can remember any of that and sort of think it is in any way detrimental to the family... I have seen him or heard him or read him suggesting somehow this was negative and yet I do not recall it in that way..."

Given the considerable friction that existed between the MPS and the Lawrence family campaign in the autumn of 1993, we find it unlikely that SDS managers somehow failed to appreciate these pressures.

Following Mr Lambert's comment that SDS reporting was of value to the Security Service, we asked the Security Service to review its files for any SDS reporting or intelligence which referred to the Lawrence family, those connected to the family and Duwayne Brooks. No material of this type was found.

## 6.11 The tasking of family liaison officers

Reporting in the media in the summer of 2013 was to the effect that Peter Francis alleged that Special Branch arranged, via divisional officers, for the family liaison officers working in the initial investigation of Stephen Lawrence's murder to ascertain and record the names of individuals and groups associating themselves with the Lawrence family, and for that information to be passed back to Special Branch via the same route. Mr Francis has also said that there was no suggestion that the family liaison officers knew of the purpose or destination of the information they were gathering.

When we spoke to Mr Francis in January 2014 he said that when he was in the back office before his deployment in September 1993, and not long after Stephen Lawrence was murdered, Detective Chief Inspector N86 had produced a list of names and said that they were people who had been in the Lawrences' house, which had been recorded by family liaison officers. DCI N86 asked Mr Francis to research the names. Mr Francis had then stapled the list into his Special Demonstration Squad (SDS) diary, which was still in his personal SDS box file when he left the SDS. He said that he was unaware of any practice that an officer's records were destroyed for security reasons when they left the SDS, but he would expect that the SDS had made sure there were no surviving records with the word 'Lawrence' on them, for cynical reasons.

We asked N78 about any recollection of DCI N86 (or anyone else) producing a list or lists of names said to be those of people visiting the Lawrence family home shortly after the murder and there being any request to research the names. N78 had no such recollection but said that it was quite possible it had happened as it was not unusual for the SDS to be interested in the names of individuals who were associating themselves with justice campaigns in order to establish what, if any, activist group they might belong to or be affiliated with.

N78 said that there was a lot of interest in anyone close to the Lawrence family and what organisations were trying to do connected to the family's campaign. N78 knew people who were close to the family as well. N78 said that it would not be surprising if such names had emanated from family liaison officers, as all family liaison officers remained police officers. N78 would expect any contact between Special Branch and an investigation to have gone via a local Special Branch contact point, whether it was an incoming request from the investigation to identify visitors to the house, or as a result of Special Branch seeking the information. Whilst N78 had no specific recollection of this actually happening in relation to the Lawrence family, it is obviously of some significance that N78 would regard such activity as entirely routine. N78 also saw the sense in Mr Francis being shown such a list as his group was closer to the Lawrence family.

The Stephen Lawrence Inquiry concluded that it appeared that both family liaison officers, Detective Sergeant John Bevan and Detective Constable Linda Holden, had regularly asked people present to identify themselves. This had understandably appeared to the family as though the officers were doubting the good faith of these individuals and groups, whatever the officers themselves had intended.

Enquiries made at our request by the Metropolitan Police Service (MPS) revealed no records related to the initial investigation that indicated either that the family liaison officers' enquiries about people or groups in the house had been the result of a Special Branch request or a decision by the Senior Investigating Officer, or that the detail of the names recorded was ever provided to Special Branch. None of the senior officers, or the family liaison officers, suggested that as the reason for taking names when they gave evidence to the Public Inquiry.

We nevertheless revisited the issue recently with Mr Bevan and Ms Holden as, if Mr Francis was right about them taking names because of tasking by Special Branch, someone was likely to have encouraged them to do it. (It was only later that Mr Francis told us that all he knew on that front was that DCI N86 had told him the names had come from the family liaison officers.)

### 6.11.1 John Bevan

Mr Bevan told us that he had volunteered for the family liaison officer role, without having had any training; indeed he thought there was no family liaison training devised and available at that time. His approach to the role was that it was simply to be a conduit between the family and the police should they have any queries; he had not seen his role as in any way to glean any information by the back door. Equally though, as a detective member of the investigation team, if something relevant had come up, albeit not sought out by him, then he would have informed other officers in the investigation. As it seemed to us, rather in contradiction of what he had said about not seeing his role as gleaning information via the back door, he then went on to say:

“When I went into the family I asked Mrs Lawrence a question quite early on about Stephen’s background and immediately it was viewed as [if] I was digging for information... and she would only deal with me through her solicitor...”

Mr Bevan told us that he would have asked people who spoke to him who they were, just as a common courtesy, but that he did not regard it as relevant who was in the family’s home, or make any notes about it, and no one had asked him to do so.

He said that had he been **asked** to find out who was in the house, including organisations, it would have put him in a difficult position as he would have regarded it to be subversive and he would not have been happy about that. If it had been necessary though, he would have done it, but he would not have been happy doing it. He would certainly have remembered if it had come up, however, and it did not.

He also said that his inquisitive nature as a Criminal Investigation Department officer meant that he had realised:

“from the look and sound of the people there... that they are not close family members... they are people with an ulterior motive and that he felt it pertinent, trying to be subtle about it, to ask who are all these people?... an investigation is like a massive jigsaw... it’s just trying to get the big picture and fill in some of the background... but we weren’t going to be told, I got that much information... I felt well, I’ve made an effort on that one, there’s no point in antagonizing any further; let’s just leave that to run.”

He said that he would definitely have conveyed to others in the investigation that it looked as if the family had been hijacked by different factions trying to make a political point, but he had not even known their names as he was not introduced to them and would only have relayed back the organisations. He could not remember from where he gleaned their names and only remembered “the ARA [Anti-Racist Alliance]” and, he thought also, “the ANC”.

### 6.11.2 Linda Holden

Ms Holden told us that she believed that she had been selected to be a family liaison officer because of her previous experience in the role, but that she had not had any formal training. She was also asked to carry out investigative roles in the case, but family liaison had been her main role. She explained that

even as a family liaison officer; sometimes when you went into a house you would try to establish who was who and whether or not the principal family wanted other people to know what you were coming to talk about, so you would engage and ascertain that from the principals and then gradually build up who was who. That was when they had found out who all these other people were.

She thought that Mr Lawrence might have been “taken over a little” by Imran Khan, as very early on they had gone directly to their MP and the Chief Superintendent of Plumstead to try to arrange a viewing at the mortuary after DC Holden had indicated it would not be possible at the weekend. It was when she had returned to the family home after that first Sunday visit to the mortuary that all the people were there. There was the ARA and she probably would have said “Who are you?” and there were relatives there too.

The house was full of different people she had not met before and she had wanted to establish who was who. There were other groups but she could not now recall who without her notes. She would report back to her senior officers everything that happened including who the groups were, as well as any contact with the family by telephone, generally before any information was provided. Whenever she took someone’s name and who they were from she would write it onto an action and put it into the investigation records. No one had at any stage, however, asked her to find out names or groups that were present. If they had she would have asked why.

### **6.11.3 Baroness Lawrence**

Baroness Lawrence told us, as she had told the Inquiry, that the manner in which the officers asked who was who was intrusive. People were offended by it, especially as they had been told that the attack was by white boys. The officers were meant to be there to give the family information, but they didn’t and it was the family giving the investigation information instead. The family also had feedback that the officers had been questioning Stephen’s friends and Duwayne Brooks’ friends. Only DS Bevan and DC Holden came into the house in the early days. Generally it just seemed that the investigation had no interest in solving the murder. The family kept a book with all the calls they received and people’s names. The officers asked if they could have it. The groups that became involved in the campaign included the Anti-Racist Alliance (ARA), the Anti-Nazi League (ANL), Youth Against Racism in Europe (YRE) and The Monitoring Group. The family had known about the Welling riot in May before it happened. Mr Khan indicated that he felt the MPS as an organisation would have recognised that there was a difficult public issue as soon as Nelson Mandela got involved in early May 1993. That was when the news went from being local to national.

### **6.11.4 Mr Lawrence**

Mr Lawrence told us that the groups involved were not making the decisions, but were there to offer support, and that as far as he was concerned they did not do anything without first running it past him. His contact though was through their leaders. They did listen to what the groups had to say before they made decisions and they began to realise which ones were the troublemakers.

As to Mr Francis’ claim that the SDS was getting information from a family liaison officer, Mr Lawrence felt that was impossible because the officers had stopped being allowed into the house not long after the murder.

There had been a lot of people in the house in the early period from the day after the murder until the family went to Jamaica in July 1993. Mr Lawrence had stopped the family liaison officers visiting the house not long after they had started, as a result of DC Holden’s behaviour and the request to look at the book in which everyone was writing their names and details. They seemed to totally

misunderstand that in their culture people do come to the house to offer support. Mr Lawrence was simply not going to allow them to interfere.

Mr Lawrence felt that when the *Daily Mail* had run a story associating the family with the Welling bookshop riot it was possibly as a result of a negative briefing by the MPS.

In so far as we have been able to establish, it was not the practice in 1993, or until quite recently, for family liaison officers to make it clear from the outset that whilst they were there to support and assist communication to and from the family, they also remained investigators under a duty to report back to the investigation team. Had it been the practice to make this clear in 1993, we believe that the relationship between the family liaison officers and the family might have had a better chance of progress, even though other matters clearly had an impact on the relationship.

We understand that it is, and has been for some years now, the practice to make this important limitation on the role of police family liaison clear at the outset.

## 6.12 The initial murder investigation office meeting note, 31 August 1993

The typed notes made by Detective Inspector Benjamin Bullock of the regular murder investigation office meetings were recognised as one of the few sources of documentary record still available at the time of the Stephen Lawrence Inquiry.

In the context of our review of the role of undercover policing touching on the Lawrence case, we reproduce below a part of DI Bullock's typed note relating to an office meeting held on 31 August 1993:

"Meeting – 31.8.93

"DI Bullock – Family met by DCS. Last week. **Undercover officer**/time it took police to arrive/ another meeting next week will be last."

We asked Mr Bullock if he could recall what this note referred to. He said that he had tried to recall what it meant but that he could not now recall the meaning or context, other than to assume that it was passed on from the meeting with the family. He had no knowledge of any undercover officers being deployed in the Lawrence case in any form whatsoever. He had no recollection of being asked to provide information to any officers about the groups that were surrounding the Lawrence family and pointed out that the media publicity given to the case would have most likely included the involvement of such groups in any event.

John Bevan told us that he attended most of the office meetings but that he had no recollection of an undercover officer being involved in any way at any time of the initial murder investigation.

Linda Holden told us that she also attended most office meetings. The reference to "DCS" in the minute could well, she thought, be to Detective Chief Superintendent William Ilsley, who had taken over meeting the family following their request for more senior officers to be involved. She could not help as to what the reference to "Undercover officer" related to as she had never been aware of any undercover officer being involved and it was the first time she had seen that entry. She added that she would not have been surprised if another squad had had some officers looking at the activist side of things. She repeated that she would have been horrified if anyone had sought to use her role as a family liaison officer as a means of collecting intelligence for that, and nobody had ever encouraged her to do so. As to Peter Francis' public statements, she felt very angry as he had tried to undermine both her and Mr Bevan "for his five minutes of fame", which was wrong.

In the context of our review of undercover policing touching on the Lawrence case, this unexplained reference to "Undercover officer" is obviously of concern.

## 6.13 Special Demonstration Squad undercover deployment touching the Lawrence family campaign at the time of the Stephen Lawrence Inquiry

The Stephen Lawrence Inquiry was announced by the then Home Secretary, Jack Straw, on 31 July 1997. A preliminary hearing was held in public on 8 October 1997 and the Inquiry sat in public between March and September 1998 on 'Part One'. It then held a number of public meetings over the autumn of 1998 at various venues in relation to the community-focused 'Part Two'. The Inquiry announced its findings in February 1999.

The serious issues explored by the Inquiry that were a matter of great contention between the Lawrence family and other interested parties on the one hand, and the investigation officers and the Metropolitan Police Service (MPS) on the other, need no further emphasis here.

What must be emphasised when considering this aspect of our terms of reference is the change in nature from what had been a campaign by a bereaved family after the racist murder of a son, as it was in 1997 and 1998, into pursuing a course of public justice in the form of a Public Inquiry in which the Lawrence family and the MPS were the primary opposed parties.

Our system of justice, for obvious reasons, recognises and respects the right of all parties to judicial proceedings to prepare and consult over their respective cases without intrusion or interference, let alone covert surveillance by another party to the proceedings.

The issues under examination at the Stephen Lawrence Inquiry, and the struggle of the Lawrence family to obtain a full explanation for the failings in the investigation into the murder of their son, unsurprisingly continued to interest a mixture of groups, including activist groups that sought to ally themselves with the family campaign for their own ends.

As was recognised in Special Demonstration Squad (SDS) records, and as a matter of simple common sense given the objectives of a squad such as the SDS, the SDS was highly likely to find itself in the situation where undercover officers had infiltrated groups that chose to ally themselves with, and seek to influence, a cause such as the Lawrence family campaign.

In common with other invasive, deceitful and sometimes criminal activity carried out by the SDS, there seems to us to have been little, if any, thought given to the rights and wrongs of carrying on such 'business as usual' when the groups in which it had an undercover presence began to collide with a grieving family of a murdered son, let alone when that family became locked in contentious public proceedings with the organisation that owned and operated the SDS.

It has been suggested to us that such thinking was just not 'on the radar' in those days. It is true that new laws such as the Regulation of Investigatory Powers Act 2000 (RIPA) did develop a continuous balancing exercise between benefit and harm as a necessary requirement before covert surveillance is authorised or continued.

When we have asked those at the top of the MPS and Special Branch how they would have reacted **then** had they been aware of what we are about to describe having happened at the time of the Stephen Lawrence Inquiry, they have said, in one way or another, that they would have felt it was clearly inappropriate.

It follows that some in the MPS were apparently capable of seeing what we now regard to be a wholly inappropriate use of undercover officers touching on the Lawrence family at the time of the Public Inquiry.

The reaction appears to have divided those who had more of a Special Branch, covert activity background from those who did not. The attitude of some of those with a background in covert activity seems to have been that SDS intrusion into people's private lives was more routine, and the collateral damage was considered to be less significant, than the attitude shown by those who had not been exposed to that environment.

If that means that those who become accustomed to carrying out covert and intrusive surveillance get used to tolerating the harm it can cause, then it perhaps demonstrates the enhanced need for such activities to be closely supervised by people who operate outside that environment.

That is not to say that things have not moved on significantly since pre-RIPA days. They clearly have. In formulating our findings, we have endeavoured to make due allowance for what may have been considered an acceptable balance of cost and benefit in that context.

In our view, there is some poignancy in what one ex-SDS officer said recently about SDS record keeping, which improved significantly when computerisation was introduced, namely:

“Until the advent of the computer/systems – the SDS would retain very little that would betray it, that's why it's difficult for you... **Computers made things more vulnerable.**”

As a result of the survival of a greater number of records created in the era of the Stephen Lawrence Inquiry, we are able to give a more vivid description of what sort of information was passed back to the SDS, and then on to others, at the time of the Stephen Lawrence Inquiry.

## 6.14 The Metropolitan Police Service approach to the Stephen Lawrence Inquiry from the Special Branch perspective

An insight into the Special Branch assessment of some of the tensions that existed at the time of the Stephen Lawrence Inquiry can be gained from the following Special Branch briefing note on the Stephen Lawrence Inquiry, dated 21 April 1998:

“After a slow start, the extreme left-wing and black press are beginning to pass comment on the proceedings of the Stephen Lawrence Inquiry... From the outset it should be pointed out that whilst the statements from the extreme left wing and black press may on the surface appear similar; they are in fact motivated by different aims. The black press are keen to connect the racial nature of the attack and police actions in order to support their view that the Metropolitan Police Service (MPS) is irredeemably racist. The left, meanwhile, see the episode is further evidence of the corrupt nature of the capitalist state and the police as bourgeois lackeys. Regardless of the Lawrence family’s intentions, their desires have become fodder for others’ political gain... Any perceived admission of failure or acknowledged error by the MPS will be seized on and exploited. The Inquiry has provided the left-wing press with an opportunity to castigate the MPS. Whilst the proceedings do not feature heavily in the consciousness of revolutionary socialists, it has provided their media with a stick to beat the establishment. **The MPS is essentially in a no-win situation.** Should it be found blameless the Inquiry will be denounced as a government whitewash. Any criticism expressed against the service will be seized on as confirmation of our iniquities... The Commissioner’s statement regarding the questioning of police witnesses will add nothing but fuel to the fire. It will be portrayed as defensive posturing, an attempt to subvert the Inquiry and protect the guilty. By the same token, had the Commissioner remained supine... this would have been taken as an admission that he felt unable to defend obviously errant officers... From an extreme left-wing perspective, the conclusions of the Inquiry are irrelevant. They will be twisted to suit their political agenda... Stephen Lawrence will be taken to their hearts as an emotive symbol of all that is corrupt and cynical in the capitalist system.”

Other senior officer discussions outside Special Branch have also indicated a feeling of unfair treatment during the course of the Inquiry.

At the time of the Inquiry, elements of the MPS once again felt that it was the victim of an unjustified or unfair attack, and an element of consequential vulnerability and unease.

## 6.15 N81

N81 was recruited to the Special Demonstration Squad (SDS) after spending three years in Special Branch, and was deployed undercover into predominantly left-wing or anarchistic 'street disorder' groups from 1996 to 2001. So far as N81 was aware, even the existence of the SDS was a closely guarded secret and the unit was never openly discussed. Until approached to join the squad, N81 had not known of its existence.

N81 understood that the squad's work was far too secret for there to be any formal training. The training consisted of each new recruit working for six months or so in the unit's back office, under a 'field mentor', where they developed their own undercover identity and witnessed the handling of the unit's work by its supervisors and administrators.

N81 would never have accepted the invitation to join the unit if aware of the likely adverse mental and personal impact it would have.

Undercover officers usually telephoned in twice a day and met SDS management at least twice a week. N81 discussed all aspects of deployment with 'handlers', who gave direction as to where to focus. There were also some written tasking records. Debriefing was typically done verbally to the handling sergeant over the phone, or face to face to begin with. By the end of the deployment, N81 was typing reports and presenting them on floppy disk.

The handling sergeant would then edit N81's reports and 'take ownership' of them before they were disseminated onwards. N81 was not privy to the use made by SDS managers of the intelligence reported, with one unique exception that we will describe in due course.

N81 states that N81 was not tasked into the Lawrence family campaign. N81 was tasked into groups which then sought to influence the Lawrence family campaign, which N81's managers were very happy about.

The surviving records of N81's work, which include quite extensive incoming reports as well as assessments by others as to reporting quality and scope, have enabled us to discern how N81's undercover work touched on the Lawrence family campaign, and how the Metropolitan Police Service (MPS) used the intelligence that N81 provided.

In order to protect N81's identity, it is not possible to provide details of the groups N81 infiltrated, or any other specifics that would enable those who were part of those groups at the time to work out who N81 must have been.

Nevertheless, we can still provide an adequate description of the nature of the intelligence that N81 provided that touched on the Lawrence family campaign.

We are satisfied that N81's undercover deployment was consequent upon the primary 'public order' remit of the SDS's work. Like other deployments in the squad, it was a case of devising a means of entry to a group with potential for fomenting or participating in public disorder, and an organic development thereafter, including, where appropriate, moving from one group to another.

N81 was well placed in one of the groups that associated itself with, and tried to build relations with, both the Lawrence family and other groups during the Public Inquiry. N81 is adamant that there was no tasking at any stage **into** the Stephen Lawrence family campaign, but it is clear to us that N81's reporting nevertheless touched on the Lawrence family and its campaign.

### 6.15.1 The intelligence that N8I reported back to the Special Demonstration Squad

The detail of what N8I reported back to the SDS that we have seen, which touched on the Lawrence family campaign over the period of the Public Inquiry, included:

- a) That N8I's group wanted to befriend the Lawrences in order to promote their own agenda, and subsequently felt they had some influence over the planning of the family's campaign. N8I clarified to Operation Herne the meaning of this as:

"It was [N8I's group's] intention to openly or covertly influence this campaign. It was a high-profile opportunity to attack the 'State'; any campaign was seen as an opportunity to take such action."

- b) The family's decision as to whether or not to allow demonstrations outside the Inquiry venue.
- c) Reports of events, including protests, gleaned through N8I's attendance at the Inquiry and at other venues, as a member of the group, including who was and who was not supporting what Lawrence family members wanted and who was not. One such report included who did, and who did not, support Mrs Lawrence's call for the resignation of the Commissioner in August 1998. On a handful of occasions N8I also attended the Inquiry hearings.
- d) A report that N8I submitted in July 1998 described the internal workings of the supporters of the family's campaign, that Mr Lawrence was concerned about the campaign being hijacked by political groups and that a close adviser to the family had stated:

"that the main problem facing the campaign was the refusal of both Neville and Doreen to have anything to do with other groups... that they had in reality separated and that they only continued together as a front for the campaign ... that Doreen in fact wished to wind the campaign up at this point and simply await the findings of the Inquiry, but Neville is more open to continuing but only until the Inquiry releases its findings... [that an adviser] said that there was somebody very close to the Lawrence family who was an 'uncle tom' and as a police agent was actively advising the Lawrences against any real action..."

- e) Reports that touched on personal details concerning the Lawrence family, for example:

"As for the Lawrence family, Doreen and Neville Lawrence split up during the first stage of the Inquiry (although this is not public knowledge). Neville remains the more politicised of the two although Doreen has recently been vocal in her calls for the Commissioner to resign. Neville feels a measure of 'ownership' of the Inquiry and resents others who seek to make capital of it, particularly when they call for public disorder. He is not a good public speaker, but will attend meetings and speak if invited. His addresses are usually little more than recitation of past events and his attitude to the Inquiry has caused resentments amongst extreme left-wing groups. At this stage these groups cannot afford to be publicly disowned or condemned by the official family campaign group. However, it should be reiterated that these groups value their own agendas over that of the Lawrence family."

f) Bob Lambert, in a recent interview, stated:

“N8I comes along much later... to my memory towards the end of my tenure... January 96 onwards... by then the Stephen Lawrence campaign had reached another level and once you get towards the Stephen Lawrence Inquiry you have got a situation where the SDS was being asked to provide intelligence, particularly, you know, from both sides, the far right and far left, public order threats and so that is where N8I would come in.”

g) A briefing note prepared by Bob Lambert summarised N8I’s work, in so far as it touched on the Lawrence family campaign, thus:

“Over the last 6 months N8I has reported comprehensively on the persistent and largely successful attempts by [N8I’s group] to gain influence within the Stephen Lawrence campaign... [N8I’s group] have managed to broaden the agenda within the campaign group to include a platform for their own uncompromising view that the SL case is but one that shows the police to be corrupt and racist from top to bottom. While the Lawrence family have sought to prevent extremist activists from taking over the campaign, N8I’s reporting reveals the extent to which groups like [N8I’s group and others] have gained a significant foothold within the ad hoc organising group...”

An SDS summary of N8I’s deployment record, prepared in 2001, stated:

“N8I is quite candid in admitting that [N8I] was largely responsible for [N8I’s group’s] adoption of the Stephen Lawrence case, and the rest, as they say, is history.”

N8I does not remember saying any such thing. N8I told us:

“It is not my record. It is laughable that I persuaded them to do that... I did not dissuade... I was quite happy to do that... I was supportive of it... but did not come up with the idea... they were always going to do that... they asked and I said ‘Yes, why not?... the public order issues around the Inquiry were huge... they were very happy when it went into Lawrence... I was reporting back verbally every day... if they had said that I shouldn’t I would have pulled back... I may have bigged myself up to my management. I was enthusiastic about it.”

Being deep undercover, N8I said, meant being divorced from police circles and living the life of a member of the group infiltrated. We asked if N8I had thought of the consequences of it being made public that there was a ‘police spy’ in the wider Lawrence camp reporting back at the time of the Inquiry. N8I had lived with that sort of knowledge for the last 15 years, fully aware of the risk of being ‘outed’ and the public outcry there would be, but SDS management did not really understand that. As to N8I’s inclusion of personal information about Mr and Mrs Lawrence in the reporting passed back to the SDS, N8I said the job was to pass back anything that might be of interest. N8I would have expected the handlers to filter it out.

## Findings

- The fact that the SDS had an undercover deployment in a group that got close to the Lawrence family campaign, at the centre of which was a family grieving over a murdered son and alleging inadequacy in the MPS response to that murder at a contentious Public Inquiry, should, in our assessment, have raised concerns in the SDS management and led to a careful consideration of:
  - whether it was proportionate and appropriate for that undercover deployment to continue whilst the Public Inquiry was in progress; and
  - whether those dealing with the Public Inquiry on behalf of the MPS should be informed of the situation, with a view to giving advice as to whether any disclosure might be required to the Inquiry Chairman.
- It does not appear that any such consideration was given to these factors by the SDS management.

### 6.15.2 How the Special Demonstration Squad used N81's intelligence at the time of the Stephen Lawrence Inquiry

#### Special Demonstration Squad records

We have seen SDS records indicating that N81's reporting was used in connection with the squad's established 'public order' remit, in that it was disseminated by Special Branch in traditional sanitised form to relevant MPS units with responsibility for the planning of a proportionate police response to potential outbreaks of public disorder.

We have also seen SDS records that appear to be connected to the paragraph we have already cited forming part of the value of N81's work as included in N81's recommendation for a commendation in 2001, namely:

**“The provision of a perspective to those charged with formulating the MPS position on key strategic issues. [N81] was thus debriefed thoroughly by the Stephen Lawrence Review Team** as it considered how the MPS might regain the confidence of the black community, how it might assess the potential for disorder by sections of that community and what might be the consequences of sustained political pressure on the MPS from hard-left and other groups not well disposed to the police.”

This seems to us to be a clear indication from within the SDS that the use made of N81's reporting at the time of the Public Inquiry was more than the traditional 'public order' remit. This accords with other SDS records and retrospective reports on the SDS from 2000 onwards that refer to the SDS broadening its 'customer base' from around 1997, when it changed its name to the Special Duties Section.

#### File note by Bob Lambert, 18 August 1998

This file note reported a meeting held on 14 August 1998 between N81, Detective Inspector Bob Lambert and Detective Inspector Richard Walton.

We have set out the content of this file note, and other linked documents, in as much detail as we can, as the accuracy of their content has recently become the subject of some contention by Mr Walton.

We note that the Stephen Lawrence Inquiry had concluded hearing live evidence on 20 July 1998 and was due to reconvene to hear final submissions from all the interested parties on 17 September 1998.

Where [N81's group] appears, the group was actually named at the meeting, but we cannot identify it without creating a risk that N81 might be identified as a result.

“FILE NOTE

N81

On Friday, 14th August, I had a meeting with N81 and DI Richard Walton. **DI Walton is currently working with the Stephen Lawrence review team. N81 talked about the Lawrence enquiry from [N81's group's] perspective and DI Walton from his. It was a fascinating and valuable exchange of information concerning an issue which, according to DI Walton, continues to dominate the Commissioner's agenda on a daily basis.**

DI Walton thanked N81 for N81's invaluable reporting on the subject in recent months. **An in-depth discussion enabled him to increase his understanding of the Lawrences' relationship with the various campaigning groups like [N81's group] – this, he said, would be of great value as he continued to prepare a draft submission to the Inquiry on behalf of the Commissioner.** [N81's group's] future plans were also discussed at some length.

DI Walton explained a lot of the behind-the-scenes politics involving the Home Office. It emerged that there is great sensitivity around the Lawrence issue with both the Home Secretary and the Prime Minister extremely concerned that the Metropolitan Police could end up with its credibility – in the eyes of London's black community – completely undermined.

**DI Walton explained the three main areas that his team is addressing:**

**1. How to respond to the charge of institutionalised racism**

**Here the team seems likely to admit the essence of the charge. What is exercising their minds is merely the terminology to use. There is a preference for phrases like 'unconscious racism' and 'a lack of understanding of black culture'.** The team realises that, however expressed, such a frank admission of failure will shock many serving police officers who have, thus far, been fed a much more upbeat response to the enquiry in The Job.

**2. How to handle the second stage of the Public Enquiry**

DI Walton explained that the Commissioner plans to stage a series of public forums in the months ahead at which he will attend personally and set out the Met's position. One proposed venue was XXXX and N81 was able to advise DI Walton of the vulnerability that such a meeting would have to disruption from [N81's group] and local black youth.

As regards the second stage itself, there continued to be daily discussions within DI Walton's office as to the best tactics to adopt. The question of the Commissioner's resignation, and that of his assistant Ian Johnston, is regularly addressed.

**3. How to regain the confidence of the black community**

Commander Grieve is now in charge of post Lawrence black community relations and is clearly hoping to be able to draw a line under the affair and work towards a more positive relationship.

N81 was able to highlight the enormity of this task as regards sections of the black community... **[N81] was also able to provide DI Walton with some specific and positive information as regards those community groups who might be prepared to build bridges.**

DI Walton also explained how the Home Office was very sensitive about the wider implications of the Lawrence case, in particular the potential for rioting or disorder by sections of the black community in the wake of an irretrievable loss of confidence in the police. Allied to this was a concern about the damaging effects of sustained political pressure from hard-left and anti-police elements.

DI Lambert

18.8.98

Submitted

(circ. copy N127/N52/N129 – All SDS Sgts)

An excellent meeting and a good example of the strides N81 has made over the last 12 months. N58 (SDS DCI)"

## SDS Intelligence Update, September 1998

This was found within a batch of SDS operational strategy reports from 1998/1999.

It appears that this update was prepared by SDS Detective Chief Inspector N58 quite early in September 1998 and its content included:

### "EXTREMIST INVOLVEMENT IN THE STEPHEN LAWRENCE CAMPAIGN

"Over the last six months source N81 has reported comprehensively on the persistent and largely successful attempts by [N81's group] to gain influence within the Stephen Lawrence campaign... [N81's group] have managed to broaden the agenda within the campaign group... While the Lawrence family have sought to prevent extremist activists from taking over the campaign, N81's reporting reveals the extent to which groups like [N81's group] have gained a significant foothold within the ad hoc organising group...

"In addition to providing valuable public order intelligence for C Squad, **N81's unique insight into the behind-the-scenes machinations of the Lawrence campaign has also proved invaluable to A/DI Walton who is currently attached to the Stephen Lawrence review team.** At a recent SDS meeting N81 was able to give A/DI Walton a first-hand briefing on the case and offer some sound advice (e.g. that the Commissioner would be ill-advised to attend a public forum at XXXX as provisionally planned). In terms of the Metropolitan Police's long-term strategy of seeking to rebuild damaged relations with the black community, N81 was able to comment authoritatively on the enormity of the task generally and in [N81's] own local area...

"At the time of preparing this paper N81 is reporting another significant breakthrough... on Weds evening 2 September...

"Source protection dictates that SDS assistance to the Stephen Lawrence Review team should continue to be restricted to the current channels as outlined above: regular reporting to C Squad **and additional discreet briefings to A/DI Walton when necessary.**"

## Notes made by Special Branch Operations Commander Colin Black in September 1998

Opening file note made by Commander Black dated 14 September 1998:

“CORRESPONDENCE BETWEEN CO24 AND MPSB

“This file is opened to record MPSB policy relating to the provision of intelligence and information to CO24 by Special Branch and to hold copies of all intelligence reports and briefing notes so provided. It is clearly in the interests of the later assessment of the service offered by the Branch that such items are held in one place. It may be that, in due course, information relating to race crime of interest to this Branch will be provided by CO24 to us. It too should be placed on this file.

“As of this date, all correspondence for CO24 will pass via D/Supt C Squad to DS McDowell (CO24) or, in his absence, DAC Grieve. CO24 undertake to handle such documents in accordance with handling guidelines for protectively marked material.

“1. Commander SB to see

“2. Sec. Commander to see

“3. D/Supt to see

“4. Return file to Ops Cmdr.

“SB OPS

14.9.98”

## Note made on a minute sheet by Special Branch Operations Commander Colin Black dated 14 September 1998

“Detective Superintendent S

“Thank you. These papers confirm that SDS is, as usual, well positioned at the focal crisis points of policing in London. **I am aware that [DI Walton] of CO24 receives ad hoc off-the-record briefings from SDS. I have reiterated to him that it is essential that knowledge of the operation goes no further. I would not wish him to receive anything on paper.** I have established a correspondence route to DAC GRIEVE via DS MCDOWELL, formerly of SO 12, and opened an SP file for copy correspondence with CO24. It will, of course, fall to C Squad to provide the bulk of that material. They will undoubtedly consult SDS as appropriate.

“... Ops 14/09/1998”

## Further file note prepared by Special Branch Operations Commander Colin Black dated 26 September 1998

“If at all possible, I would wish to see a flow of suitable material to DS McDowell, both tactical intelligence around the Lawrence enquiry and broader work on race crime. Please carry forward.

“SB OPS

26.9.98”

The correspondence file that was opened by Commander Black on 14 September 1998 still exists, and it includes retained notes and briefings sent to CO24, apparently from 28 September 1998 onwards. The majority of the correspondence consists of threat assessments relating to possible public order issues. These were around the London-based venues where Part Two of the Inquiry was considering holding hearings within the MPS area. Such briefings fitted the description given in Commander Black's note on 26 September 1998, which suggested: "suitable material to DS McDowell, both tactical intelligence around the Lawrence enquiry and broader work on race crime". Included within this retained correspondence was what we have summarised above as reports that touched on personal details regarding the Lawrence family emanating from N81's reporting.

Also held on the file and disseminated to CO24 was a report dated 11 September 1998, which referred to a named individual having offered to give evidence to Part Two of the Stephen Lawrence Inquiry. It was not known whether the evidence would be in oral or written form. There followed a short biography of the individual, including his former political group memberships, employment and the potential for his evidence to the Inquiry to raise issues of "racists in the police" from two angles: firstly as a result of his being employed there; and secondly relating to any allegations he might wish to make of racist behaviour that he witnessed amongst police colleagues at the time.

#### **Comment**

- This is one of the few instances that we have seen of intelligence being provided to CO24 about the background and likely issues concerning a potential witness to Part Two of the Inquiry.

## **Bob Lambert's account in relation to the meeting with Detective Inspector Richard Walton**

Bob Lambert was N81's SDS Detective Inspector in 1998, and Operation Herne has indicated that Mr Lambert may also have been acting as the Squad Detective Chief Inspector in July 1998.

In a recent interview with Operation Herne, Mr Lambert described Mr Walton as follows when dealing with the notes he made regarding the meeting between N81 and Mr Walton:

“DI Walton was at that time one of our customers I suppose, he was a particular customer with a particular requirement because he was working directly for the Commissioner in relation to the Metropolitan Police response to the Stephen Lawrence Inquiry... I also recall that 'Pete Francis's' intelligence around the campaign was passed to DI Walton for the same purpose... But here this is a file note where DI Walton has actually met with one of the field members after 'Pete Francis' had left the field... and so N81 is probably the person who was best placed to help the Commissioner with what is happening in groups (like the one N81 was in)...

“Q: If N183 and that review [the MPS Lawrence Review Team] are a customer then does he not put in certain requirements to the SDS and the field officer as a customer?

“A: Well I do not know certainly, the SDS will sort of do everything that it can in 1998 to assist the Commissioner and you know his representative for sure... But it does not read to me like a tasking... I mean it is kind of axiomatic that this officer is going to be in place to be able to

assist the Commissioner as [N81's] reporting would have been assisting the Met as a whole... But it just was not the case that the SDS was working against the interests of the family, the Commissioner's interests here is not that either... it was to have an understanding of what these campaign groups were up to, to either protect the Lawrence family... It was certainly not to do anything against the Lawrence family..."

In response to notification of possible criticisms that might be made of him in this Review, shortly before we finalised our report Mr Lambert said that he had facilitated the meeting between N81 and Mr Walton at the request of his senior management. He had been told that the purpose of the meeting was so that Mr Walton could fully brief the Commissioner. He said the request had come to Commander Special Branch and was delegated down to him. He had been given no limitations as to what he could cover in the meeting; Mr Walton would just ask questions and N81 would answer. He said the note he made was for his superior's records. He did not recall and therefore could not agree that "personal and tactical elements" were discussed at the meeting. However, SDS officers were deployed into groups that were looking to use the Lawrence family and its campaign for their own ends and the SDS was monitoring that. The only tactical content in the note related to the vulnerabilities should the Commissioner attend a public meeting. Mr Lambert did not understand why he should be personally criticised for facilitating a meeting, at the request of senior management, which enabled the Commissioner to be briefed.

### **N81's account in relation to the meeting with Detective Inspector Richard Walton**

N81 provided a lengthy witness statement to Operation Herne in August 2013, which included the following passages:

"... I was informed, at the height of the Macpherson inquiry, that my reporting was going straight to Sir Paul Condon's desk each morning via N24, and N127 (SDS Sgt) passed on to me from N24 'congratulations from the Commissioner for your excellent reporting...'

"At one stage, I was called to [Bob Lambert's] house to meet with an individual I was told was an official from the Home Office. This was on direction of [Bob Lambert] my line manager. The official asked me generic questions about the campaign such as the mood on the streets and the impact of [N81's group] around the Stephen Lawrence inquiry, the black community and the churches. I cannot remember the specific details of the conversation, but according to [Bob Lambert] the official was very impressed and had commented 'it was like meeting one of them'. I met this individual only once and it is only recently that I now know the individual was in fact a police officer by the name of Walton... At the time, I thought the meeting was unusual and I relayed this to [Bob Lambert]. N9 later told me that it was quite usual for SDS management to arrange meetings between operatives and outside persons at the management's homes. This was because such persons would not be able to attend SDS safe houses."

We spoke to N81 on 22 October 2013. N81 told us that management had been incredibly hostile and that there was 'an agenda'. N81's current Commander, Mr Walton, was denying a meeting that they had when N81 was in the field and N81 felt under attack, threatened and lonely, having done nothing wrong. N81 was suffering from post-traumatic stress disorder and depression as a result of the undercover work carried out for the SDS.

N81 admitted having a less than brilliant memory and had no memory of believing that the man at the meeting was a police officer, but did have a perception that the man was from the Home Office or on attachment to the Home Office. It had come as a surprise when N81 had been told it was a police officer.

We read Bob Lambert's file note of the meeting to N81, who said it was a very unusual meeting in Bob Lambert's back garden. N81 was sure that Bob Lambert's note was true, but no longer had a clear recollection of all that was discussed.

## Barry Moss

As part of the process of notifying individuals who may be the subject of direct or implied criticism, we wrote to Barry Moss, who confirmed to us that he was the Head of Special Branch at the time of the Public Inquiry but emphasised that he had little detailed knowledge of the operational side of the SDS.

As regards the dissemination of N81's undercover intelligence to DI Walton, he said:

"I had no knowledge of any meeting between DI Walton and any member of the SDS... My permission for this meeting was not requested, nor was I told about it after the event... had my permission for this meeting been sought, it would not have been given, and I would have brought the matter to the attention of my senior officer, AC Veness... I agree with your comments that 'there was no proper justification for intelligence... regarding the Lawrence family... being provided to an MPS officer working on the MPS case to be presented to the Inquiry... I was not aware of any SDS deployment close to the Lawrence family... or any suggestion that any disclosure regarding SDS deployment should be made to Sir William Macpherson."

## Richard Walton

We conducted a taped interview with Mr Walton on 15 October 2013.

He told us that he had joined the MPS in 1986 and that he worked in Special Branch from 1989 to 1995, covering pretty much the whole range of Special Branch activity. After a couple of years spent working on intelligence, he became aware that there was an undercover source of intelligence coming to him. It was always caveated as "a secret and reliable source". There was very little explicit discussion even in Special Branch about the SDS. They knew where the intelligence must be coming from and sometimes there would be contact between the detective sergeants and the SDS: "so you did after a while recognise where the source reporting was coming from... because you can work it out... you become aware as a detective constable that there was this undercover coverage... and it had to be somebody that was absolutely on the inside." In his later years in Special Branch he was explicitly aware of the existence of the SDS.

He had never been attached to the SDS and he did not work on any intelligence that touched on groups associating themselves with the Lawrence family campaign from 1993 to 1995, when he left Special Branch on promotion to detective sergeant. He never worked as an undercover officer.

We asked him to explain how he came to be a part of the MPS Lawrence Review Team in 1998. He explained that he had been called up by Bob Quick, who was then a detective superintendent, because Mr Walton was on the accelerated promotion scheme. He was asked to work on a small team:

"... because the Lawrence Public Inquiry had started and it was clear it was absolutely going the wrong way in terms of Met reputation and all the rest of it... to join a team to do a thorough review under Bob Quick... who was reporting directly to Paul Condon at the time... Effectively, the Lawrence Inquiry was, I don't know, a few weeks in, and there were lots of allegations

being made against the Met, some of which I think the Met knew about and some of which were starting to sound a lot more damaging than I think anyone realised. They centred around, obviously, racism, but then also corruption and incompetence. Bob Quick created a team of, if you like, bright young things that would come in and do a review of the whole thing... the murder investigation itself, the review undertaken by the Detective Chief Superintendent [Barker] and the Kent investigation... We went through the whole lot and were asked to look at the Met's vulnerabilities around it, because it looked like it was going so badly... there was a team of about 12 of us... maybe eight or 10..."

"Q: And did it end up with a document?"

"A: Yes, well the Met's submission to [Part One of] the Lawrence Inquiry was written by us effectively. I wrote Chapter 12, which is the Met's response to the allegations of racism... We produced that document and I remember going back and forth into the Commissioner's office – Paul Condon at the time – on a couple of occasions when we were presenting to him our findings. What our findings were, were that – well, I mean, racism was debatable in terms of whether it was wilful institutional racism or unwitting, etc., and that debate followed. We found incompetence, clearly, and we found some corruption, the famous DS Davidson. To this day I will stand by that report. I still think that it is absolutely factually correct... we were working all of us 10 to 15 hours a day, all of us, actually around the clock... It was called the Lawrence Review Team..."

He described what happened after the submission to the Inquiry had been finalised:

"Then I finished on the Lawrence Review Team, and towards the end of that stint, when I was with the Review Team, John Grieve had been brought in to try to rescue the Met in terms of its reputation and its engagement with minority communities... I remember John Grieve effectively being called I think on the phone by Paul Condon... 'Things are bad, can you rescue us in terms of reputation?' John Grieve started going to the Inquiry towards the end. He sat in for hours and hours listening to all the Public Inquiry. Very quickly he understood a lot of the issues. Then Paul Condon said to John Grieve, what do we need to do to turn this around, in terms of not just confidence but our capability around investigating race crime, monitoring racial incidents, you know, race hate issues and a range of things. John Grieve at that time was seen as probably the Met's best sort of senior leader by everybody. So, anyway, he came back and he set up what became the Racial and Violent Crime Task Force, so CO24. I remember it starting as an empty office. I remember Brian McDowell, who was a detective sergeant, setting it up. John Grieve had been given from Paul Condon a remit to do whatever it takes to both turn around the Met's capability around investigating race crime and restoring confidence in the community in London in terms of our ability to do this... Steve Kavanagh, now Chief Constable of Essex, was brought in, I was brought in, as an acting DI..."

As to how his contact with N81 came about, he said:

"Q: ... 1998 contact with an SDS officer who is in [N81's group]... Anyway, you tell us how that came about.

"A: Funnily enough, I could not remember this when [Operation Herne] asked me about it, but, having looked at the documentation here, I can recall it much more clearly..

"... I recall a conversation with Colin Black, who was the acting Commander at Special Branch in 1998 – I recall a conversation with him and I can't remember if it was in person or on

the phone... I remember something to the effect of, 'You are on the Lawrence Review Team' because I knew Colin because I had worked extensively with him at Special Branch... Colin said something to the effect of, 'Well, you are on the Lawrence Review Team, we have got some coverage, as you can imagine, on the periphery around the Lawrence family, because we are concerned about extremist groups infiltrating the Lawrence campaign and we are also concerned about extremism on the back of the Lawrence campaign driving public order.' So he said, 'We need a conduit to ensure that anything we pick up, particularly from SDS, can be fed in to support your reinvestigations of Lawrence, of Menson and Ricky Reel... We need to be absolutely certain that John Grieve got the whole story and the whole picture. And, as you know, Richard, we have got good coverage'... That was the sort of conversation... 'Are you comfortable with receiving intelligence related to SDS at this time?' 'Yes, I am, of course.' 'Look, we will do it, it will not be on paperwork, it will be personal briefings to you.' I said, 'That is fine'... It was only one meeting. I think that it was in a meeting... and this I could not recall until prompted, so it is important to say that. When [Operation Herne] raised it with me a few weeks back and said, 'You met Bob Lambert at his address and you met an SDS operative' it kind of triggered something, but I couldn't remember what it was, but having seen the documents here, this morning, I can recall it more clearly... I did attend, I don't think I knew it was Bob Lambert's personal address... but anyway, it was an address in North London... I think it was a Sunday, and of course I knew Bob Lambert because of my six years in Special Branch... when I met him here at this address... I think he was acting DCI... so he would have been head of the SDS effectively... So this would have been Colin Black, I am presuming would have talked to Bob Lambert... Bob was seen as one of the most respected and seen as having complete integrity... so Bob knew me, I knew him, so he called me up. I don't know how the meeting came about. I can't recall the detail... I remember seeing an individual that Bob Lambert introduced me to, but I can't visualise that person...

"Q: How many times did you meet with an undercover officer?"

"A: I think it was only once..."

Later in the interview he said:

"Q: Can you remember whose idea it was to go and see this undercover officer?"

"A: I can't remember who exactly... but I think that it might have come from their end. I think that it may have been that I bumped into Bob at some stage... Bob occasionally... in his role as head of the unit was seen at the Yard..."

"Q: And they made the initiative initially, in that Colin Black had said to you, you know we have got some capability here, we want to make sure John Grieve gets whatever might be useful for him?"

"A: Yes... as I say it is a long time ago, but I think that it might have been a chance meeting with Bob Lambert where he would have said something like, 'Well, if it helps, do you want to... would it help to meet the actual operative in the field?', I think it might be that. I think I said, 'Yes, Bob, that would help because it would allow me to contextualise what is actually going on out there because we are getting all sorts of feeds and to speak to a person actually in the field would probably be as good as it gets.'"

As to the SDS Intelligence Update for September 1998, he said:

“... But this has prompted me to remember the meeting a lot more. I don't dispute, for instance, this document here, which is entitled 'SDS Intelligence Update September 1998' when it talks about me meeting this individual. I don't really dispute anything around that. In fact it prompts a lot about me meeting this individual. It is pretty much as I recall it, but only having been prompted by it. I do remember there were concerns around [two groups including N81's group] – there were lots of concerns that they were hijacking the Lawrence Inquiry and a genuine concern. That was in my time with the Lawrence Review Team. I think that even Paul Condon was worried that... because we felt also on the Lawrence Review Team that there was a lot of distortion going on in the public domain... that potentially the media was being manipulated by some of our extremists for their purposes and, as a result, there was not accurate reporting in the papers about, for instance, all those three aspects, corruption, incompetence and racism, particularly racism. We felt the Met was effectively being... well, the story was being distorted...”

As to the content of the meeting and the value of what he learned, he said:

“Q: When you do meet, have you any recollection as to what value it was to what you were having to do at your end with the job you were having to do?

“A: Yes, well I am reading here that... the reporting here talks about great value and all the rest of it... I don't really dispute that. I suppose it is a fraction strong from my recollection, but I remember the meeting being helpful, particularly around [N81's group and another group] because there were genuine concerns around them... We were concerned on the Lawrence Review Team about extremism undermining the Inquiry, etc. etc. So when I went for this meeting and there was discussion about it, this operative was able to shed light on this group and what they were about, which, basically, I seem to remember completely correlated with our assessment... that there were core elements... potentially trying to... in those days we called it entryism [‘entryism’ was then explained].

“Q: So you suspected it, anyway, as part of the Review Team?

“A: Yes.

“Q: I can see the fear that the police are being unfairly treated... I can see the benefit of asking somebody what is going on... but where can you do anything to deal with it?

“A: Well, you can only deal with it within the law. If criminal offences are not being committed then there is nothing you can do about it effectively. A lot of Special Branch work was about monitoring extremism that was on the cusp of illegality...

“Q: ... The public order side I completely get. I can see that, intelligence as to whether somebody is or is not going to be marching down to the Welling bookshop... The issue that you have explained is that the Met are getting a raw deal out of this because of the way in which groups like this are trying to influence the press, the campaign?

“A: Yes.

“Q: It is confirmed, and I am just trying to understand where it gets you.

“A: Well, it doesn't get you very far. This is the dilemma of this area and still is the case today... Where does extremism start and where does it finish?... it is almost in the eye of the beholder..”

He was asked about the extent to which the meeting had anything to do with public order issues:

“Q: What I am trying to really understand is, given the task that you were doing at the time, the benefit of having this confirmed because this is not public disorder, this is maybe a facility that is there because of public disorder..

“A: Well, it is predominantly public order.

“Q: But you are not going down there on a public order remit, are you? You are going down there because there is a perception that the Met are being unfairly treated because these groups are getting into the campaign and that has been confirmed?

“A: Yes, but there were not sufficient to – you know, in terms of what we were being told – to suggest there was criminality... insufficient intelligence or evidence to demonstrate that there were any offences or conspiracies... being committed..

“Q: What benefit would it have been to you if there had been... from your remit at the time?

“A: Potentially it is offences of like perverting the course of public justice or if it is undermining a Public Inquiry... I think we were on the cusp of that... We felt that the interference to the Inquiry was unjust... the fringe extremist groups...

“Q: I understand the public order issue – leaving that on one side and somebody else is policing that... your role then is the interface with the Public Inquiry?

“A: Yes.

“Q: What is the benefit for you in having it confirmed one way or another? What could you possibly do with the information?

“A: Well, we were briefing it to the Commissioner direct.

“Q: For what purpose?

“A: So that he can... You say it is not public order, it is public order..

“Q: You mean in the sense of sort of meltdown?

“A: Absolutely... This is community tension territory...

“Q: But is that your remit in doing this job?

“A: No.

“Q: This is where I am having difficulty... the public order consequences of what is going on at the Macpherson Inquiry is actually somebody else's issue, is it not, than the job you were doing?

“A: Well, no, not really. As I said, there is an important distinction between the Lawrence Review Team and what came after it in CO24... I think you need to pin down exactly when this meeting happened... was I in the Lawrence Review Team or was I in CO24?... Because for me

that is the important thing. The role in terms of meeting the SDS officer would have been of most benefit on the cusp of the CO24 role and not in the Lawrence Review Team role. The Lawrence Review Team role would have been background material. Remember, it was important to understand it, because Paul Condon was worried that he was being – you know, there was an absolute conspiracy to undermine him, but also to undermine the Met and to undermine community confidence...

“Q: You talk about a conspiracy to undermine Paul Condon and undermine the Met... are you putting that into the same confidence issue... rather than how issues in the Inquiry, how the Met can be presented?

“A: I don’t remember it being like that, it is pretty much conflated all into one. There was genuine concern by Paul Condon about community confidence and the impact the Public Inquiry would have on the streets of London... if the Inquiry had said that we were institutionally racist and that was absolutely wilful racism we could easily have had riots on the back of that...

“Q: Can I put this to you as a concern. The SDS capacity is largely there for the justification of public order in the sense that it reports back when things are going to kick off and it is a very good facility for that and that is its justification in this aspect.

“A: Of course, yes.

“Q: We are now in an area when the Met is taking a beating publicly.

“A: Yes.

“Q: When there is great concern, clearly, from what you are saying in the Met about that fact.

“A: Yes.

“Q: It has a public order consequence, but it clearly had other consequences because it is an institution that feels under attack to some extent... and not fairly... in the way you have described?

“A: Yes.

“Q: It is exactly that Peter Francis is describing as being the atmosphere when the investigation began to get nowhere and the publicity ramped up... sort of hand grenades being thrown in both directions?

“A: Yes.

“Q: And there was a bit of a desire to try to even up the balance a bit... we are getting a blurring, potentially of the purpose for having an undercover officer doing their work... You are saying that the atmosphere is that there is an undermining, that the Inquiry is being undermined?

“A: I know, of course.

“Q: It seems that it is definitely being used, potentially, not to do any more than find out, but it is an undercover capability that is being used by an institution that is being attacked for that reason, not for public order reasons directly...

"A: Everybody including Paul Condon downwards knew that you can misuse intelligence... he is probably the most ethical senior officer I have ever worked for. His overriding concern was one of public safety and community tension and confidence in the Police Service and solving the murder... the timing of my visit is quite important because the transition between the Lawrence Review Team and CO24 is really important... my first role was to produce a document... I seem to remember that this was at the tail end of the Inquiry when we were transitioning into a new era under John Grieve...

"Q: They come back in September to deal with final submissions...

"A: That's interesting, so I was on the Lawrence Review Team, not on CO24.

"Q: Please check the dates. It was a long time ago.

"A: In which case it is interesting, I can see why you would ask that question... I think that it was legitimate to see that individual to give some context and, actually, probably some reassurance that it wasn't worse than we thought. But, you know, what could we do about it? Well, actually, no, nothing, really. We live in a democracy, so... We knew then, as we do now – you know, we know the boundaries... We knew then..."

We then asked him about Bob Lambert's file note of the meeting dated 18 August 1998:

"Q: Can I just ask you about some of the detail, if you remember any of it, of what it was you found out from this undercover officer? Did you understand what position the officer had gained in [N81's group] or [N81's] position to steer them as opposed to just observe them?

"A: There are a couple of points about the meeting. Firstly, I don't remember being introduced as a member of the Home Office...

"Q: What do you remember being introduced as?

"A: I don't remember... because I have only seen this today... I am sure I would have been uncomfortable about being introduced as a member of the Home Office... because I wasn't...

"Q: Do you think there was any reason why [Bob Lambert] would not just have said, 'This chap works on the Lawrence Review Team?'

"A: No...

"Q: Please tell us anything else that you have read that you do not agree with.

"A: There is one bit that I have read, but the actual meeting, no, I don't recall being told anything about how much penetration that individual had... that would not have been relevant at all... Bob Lambert has been kind enough to facilitate it and it was useful. I don't dispute anything in that file note...

"Q: Did you get subsequently, or had you had previously any of [N81's] reporting on what was going on in [N81's group] and the Lawrence family, because we have got several reports from [N81] discussing what is going on between [N81's group] and the Lawrence family, did you ever get any of that?

“A: I don’t recall, but I don’t think I would have been barred from seeing it and I might well have seen it, to be honest, I just can’t remember it... just going back it does say in here that ‘Commander Grieve is now in charge of post-Lawrence black community’... so we are transitioning into the new era from the Lawrence Review Team into... that was almost a different role.

“Q: Presumably there was room for them overlapping because you might have been preparing the submissions but at the same time somebody must have been thinking about recommendations and about the future as opposed to it being stop/start?

“A: Yes, that’s right...

“Q: Anything else you have read in the documents that you have got that you are not happy to say, ‘Yes, that sounds right’?

“A: Yes, I remember talking to them about this, so these points 1, 2 and 3 – ‘How to respond to institutionalised racism’, and the second stage of the Public Inquiry and how to regain the confidence of the black community – **that is all correct. That would have come from me, because, of course, as I said, the thrust of my Lawrence Review Team role was absolutely those things.**

“Q: ... do your documents talk about it being of great value as you continued to prepare a draft submission to the Inquiry on behalf of the Commissioner?

“A: Yes.

“Q: It looks from the note that you are at a stage where you are still continuing to do the submission?

“A: Yes. That is the submission that I’m referring to, yes. That is the only thing I wrote. That is fine... in terms of the file note, I don’t dispute any of that. If we could go to this statement of N81.”

As to N81’s witness statement, made to Operation Herne in August 2013, Mr Walton said:

“I’m not sure about black churches ever featuring at all... we would not have referred to it as the black community. What we were concerned about was [N81’s group and another group]... we weren’t looking at the black community... I would not have asked about the black community or black churches... I might well have said ‘like meeting one of them’.”

We asked Mr Walton about the correspondence route established by Commander Black:

“Q: Do you have any recollection of any of the reporting that was coming from the SDS from within [N81’s group] then finding its way to your end and, via you, to Mr Grieve?

“A: No.

“Q: What was the route that was established whereby Colin Black would make sure that Mr Grieve had what he might need?

“A: I cannot remember. I do seem to remember reading bits and pieces about [the other group]. I might have gone up to Special Branch and been given access to the material as it was being

reported in. I am certainly not denying that I didn't see it, if you see what I mean, but I just can't remember.

"Q: Can I just read you something?: 'Commander Ops Colin Black is aware of ad hoc briefings around the Lawrence campaign from the SDS to DI Richard Walton, reiterating that he should not receive anything on paper and that he had established a correspondence route'... then there is a report which appears to be provided to CO24 along whatever the route was, which does go into intelligence concerning the Lawrence family and the group... if we assume that happened, are we saying that it was not going through you, or that you just don't remember or...

"A: I think I just don't remember. I think that if it happened, it would have gone through me and...

"Q: It sounds to me that it is likely that it would have gone through you.

"A: Yes, it would have gone through me... Yes, I remember it being set up. I do remember reading about [the other group], but I just can't remember, if you like, the channel. It would probably have been me going up to the 18th floor or 17th floor where I could then have been given access to the desk that dealt with that material and I would have been given access to the file to read it. I am certainly not denying that I did see it.

"Q: So, if it happened, it would have come, you think, through you?

"A: Yes. If I can conclude, there was a channel, it was set up by Colin Black, I was the recipient and it was set up so that I could be made aware of the wider reporting on the Lawrence family; in particular I seem to remember – again it is important about the transition because I seem to remember that when we started at CO24 that would have been the time I would have been reading the material, I think, because it was so much more important then, because we were already investigating.

"Q: There is one which is dated 14 September 1998, which includes information about the family, about Doreen and Neville having split up during the first stage of the Inquiry.

"A: Yes.

"Q: Although it is not public knowledge.

"A: Yes.

"Q: About Neville being the more politicised of the two, Doreen being more vocal about the Commissioner needing to resign.

"A: Yes.

"Q: Which one of them feels more ownership, which one of them is a better public speaker and what their speeches are like. To me that is quite personal information and, if I was Doreen or Neville Lawrence reading this, I would be pretty offended that that was being reported back. Again, like I did with the other issue, I have got to put to you that point, because it seems that the comment can be made with some force, there is not a terribly good line being kept here between what is appropriate and what is inappropriate. I am just putting it to you because that is just an example of when the reporting sort of veers into the family and it is just really for your comment, because if it is coming through the conduit you are one of the people that I have got to ask about that.

“A: Yes, sure. **Well, that does sound like it is veering off.** I don't remember reading that. But context is quite important even within extremism, you know, I would say... to understand that in terms of the remit, to understand – again going back to entryism and the sort of individuals who are potentially going to use things for their own means for extremist purposes and public order, etc., etc., then some of that context is important. **This is the dilemma of all undercover information... We talk about it now as collateral intrusion... for me that is collateral intrusion which is something that we are aware of now, perhaps, more than we were then I guess.**”

We asked if there was any reason why such information could possibly be of value to anybody on the MPS's Lawrence Review Team. He said:

“A: ... Yes, absolutely, because we were concerned about confidence and the Commissioner was concerned about confidence. He was more concerned about that than he was his own reputation and his own job... he was prepared to resign because he was more concerned about public confidence and race riots in London than he was about his own job.”

“Q: An interesting way maybe of testing it is to ask, well, **supposing that somebody at the Macpherson Inquiry had pointed to the public gallery and said, 'That [person] over there is an undercover police officer who is in [a group], who is having meetings with the family and who is reporting back to the Commissioner on what is going on and personal details about the family', what effect would that have had on public order?**

“A: **Well, I know,** but... I know, **if you look through in a lens that looks backwards, that is what it looks like.** First, I didn't know that [N81] was in the actual Inquiry but if that was so... Well, **the Commissioner certainly would not have known... Paul Condon, I would not have thought.** Would Paul Condon have known that there was an undercover officer in this domain? Possibly, because we would have told him that there was coverage on the fringes of the Lawrence Inquiry. Would he have known about the depth of that? Probably not. **He might be shocked about that. But within the undercover world, as I say, I cannot stress enough, this is a highly, highly intrusive tactic. You cannot avoid it.** You cannot avoid those odd kinds of coincidences. If you are putting somebody in the field against a certain target... then don't be surprised that they are going to be covering in awkward places and times and exchanges with ordinary members of the public and that is collateral intrusion.

“Q: I only gave that as a graphic illustration, because it seems to me that part of the consideration when you are looking at the collateral intrusion this entails is the absolute understanding at the time that this will actually remain secret. It seems to me that you cannot help being reassured... by the fact that they are never going to know and, as long as they never know, the collateral intrusion exists, but it is a very different thing.

“A: Absolutely.

“Q: In other words, it carries with it a level of strong desire that they never will know.

“A: Exactly.

“Q: **Yes. Well, that has ramifications when you are in the context of a Public Inquiry because what has to come with it is the Inquiry is never going to know either.**

“A: **No, that is right.**

“Q: It remains buried.

“A: Yes.

“Q: Perhaps the unique thing, though, about this set of circumstances is that you had the ability to shape your own presentation with the benefit of that intelligence and that is the difference between any other scenario where there is potential for collateral intrusion – the very collateral intrusion that exists here or the very nature of the reporting gives you, as an organisation, the ability to shape your response and to represent yourself in a certain way.

“A: Yes.

“Q: And that I think will be one of the more uncomfortable features of it.

“A: Sure.

“Q: Fine, they will not know about it, but you do know about it and you are presenting yourself in a certain way as a result.

“A: Of course, but we live with that...”

After we had notified Mr Walton of possible criticism which we might make in our report, we received a written response from him by letter dated 29 January 2014. In this letter he made the following points:

- That it was important for us to note that he had been a uniformed police sergeant at the time of his work on the Lawrence Review Team and not a detective inspector, and that he was not promoted to DI until March 1999 when he was posted to Harrow.
- That he recalled speaking to DI Lambert at some time in August 1998 (he thought in the lift lobby at New Scotland Yard) and that “DCI Lambert, having heard that I had been working on the Lawrence Review Team, suggested that it would be helpful for me to meet an undercover officer who had information that could shed light on the race issues emanating from the Lawrence investigation and subsequent Inquiry”. He said that he had “complied with this request” and followed up with a meeting which DI Lambert arranged. He had not been privy to DI Lambert’s write-up of the meeting until we interviewed him and, having studied DI Lambert’s file note:

“I now believe that it is a mixture of truth and half-truths (whether deliberate or unintended). The word I would use about the record is perhaps ‘embellished’. For instance, the reference to ‘continued to prepare a draft submission to the Inquiry’ may well have been wrong (albeit I accept that the submission had not been formally presented to the Inquiry at this point so this may be a reference to this). I also believe that the comment in the note stating ‘DI Walton thanked N81 for invaluable reporting on the subject in recent months...’ is misleading as I had not seen any reporting from this UC, nor had any awareness of his tasking or role beyond this meeting. In reality I would probably have thanked the UC for undertaking the difficult role of being a UC.”

- That he had done no further work on the MPS submission to the Lawrence Inquiry once he had started at CO24 under DAC Grieve. Although the MPS had presented

final submissions to the Public Inquiry on 18 September 1998, the written report had been finished by the Lawrence Review Team several weeks before that date.

- That he had a single oral briefing as outlined in the file note of 18 August 1998. He saw no written material whatsoever relating to undercover work within the SDS (either before, during or after the Inquiry). He had been unsure of this at the time of our first interview, but could state it now with confidence because:
  - SDS intelligence from undercover officers was retained at an office away from Scotland Yard and he never visited those premises, or even knew where they were;
  - he had no access to SO12 (Special Branch) as his vetting had lapsed after 1995; and
  - he had absolutely no knowledge of the 'correspondence route' referred to in Commander Black's minute of 14 September 1998. He was certain that at no time when he was in CO24 had he ever read any intelligence (about SDS or otherwise), as his role in CO24 had been to consider tactical options involved in investigating hate crime.
- That he had never seen intelligence that included personal and tactical elements regarding the Lawrence family; nor was information of this kind relayed to him at the meeting.
- That he recalled a meeting with Commander Black towards the middle of September 1998, "when I believe that I had started or was about to start with the newly formed Racial and Violent Crime Task Force (CO24)"; but could not recall where this took place or whether it was 'chance' or requested. Commander Black had told him that he was aware that he had met with an undercover officer with DI Lambert and had received a background briefing. He stated that this was corroborated by the phrase in Commander Black's file note of 14 September 1998 "I would not wish him to receive anything on paper", suggesting that there was no intention for Mr Walton to receive any written intelligence.
- That his lack of awareness of this 'correspondence route' was supported by the reference in Commander Black's minute to Detective Sergeant Barry McDowell being the CO24 recipient. DS McDowell was a fully vetted SO12 (Special Branch) detective sergeant and worked in the CO24 intelligence cell. DS McDowell reported to Detective Inspector Steve Kavanagh, both of whom should be able to verify that Mr Walton had no exposure to or knowledge of SDS intelligence being received in CO24.
- He denied that he had any responsibility to disclose that the MPS had an undercover presence in a group close to and interacting with the Lawrence family, as he had no involvement in SO12 or Specialist Operations at that time.

As we did not accept everything that he had said in this letter, we agreed to meet with Mr Walton again to provide him with a further opportunity to be interviewed. That interview took place on 3 February 2014.

The principal points from that interview that we regard as significant to our findings in this area are summarised below.

- Mr Walton said that he had been an acting DI only after he had started in CO24 and never whilst he was on the Lawrence Review Team. He did not know the exact date that he had started in CO24. At first he said that the best he could judge was that he started in September 1998 and not August. We pointed out that he was described as a "DI" in the file note dated 18 August 1998. He then said that it could have been that he was an "acting DI" at the time of the meeting. The critical point for him was that he was never an acting DI when he was on the Lawrence Review Team.
- At the time that he went to see the undercover officer he said his "working assumption" was now that he had started, or was just about to start, on CO24 in some shape or other. His role in writing Chapter 12 of the final MPS submissions to the Inquiry had finished. We asked how clear he was about having started on CO24 and finished in the Review Team at the time of the meeting. He said his recollection was that once the evidence had finished at the Inquiry, his role on Chapter 12 had finished. During August, or even before, he was then working with DAC Grieve at CO24, although he did not know when DAC Grieve had started either. He had written his chapter long before, so he thought it was highly improbable that he was on the Lawrence Review Team when he met the undercover officer. He just could not see how it could be possible.
- We indicated to Mr Walton that the material we had made it quite clear that there were tactical decisions being made within the MPS as to the content of the final submissions to be made to the Inquiry well into September 1998. Mr Walton said: "That was nothing to do with us." We pointed out that he had been part of the team that had drawn up the final written submissions and that, whether or not he had finished his chapter, by the time of the meeting he was someone who had been part of the team. Mr Walton replied: "Yes, but a very small part of a big machinery." We asked why he felt it was so significant that he may have written his chapter of the submissions before he met the undercover officer. He said that the Lawrence Review Team had been responsible for preparing the written response and had not been responsible for any of the "machinations" as to how the MPS was presented to the Inquiry, and issues such as whether Paul Condon was going to give evidence. It was a sterile team. The reason he felt it was significant was because it was more legitimate to go and see an undercover officer as part of a new team that was trying to create a new future for the MPS. The purpose was to consider the MPS's approach to race and hate crime, which was what his work for DAC Grieve was all about. There was a legitimacy to the meeting that there wouldn't have been if he had been part of the Lawrence Review Team.
- Mr Walton said that he had had no idea that the officer, who he had assumed would be an undercover officer, had coverage of the Lawrence family before he went to the meeting. They did not discuss anything to do with the Lawrence family when they met, either. He had gone to meet an undercover officer who had an "awareness" and a knowledge, as it had been presented to him, of the general race hate scene in London. Later he said no one had been more shocked than he was to discover, 15 years later, that the undercover officer had coverage close to the Lawrence family. He would not have gone to the meeting if he had thought that.
- We asked if he was now saying that the questions he asked, the discussion he had and the reason he went to meet the undercover officer had absolutely nothing to do with

what he had been writing up in Chapter 12 as part of the Review Team. He replied: "Well, not if I'd moved on then, no." We suggested that there must have been an overlap between the subject of alleged institutional racism and the reason why he now said he was going to see the undercover officer. He said the issues did not overlap for him and that it was a completely different thing. The Review Team work had been completely historical and CO24 was the future: "... there's an absolute and fundamental difference in the roles... once I had submitted my document that's it, I'm off and I'm creating CO24 with the others." He said that in his head he simply could not conceive of how he would have gone to see this undercover officer except in his role in CO24. He said that the reference in the file note to "A/DI" suggests he had started in CO24 before the meeting, which was crucial because he was certain that he had no role in the Review Team once he had started at CO24.

- We asked what documents would have been created to evidence him moving to CO24. He said that he did not know and that he had tried to uncover this as it was an important point for him to know when he started. He said he could not remember what had happened to cause his move to CO24 either. DAC Grieve would have been involved because they wanted someone who understood the race issues to go forward into CO24. He said CO24 did not exist much before he joined it. It was probably created around mid-August. DS McDowell had been the first to be appointed and he had joined a bit later, at the end of the second week of August possibly. There was no formal HR process. We asked him when he was saying that the Review Team had disbanded. He said he did not know. He said that they were all asked to write their section and he had just researched what institutional racism was and done the best he could.
- Mr Walton said that we could not show that he was working on the MPS submissions to the Public Inquiry at the time he had the meeting, nor that he had received any personal or tactical intelligence around the Lawrence family.
- He said he had just started on a new unit that was only just up and running. The fact that the Inquiry was still running was almost totally irrelevant: "We were trying to create a new world and a new world order... We were ahead of the findings of the Inquiry, we knew what the issues were."
- We asked if he had checked with any senior officer that meeting this undercover officer was an appropriate thing to be doing. He could not remember doing so. We asked if he had told any senior officer when he came back that he had been to the meeting. He could not remember.
- Mr Walton said that he had met the undercover officer for about half an hour, and that there were inaccuracies in the file note of the meeting. We asked if at any point during the meeting he had gleaned that the undercover officer was actually quite close to the family. He said: "No, I had no recollection of there being any mention of the Lawrence family at the meeting whatsoever." We asked if he had told anyone at the meeting that he was an active member of the Lawrence Review Team or alternatively working on CO24. He said, "No".
- We pointed out that Bob Lambert had written up the meeting quite the other way (i.e. on the basis that he was then still an active member of the Review Team and working on the submissions). He said: "I know, I completely get that." We pointed out

that when we spoke to Sara Thornton (another member of the Review Team) she had said she did not recall him ever mentioning such a meeting to her. He said that she wouldn't because she was nothing to do with his line management. We told him that when we identified to Sara Thornton that the meeting had taken place in the middle of August, she said that was "bang in the period when he [Mr Walton] would have been writing it [the submission]". He said that was not in conflict with what he was saying at all, because all he was saying was that there was a matter of days either side between leaving the Lawrence Review Team and the meeting.

- We asked Mr Walton how he would explain the situation if it had been revealed at the Public Inquiry on 18 September 1998 that one of the MPS officers who had helped to formulate the written final submissions now before the Inquiry had met with an undercover officer who was part of the Lawrence 'camp', acting as a potential conduit from the Lawrence camp to the MPS. He said: "Well there was already a conduit, you don't need a conduit, there's already an authorising officer for an undercover officer, the material was already going into the MPS to a unit, the chain of command of which goes all the way to the Commissioner." We pointed out that Lord Condon had told us that he had no idea that there was an undercover officer who was close to the Lawrences, and thought that this would have been wrong in the context of a Public Inquiry. Mr Walton repeated that the reason he had agreed to attend the meeting was because he had understood that there was no question of it having anything to do with the Lawrence family or the Public Inquiry. He would not have gone if it had.
- We indicated to Mr Walton that our primary criticism was in fact against the SDS managers for thinking that it was appropriate to offer intelligence coming from an undercover officer who was close to the Lawrence family campaign camp to somebody engaged in the Lawrence Review Team. We regarded it as an example of the SDS managers getting their 'moral compass' wrong in their latter days. Mr Walton said: "So do I... worse than that, I think, frankly from this write-up that I have been exploited and used."
- We then went through the notes that had been made of the meeting, as we had done in the first interview in October 2013, as well as passages from Mr Walton's first interview with us in October 2013. We summarise here where we found that Mr Walton's account to us in February 2014 differed from his account in October 2013:
  - As to the account that he had given in the October interview when asked to tell us how the August meeting with N8I had come about, and his description of the conversation he had with Colin Black, in which he said Mr Black had said: "You are on the Lawrence Review Team, we have some coverage... on the periphery of the Lawrence family... groups infiltrating the Lawrence campaign...", he said that had been wrong, and that he said it because he had only seen the 18 August 1998 file note that day. He had assumed it was accurate, so had based what he said around it. He said it could have been the case that Colin Black had thought that he **was** on the Review Team when they spoke, but he wasn't. What he now thought Colin Black had said was, he said, difficult to specify, but it had been something to the effect that he was involved in the Lawrence Review Team, not that they had coverage around the Lawrence family.

- We asked how, if he had really thought at the time that the invitation had nothing to do with intelligence around the periphery of the Lawrence family, or with the Inquiry, he could have said what he did in October. He said that at that time he had assumed that the file note and the meeting note were accurate, whereas now he was wondering what the true agenda in the SDS had been. He then said: “Well, to be honest, he might have said about the coverage being on the periphery of the Lawrence family, but it is the periphery.” He said that in the first interview he thought he had “slightly misled us”, having assumed that the notes were accurate when the more he had thought about it, the further they were from his actual recollection of events. He was worried that he had been “drawn into” something by what was going on above and around him.
- He agreed that he had seen some of the documentation weeks before the October 2013 interview. He said, though, that the bits he was saying he got wrong in his interview in October 2013 had often followed a leading question from us. He said he now could not remember if the conversation with Lambert or with Black came first, or even if they were connected. So when he had said in October “this would have been Colin Black, I’m presuming would have talked to Bob Lambert”, he may have been wrong.
- In his October interview he said that the SDS Intelligence Update had prompted him to remember a lot more about the meeting and that he did not dispute much of the note. When we asked him about this in February 2014, he said that he had in fact only glanced at the content for the first time during the October interview and he had assumed that he was on the Lawrence Review Team.
- The reference to a “unique insight into behind the scenes machinations of the Lawrence campaign” was simply not something that he recalled ever seeing prior to our February interview. Nor, he said, had he previously seen anything referring to him having been given a first-hand briefing on the case, or advice around whether the Commissioner would be ill-advised to attend a public meeting. Moreover, he said that in October 2013 he had been rather shocked when we had suggested that he had discussed anything that might have been of influence to the Commissioner, “because I would have seen that as inappropriate”. He then agreed that he may have done so on a “public order front”, but he was adamant that he had only been in the Commissioner’s office on one occasion.
- He said that he had gone through the meeting without understanding that N81 was involved in a group close to the Lawrence campaign. He had been unaware of the groups named in the meeting. He did not ask at the meeting where the officer was positioned as he had no reason to do so.
- In the October interview, when he was asked what value the meeting had held to the job that he was doing at the time, he had said that the Lawrence Review Team had been concerned about extremism undermining the Inquiry. When he went to the meeting there had been a discussion about that, and the operative was able to shed light that correlated with their assessment. When we asked about this in February 2014, Mr Walton said that he had simply been assuming that he had been on the Review Team and was trying to understand the file notes from that context. He said that he had just been trying to be helpful in October, constructing

an explanation on the basis that he had been on the Review Team. He said he had been misled by a false account and that he tried to fit his account in October around it on the assumption that it was accurate.

- As to Bob Lambert's file note dated 18 August 1998, he said Bob Lambert must have assumed that he was still a member of the Review Team on 14 August 1998. Mr Walton stated that he had not said anything about being on the Review Team or anything to correct what appears to have been Bob Lambert's false assumption that he **was** working on the Review Team at that time. He said that, contrary to the note, he had not talked about the Lawrence Inquiry from his perspective, and N81 had not spoken about the Lawrence Inquiry from N81's perspective. There had simply not been any in-depth discussion enabling him to increase his understanding of the Lawrences' relationship with the various campaigning groups. Nor was there any indication by him that such insight would be of great value as he continued to prepare a draft submission to the Inquiry on behalf of the Commissioner. What they had talked about was his interest in the groups looking forward on the race issue, not the on-going Public Inquiry or him having any role in drafting submissions at that time.
- In October 2013, Mr Walton had explained that the first area that his team was addressing was the charge of institutional racism. The team was likely to admit the essence of the charge, but their minds were being exercised as to the correct terminology to be used. In February 2014 he said that he broadly accepted that that was accurate, but only if "the team" was read as the CO24 team. He then accepted that the note must refer to the charge of institutional racism at the Public Inquiry. But he said that he would actually have been talking about it at the meeting in the context of the future and his work on CO24. We put to him that it was written on the basis that he was presenting himself as an active member of the Lawrence Review Team. He said he had not done that at the meeting. They must have just assumed it, and the passage was not accurately recorded. He also refuted the passage stating that, as regards the second stage of the Inquiry, there were daily discussions within his office as to the best tactics to adopt. He said that those debates were at a higher level, and he had no involvement whatsoever "in the best tactics to adopt". Tactics had not been discussed in the office.
- Mr Walton said he felt that he had been used by the SDS because the write-ups were misleading and embellished. At no stage in 1998 had he thought that what he did raised any possible issue of conflict of interest or impropriety, or he would immediately have informed a senior officer.
- During the course of the interview in February 2014, we put various MPS notes to Mr Walton of discussions around the time of the meeting with the undercover officer. These concerned the form and content of the MPS's final submissions to the Inquiry. They included minutes of meetings which he attended on 7 August 1998 and 13 August 1998.
- As to the SDS file notes about the correspondence route being set up in mid-September, Mr Walton said he had only had one meeting with an undercover officer, in August 1998. He might have been told not to tell anyone about it, which was why he hadn't. He had never had any other 'off the record' briefing, as far as he could

recall. He said that he had no knowledge at all about a correspondence route being established between the SDS and CO24 after mid-September 1998. He said: "I am much more clear on that than I am on many things." We asked who at CO24 would have been the recipient of such reporting, and he said he thought there was really no place for it as far as he could see. As far as he was aware no such material ever arrived there, and he was surprised that it did. As to what he had said in October 2013 to us, namely that he did seem to remember seeing some intelligence about one group, and not denying that he had seen intelligence and that he might have gone up to Special Branch for the purpose, he said that he was categorically denying it now. It had been "a wrong answer to a leading question". He had got it wrong in October 2013. He was now categorical about it, because he was not vetted then and he had no recollection of reading any intelligence. In October 2013 he had just been trying to be helpful.

## **New Scotland Yard meetings connected to the Metropolitan Police Service's final submissions to the Inquiry in August 1998**

### ***7 August 1998***

Mr Walton and other members of the Lawrence Review Team (including D Supt Quick and Sara Thornton) met with Assistant Commissioner Ian Johnston, the MPS Department of Legal Services (DLS) and Counsel representing the MPS at the Inquiry to discuss differing views around the content and form of final submissions to be made to the Inquiry in September. It is clear from the notes of the meeting that drafts from the MPS Review Team were available at the time. There was debate as to how "forward-looking" the submissions should be, rather than focused on the evidence before the Inquiry. There was also debate around how the submission on Part One of the Inquiry might create difficulties when dealing with Part Two. Mr Walton contributed to the meeting, but only in a small way on the issue of agreeing to forward some of the material that he had researched about race issues to others. The meeting decided that there would be a further draft of the submission on race by 14 August 1998, but not by Mr Walton.

### ***13 August 1998***

Mr Walton (noted as "A/DI Walton") was present at a meeting with D Supt Quick and Counsel at which the submission to the Inquiry on racism was discussed. The structure for the submissions as a whole had been agreed at an earlier 'top brass' meeting at which Mr Walton had not been present, and this was explained.

Further records indicate that the content of the final submissions continued to be discussed at New Scotland Yard well into September 1998. We have found no records after 13 August 1998 at which A/DI Walton was shown as present.

### ***2 September 1998***

An MPS memo of 2 September 1998 refers to Sara Thornton (of the Review Team) having told the MPS DLS that work on the submissions was continuing and that several chapters, still not final drafts, would be brought over that day.

## 11 September 1998

DAC Grieve and D Supt Quick were both present when the tactics around the oral submissions to be made to the Public Inquiry later in September were discussed.

### The formation of CO24 and when Mr Walton started working for CO24

There is no definitive evidence as to when Mr Walton was first posted to CO24 or when he became detached from the Lawrence Review Team.

The material we have includes:

- A record that DAC Grieve was first shown as being appointed to CO24 on 6 August 1998, and some indication that it took a few weeks before it was active. Mr Grieve told us that he believed that DI Walton was still working under the supervision of D Supt Quick at the time of the meeting on 14 August 1998. He stated: "DI Walton was not in any way in my chain of command at the time... though he may have been later for a period."
- The MPS Human Resources Posting and Rank records (which we have been advised are not always 100% accurate) show that:
  - Mr McDowell was posted to CO24 from 27 July 1998; and
  - Mr Walton was posted to CO24 (and a DI) from 5 October 1998.

### Steve Kavanagh

Mr Kavanagh told us that he had known that Mr Walton was ex-Special Branch, as was Barry McDowell, when they all worked on CO24. He had no knowledge of the SDS's existence when he worked on CO24. He believed that if the SDS had deployments around the Lawrence family or Duwayne Brooks at the time of CO24's work, he was not sure that anyone in Special Branch would necessarily have thought of telling DAC Grieve.

### Barry McDowell

Mr McDowell told us that he had served in Special Branch for a number of years from the mid-1980s, before moving off to uniformed duties on division in 1997. He was asked if he would join DAC Grieve's Racial and Violent Crime Task Force (RVCTF) in the summer of 1998, and spent two years there. He and an analyst were the first members of staff to join. When he had been at Special Branch he had been aware of officers working behind the scenes or undercover in various areas. He was never part of this and did not know who or where they were. Intelligence that would have emanated from SDS undercover work was generally already sanitised so as not to reveal its source by the time it was distributed within Special Branch. He had no recollection of dealing with any intelligence that touched on the Lawrence family campaign before he left Special Branch in 1997.

He had worked under DAC Grieve previously and was asked to set up an intelligence cell to look at racist incidents across London for the RVCTF, and to get a feel for whether there was any pattern or development to them. He was to look at how it might put in place measures to reduce, deter or prevent racist incidents. It looked at past and present investigations and tried to be innovative regarding its methods of gathering intelligence on individuals suspected of involvement in racist

incidents. It brought together various strands of intelligence in the MPS that had not previously been collated together. In effect it became a focal point for intelligence analysis and intelligence gathering. CO24 was the RVCTF unit's designation, standing for Commissioner's Office Unit 24. Mr McDowell set up its intelligence cell.

Because of his Special Branch background, he sought to contact Special Branch officers who he knew and trusted, and this became mutual. Any intelligence he received would not have been likely to tell him whether the SDS had someone inside any particular group, but he might have seen reporting on a particular group that he suspected had come from an SDS operative.

We asked if he had any recollection of information being provided by Special Branch which might have helped the Lawrence Review Team to formulate the MPS's response to the Public Inquiry. He said he thought that there had been "a couple of instances" where they were worried that the MPS was perhaps being exploited by people coming from groups who might have their own agenda, but he thought that nothing really came of it. If something had come from Special Branch that affected dealings with either the Lawrence family or Duwayne Brooks, for example, then he would have been a party to that, the receiver of it, and he would have passed it on.

He said that DI Walton was working on the Lawrence Review Team. He did not know about any ad hoc off the record briefings there might have been between the SDS and Mr Walton. He had not been aware of any SDS deployments inside any of the relevant groups connected to Mr and Mrs Lawrence or Duwayne Brooks. The records of what was provided in writing would have been filed and retained in the RVCTF intelligence cell.

We read Commander Black's file note to Mr McDowell regarding the establishing of the correspondence route from the SDS to CO24. He said that it would be what he would expect if such a thing had happened, and that he would have been the receiver of it at CO24. He had no recollection of knowing of the involvement of any undercover officers in generating any of the intelligence that came in. He refuted any suggestion that he became a conduit for SDS briefings to Mr Walton on the basis that: "DI Walton was not part of CO24 and had no oversight involvement with the intelligence cell that I was serving on... as a former SB officer Mr Walton would have had his own SB contacts should he have needed them."

## **Deputy Assistant Commissioner John Grieve**

Mr Grieve has emphasised to us that his enduring mission at the time of his involvement in the Stephen Lawrence investigation and CO24 was to significantly improve the treatment of victims and the pursuit of justice, as well as to revisit aspects of failed investigations. We accept entirely that this was the objective of CO24 under his leadership.

In relation to the reporting route to CO24, via Barry McDowell, John Grieve has observed to us that he believes it would be unfair to criticise Mr McDowell for any involvement in this as he was doing what he was instructed to do. Mr Grieve has also suggested that he did not believe that gathering intelligence in this way was inappropriate, as a "way of understanding and responding to the issues we were faced with". He emphasised that he had no part in any attempt to 'smear' or undermine the Stephen Lawrence justice campaign or Duwayne Brooks. He also clarified that he believed that DI Walton was working under the supervision of Detective Superintendent Bob Quick at that time, who was in turn working to AC Johnston. He stated: "DI Walton was not in any way in my chain of command at the time... though he may have been later for a period."

## Others speaking of N81's work

- N72 2013 interview

When asked about possible involvement in the Lawrence Inquiry, N72 voiced concerns. N72 knew that N81 was tasked to the Stephen Lawrence Inquiry, and this would have come directly from Sir John Stevens who gave the go-ahead. But any tasking or discussion was done separately to the normal SDS meetings and was protected by 'Chinese walls'. N72 stated that N81 was a close work colleague of Peter Francis and believed N81 would have confided in Peter Francis about deployments into the Lawrence supporters' group.

N72 is the only ex-SDS officer who speaks of any undercover officer being "tasked to the Stephen Lawrence Inquiry", but we have been informed by Operation Herne that N72 did not serve at the time of the Inquiry but afterwards, and so N72's report must be hearsay of some sort.

### Comment

- When we spoke to Lord Stevens he denied ever having authorised any such deployment, and there is no record or other evidence indicating that he did. We cannot therefore attach any weight to N72's account.

- DS N367, who joined SO15 in 2006 and became a point of contact for ex-SDS officers, was contacted by N81 and then met N81, explained:

"... that in 1998 N81 was asked to work... to monitor community police tension as part of the Stephen Lawrence Inquiry... During this period N81 had mixed with persons such as Trevor Phillips, John Waldon, Lee Jasper and Michael Mansfield. This part of N81's deployment had concluded in 2001. N81 stated that this deployment 'was directly tasked by the highest of management... that N81 should infiltrate the Lawrence family and their supporters in order to assess community tensions'. N81 did not want to go into much more detail..."

N81 disagreed with N367's report. N81 told us that N367 seemed to have an agenda to belittle the SDS, and that N81 had not been in the best state when they had met. At the height of the Inquiry N81 had though understood that the reporting generated was going to the Commissioner's desk.

We discussed both the undercover work and N81's attitude to it in some detail when we met N81. N81 was frank enough to acknowledge suffering from post-traumatic stress disorder and depression as a result of the work done for the SDS, and to be having difficulty remembering some of the detail of it.

N81 had been told that the SDS had destroyed all of the undercover officers' documents (which is what we have been told was the case regarding many of the pre-computerisation records of others, including Peter Francis) and had not known until recently that documentation had survived. N81 had not used a dead child's identity, had not engaged in sexual conduct when undercover and had never been arrested when undercover. Since SO15 had taken over the unit, N81 had felt very threatened by what N81 regarded to be a very hostile management, when all N81 had done at the time was the job that had been asked for.

We have no doubt that, in carrying out SDS work, N81 was an officer doing as professional a job as possible, according to tasking given by superiors, and using the methods the superiors encouraged to be used.

The criticism we make around the use made of N81's reporting at the time of the Stephen Lawrence Inquiry is not directed at N81.

Regarding the suggestion made by Peter Francis that there was SDS targeting of the Stephen Lawrence family, N81 told us:

"To my knowledge there were no SDS officers tasked into the Stephen Lawrence family. In conversations I had [Bob Lambert] was very much on the side of the Lawrences and so was I. My stance against racism in the police is documented in my personal files and I was appalled by much of what I heard during the Macpherson hearings. I categorically refute the allegations made against the SDS by Peter Francis relating to the Lawrences. I consider I was protecting the interests of the Lawrences."

N81 had overlapped with Peter Francis for Francis' last year. N81 said that Mr Francis was a liar, and had problems. N81 had not liked him at all. They had never even discussed the Lawrences.

We found N81 to be a credible individual on whom undercover deployment had clearly taken its toll. N81 understandably saw the job of intelligence gathering to be just that: to gather and describe all kinds of details that might, or might not, be of some use to those who collated, analysed and sanitised SDS undercover officers' intelligence for onward dissemination as they deemed to be appropriate.

## Lord Condon

We asked Lord Condon what he could recall about undercover officers and the Lawrence family:

"A: ... I cannot remember a single conversation or piece of paper that linked undercover and the Lawrences in any shape or form...

"Q: What, if anything, did you know about the Special Demonstration Squad up to the point we are dealing with, which is just to the end of 1993?

"A: I do not think that the whole time I was Commissioner... I have no sense of me knowing it as the Special Demonstration Squad. I do not remember any piece of paper or any briefing or any meeting where I thought, 'Ah, that is the Special Demonstration Squad'... What I was aware of is that, because I had been staff officer to Commissioners, because I had been an Assistant Commissioner, because I had been Deputy Commissioner, I was aware that in dealing with organised crime, Special Branch, anti-terrorism there was a long proud history of officers being undercover and doing brave things and within an ethical framework... particularly in relation to organised crime and dealing with terrorism, and subsequently in my Commissionership some incredibly courageous things were done in combating terrorism. The notion of undercover officers I was aware of, I was comfortable with the notion in my own head that there was a framework for dealing with this, when the process warrants it, and I had, on the specialist side, specialist operations, a whole panoply of senior officers dealing with these issues... there was nothing on my radar to cause me concern around that unit. I was not asked to form it, enlarge it... It was a sort of going business which, if the Home Secretary had said to me, 'Do you have undercover officers, Paul?', 'Yes, I do.' Again, in the context of Thatcherism, poll tax, left-right, the

drama of left–right clashes through the 80s and early 90s, had I been asked, I would have had an expectation that we were infiltrating the extreme left and the extreme right...

“Q: Would you have known then that there might have been people who were sort of living as left-wing members of groups and the rest of it?

“A: No.

“Q: Because that seems to me to be a rather critical part.

“A: Had I known, I think that even though there was not drama at the time, I would have probably wanted to know... In the way that the Alien Deportation Group just did not feel right to me and I disbanded it, had some of the issues we are now aware of been on my desk or I had been aware of them, at the very least I hope I would have asked some more questions. In briefing the Home Secretary of the day – and I did brief him in the run-up to Welling that we had got good intelligence from undercover officers, but at no stage did I ever know those sorts of things. It just was not part of my consciousness then... as I say none of this ever had a sort of Lawrence focus to it, but in the build-up to Welling, I was aware that we had good intelligence that there was going to be serious disorder. I remember discussions with Michael Howard about this. That led to me changing the route of the march... I have an awareness that I knew the intelligence had come from undercover officers, but... we dealt with the product of the operation. We did not need to be prurient around the detail of who is doing what and where are they, it would have been unnecessary and dangerous...

“... There was a general wish to thank the Commissioner and the police. There was a sense in Parliament that it was a horrible incident that was dealt with well, please thank the Commissioner. What I cannot remember is whether... I know that I thanked all the uniform people involved...

“It was agreed that I would thank some undercover officers and, again, I have a memory of... I had no idea where they would have taken me. It was a small group of officers, probably, 20 minutes, half an hour, while the lads realised that they had played a key part. There was no discussion again – it would have been unprofessional – of names, no introductions of who they were by name or alias. It was a group... in a flat which I assumed was a ‘safe house’ or ‘safe premises’ for us... a brief meeting, upwards and onwards, well done, thanks for what you have done, I realise it takes a lot of courage. I want you to know that I have been told that you played a dramatic part in this, well done and thanks... no discussion of who people were, whether they had infiltrated left or right.

“What I am absolutely certain of is that Stephen Lawrence, his family, the Lawrences were no part... were not even on the periphery of anything to do with that whatsoever in terms of that meeting... as Commissioner, as I say, I was interested in dealing with products of intelligence and I was never at any stage, nor do I feel it would have been appropriate to have been drawn into the mechanics of who was doing what... a notion that, yes, we were getting extreme left and right stuff, but not in any sense an awareness that we had got some long-term sleepers in particular in that.”

We also asked Lord Condon when he first knew about the SDS:

“Q: The question really I was going to ask is that, if one goes forward from 1993, where we are sort of sitting, when is the first time that you know that there is a squad that is now outed as

the Special Demonstration Squad who have been going deep into these groups since 1968 for years at a time?

“A: Not until I had retired, I do not think. I really have wracked my memory. I cannot think of any briefing or incident or anything that makes me have that sort of awareness. That could be a trick of memory because I have not seen any of the [documents]...”

“Q: If somebody who had been in charge of this piece of Special Branch had happened to say to you in 1994, ‘You probably ought to know, Commissioner, that we do have these people who are deeply embedded in these groups and we try to handle it in the way that we do and they occasionally have to commit the odd small crime and sometimes they get arrested and...’

“A: It would have played back immediately into the whole ethical agenda. I am hoping that that is not the reason why... I am hoping that I had not put up a sort of an ethical barrier that they were frightened to tell me of those issues. I am almost fearing that maybe the reform agenda that was around ethics and behaviour, they had seen what had happened to the disbanding of the Alien Deportation Group, officers suspended, subsequently facing manslaughter charges... But I hope – I would like to think – that if something had triggered thoughts around those sorts of issues, I and others would at least have sort of had a checklist around ethics and behaviour and legality.

“Q: At least have an interest in knowing how it was being done, so to speak.

“A: Yes... My fear is that this was sort of set up, developed a life of its own and just quietly sort of trundled away year after year with product being developed and discussed at a senior level. One hopes that these layers of supervisors were being concerned about personnel issues, ethical issues, operational issues and dealing with those correctly at all levels.”

As to the MPS’s approach to the Inquiry and whether there came a stage during the Public Inquiry when it was felt that the MPS was being disadvantaged, Lord Condon said:

“... at all levels, it was absolutely clear that there would be maximum co-operation, full disclosure of absolutely everything... an expectation that they would have everything. There was no question of what can we, should we, will we hold back. The atmosphere was never like that.

“... there was an anxiety that unreasonable demands were being made of the Met. Police witnesses were being asked to give evidence before certain disclosures had been made on both sides and so on. There was certainly an anxiety that it became very unbalanced, but that was not an anxiety that at any stage led to lack of co-operation, lack of disclosure or whatever... There were concerns about the atmosphere in the Inquiry. There were concerns about those sorts of issues. We had a real anxiety that that was going to stop officers being honest and open and talking about absolutely everything as they felt it and so on...”

## Term of reference

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 might that have had on the Inquiry?

## 6.16 Was information on the involvement of undercover police withheld from the Stephen Lawrence Inquiry?

### 6.16.1 Undercover deployment at the time of the Stephen Lawrence Inquiry

N81 described to us a firm understanding that there would be no disclosure of the undercover role; it was the whole basis on which the squad functioned that it would be kept secret.

Nobody has suggested otherwise, and as it seems to us that it was integral to the way the Special Demonstration Squad (SDS) was run, there was simply no possibility of it making any voluntary disclosure that it had undercover officers in groups that were affiliating themselves with the Lawrence campaign.

Bob Lambert has responded to us recently indicating that he strongly denied having any personal duty or role that would have enabled him to make any disclosure to the Stephen Lawrence Inquiry. The secrecy within which the SDS operated was demanded of it by the Metropolitan Police Service (MPS) itself.

If there was any corporate criticism to be levelled at the absence of any mechanism by which SDS activity of potential relevance to proceedings might be revealed to prosecutors, or in such proceedings, Mr Lambert suggested that it was a corporate failing of the MPS rather than an SDS failing.

### 6.16.2 Disclosure of Peter Francis' undercover deployment to the Stephen Lawrence Inquiry

As to Peter Francis' claim that at the time of the Stephen Lawrence Inquiry he pushed for disclosure of the undercover work undertaken by the SDS that touched on the Lawrence family campaign, we have seen nothing to confirm that he made such a request.

Bob Lambert responded to us recently concerning Mr Francis' claim. He said that he could confirm that Mr Francis had become concerned about operational security as he got near to the end of his deployment, and that he had requested a meeting with senior management about it. His concern, however, was around maintaining the secrecy of his role and ensuring that nothing, including the Stephen Lawrence Inquiry, was going to pose a threat to that. Mr Lambert told us that Mr Francis had not wanted his role to be disclosed to the Inquiry. Mr Lambert said that either the Commander of Special Branch or the Chief Superintendent of Special Branch had attended that meeting.

On all the material we have seen, if Mr Francis had raised the question to the Stephen Lawrence Inquiry of whether there should have been disclosure of the undercover deployments into activist groups in proximity to the Lawrence family campaign, it appears to us very unlikely that any such disclosure would have taken place.

## **6.17 What impact might disclosure of the undercover policing touching on the Lawrence family have had on the Stephen Lawrence Inquiry?**

We asked if N81 had ever thought of the reaction there might have been had N81's undercover role, and reporting that touched on the Lawrence family campaign, been revealed at the time of the Inquiry.

N81's reply was of having lived with that sort of knowledge for the last 15 years and being fully aware of the implications of being "outed". N81 was aware of the likely public outcry, but the management did not really understand that.

N81 knew the focus was only on the public order issues. However, N81 believed that people could draw the wrong conclusions. N81 emphasised that the job was to report back intelligence, and that was what N81 did. N81 had a handler who was expected to filter out anything that should not be disseminated to any particular quarter.

We have asked a number of senior officers about the nature of N81's deployment and the use that was made of N81's intelligence at the time of the Stephen Lawrence Inquiry. We will confine our summary to the reactions of the then Commissioner (Lord Condon) and Deputy Commissioner (Lord Stevens), as they reflect what a number of others have said to us.

### **6.17.1 Lord Condon**

We asked Lord Condon for his view of the propriety of some of N81's reporting and the use to which it was put:

"Q: Well, let me come to some of the specifics that it seems may have been happening and just ask you whether it was something you really would have known about and, if you had, then about what your attitude would have been.

"A: Yes.

"Q: First of all, there was an SDS [Special Demonstration Squad] undercover officer who was in a group that was one of those that were affiliating themselves with the family's campaign... physically present in the public gallery doing an undercover job for the SDS ... and reporting back on what was going on within the family's campaign to the police as part of that job.

"A: That I have no knowledge of. The only part of that that I can see a justification for would be that if, as part of a cover in the group that had been infiltrated, it was necessary for [the officer] to be at the Inquiry, because that is what those people were doing, I could see [the officer] doing that, but how that then somehow feeds over into monitoring the family or the family's activities, I would not seek to justify. I am not aware of it and I would not seek to justify it.

"Q: ... [the officer] is also reporting back at times on personal details concerning the family. I will give you an example. 'Doreen and Neville Lawrence separated at some point but it was not public knowledge... as to who had the better voice in terms of public speaking'... There is also a write-up by the Detective Inspector in the unit in August 1998, so we are now at the end of the evidence of Macpherson... reporting on the same undercover officer who has been within the group and has been attending the Inquiry, having a meeting at an address with a Detective Inspector who worked in the Lawrence Review Team for the Met and his write-up of the meeting between them is that they had 'a fascinating and valuable exchange of information

concerning an issue that continues to dominate the Commissioner's agenda. The DI thanked the undercover officer for invaluable reporting in recent months...'

"A: When you say 'into the group', is that a specific Lawrence support group or something...?"

"Q: It is [group named] who have been affiliating themselves with the Lawrence group, so it is part of the broader Lawrence campaign.

"A: But not an exclusively Lawrence focus?"

"Q: It is not the family... but [the officer] is particularly concerned with their handling of issues in connection with the Lawrence Inquiry and the Lawrence family.

"A: Yes.

"Q: ... a meeting is arranged in August between this undercover officer and a Detective Inspector who has got a Special Branch background, but who is on the Lawrence Review Team for the Met... My concern, as I just pointed out is, that this is broader than just a public order issue.

"A: Yes.

"Q: This is a meeting which is to do with how the Lawrence Review Team is looking at things for the Met, he is saying in his report, the DI in SDS, that the DI on the Review Team was 'particularly thankful for the invaluable reporting on a subject which is dear to the Commissioner's agenda', that their discussion had enabled the DI to increase his understanding of the Lawrences' relationship with the various groups, like [N81's group], that it was of great value as he, the DI, was preparing a draft submission to the Macpherson Inquiry on behalf of the Commissioner; that [N81's group's] future plans were discussed between the two of them, and the DI is explaining to the undercover officer a lot of the behind-the-scenes politics that is going on and involving the Home Office and the great sensitivities there are with the Home Secretary and the PM being concerned that the Met could end up with its credibility completely undermined in the eyes of the black community. It is a much wider portfolio, really, of discussion and the undercover officer has helped him to realise what a big task it is to be able to get a positive result with those groups. That is another document.

"A: Yes.

"Q: [further SDS documents outlined as described above]

"A: I was not aware of that and it feels as if there is a transition from legitimate concern and monitoring of public order issues into either a casual or sort of prurient gossip around the family and/or revelling in that knowledge of the family. So there is a sense of – again, whether we are getting the whole context, I don't know, but in the sense that you have revealed it to me – a sense of disappointment that there seems to be a crossover from legitimate public order concerns into at the very least a sort of prurient gossipy interest in the family, which feels unacceptable... The only justification can be a sort of public order/public disorder route. **There can be no justification for anything which is a sort of them and us tactical advantage over the Lawrences in any way.** That was never part of my agenda and it should not have been a part of anyone's agenda...

“... Had I ever been aware... If it is as stark as you say it is, then I would find it hard to justify or accept intrusion into the life of the Lawrences and, therefore, I think that their needs and respect for them should trump almost every other consideration, so, had we been having this sort of conversation... If, say, John Stevens or whoever had said to me, ‘Look, we are getting a bit edgy with this’, it would have been fairly clear cut and it would have been clear cut for me, that this feels like an intrusion that I, as Commissioner, would be unhappy to continue, so I would have sought ways to close down that... going back to the time, you know, there were points where it almost seemed as if the police service was in meltdown, not just the Met, but the service. There was almost a sort of feeling of meltdown around the notion of institutional racism or taking away a moral authority to police whatsoever. I can accept that at all levels there would have been anxieties around where is this going, what is the outcome and so on, but, again, for me that would have never masked the issue that at the heart of this is a family who have had their lovely son murdered, they have not had justice, the investigation failed miserably to get a result, we are living through the consequences of that, yes, there is huge exploitation of the case, there are real anxieties around public disorder and what it is doing for race relations, how to move forward, all of those, but, you know, as you sort of lay that on me, I still find it hard to find a justification for anything that tips over into either gossip or exploitation or sort of prurient monitoring of a grieving family.”

### 6.17.2 Lord Stevens

“Q: The next question then is your reaction at the top of the organisation if what ended up being the situation was that during the Public Inquiry, the Lawrence Public Inquiry, there was through the SDS a Met presence within groups that were making it their business to be part of the Lawrence campaign.

“A: Yes.

“Q: Who were present at meetings where at times tactics and other bits to do with the Lawrence campaign were under discussion, who at the same time were reporting back to the Met because that was their job; and so you have a situation, potentially, where the organisation which is at hammers and tongs with the Lawrence family in the public forum of an Inquiry have a spy in the camp who is reporting back to the Met – I have my own view about what Bill Macpherson might have thought if he had been told about that.

“A: Or what I would have thought... **I would have been appalled at that, to be frank.** The thought that someone was inserted into the family...

“Q: I think that it is probably unfair to call it an insertion, in the sense that they were already there, so it evolved into them being in that presence having deployed into the groups for perfectly legitimate reasons, you know, public order reasons.

“A: Right.

“Q: But we end up with the situation where they are still there once they have latched on to the Lawrence family, so it is not that they are deployed into it in order to get intelligence about the Lawrences.

“A: No.

“Q: But they end up being in that situation.

“A: Well, I mean, the supervisors... **One, it is totally unacceptable in the circumstances and, secondly, if they were then giving information of that sort into the process and to supervisors, that should have been stopped straight away.**

“Q: If one of them had been liaising directly with a member of the Lawrence Review Team...

“A: Well, that is extraordinary.

“Q: Who was ex-Special Branch.

“A: Well...

“Q: It just makes it worse it seems to me.

“A: **It is totally unacceptable** and then I would be wanting to know why they were there, where that information... Well, you are going to do all of that.

“Q: Yes. In a sense, the worst bit potentially is just the appearance of it as opposed to the actual nitty-gritty of what was reported back. I mean, there was reporting that did touch on some personal information about the Lawrences and tactics, because an officer doing that job for the SDS at that time was reporting back anything that might be relevant to any of the functions for which their intelligence was then being disseminated. **I just find that – in terms of a Public Inquiry, in terms of people giving evidence...** it is that thing of having a proceeding going on.

“A: Absolutely. **No, I would find that incredible and I would find that unacceptable in any circumstances, to be frank.**”

## 6.18 Our findings on undercover policing touching the Lawrence family

The only undercover policing of which we have been made aware that touched the Lawrence case was that carried out by the undercover Special Demonstration Squad (SDS) which existed within the Metropolitan Police Service (MPS) Special Branch.

We acknowledge that, for many years, the SDS provided effective warnings to enable the parts of the MPS dealing with the policing of public disorder to plan and allocate appropriate resources to meet the risks foreshadowed. The SDS thereby enabled a tighter management of resources.

There were also many examples of SDS undercover officers running great risks to themselves in order to gain such valuable intelligence.

### Findings

- The SDS's deployment of undercover officers into a wide range of activist groups, typically for a period of several years, created a level of risk for the MPS on a number of fronts.
- To maintain their cover, an undercover officer had to 'live the life' of the activist they were pretending to be and adapt and cope with what their group decided to do. It was inevitable that undercover officers would be likely to face difficult choices over how they handled relationships, over what criminality they did or did not discuss, acquiesce to or participate in, and over how they dealt with being arrested or prosecuted in their undercover identity. They also had to cope with finding themselves, sometimes inexorably, rising in influence within an activist group (often presenting a better opportunity to gain more useful intelligence).
- The potential for 'collateral damage' to result from the work of an SDS undercover officer was accordingly both real and obvious. Whether the damage resulted from:
  - the deceitful human interaction the work entailed;
  - the commission of crimes by officers sworn to uphold the law;
  - the deception of other police officers and the courts when the undercover officers were arrested and prosecuted; or
  - the long-term effects of the work on the officers themselves

the potential for such collateral damage should have been carefully assessed by the MPS. It should have acted as a constant check against which the initiation and continuation of particular undercover deployments should have been balanced.

- Such an essential 'cost-benefit' analysis is the only way of ensuring that the balance of public interest was properly determined.
- The policy of almost absolute secrecy around the SDS's undercover deployments did not absolve the MPS from ensuring that there were effective systems in place to:
  - ensure the on-going justification and proportionality of the undercover deployments of the squad;
  - monitor the use to which the intelligence generated was put; and
  - ensure compliance with the MPS's duty of review and disclosure when prosecutions were brought.

The adequacy of how individual officers, the SDS management, or senior supervisors ultimately responsible for the SDS in the MPS managed all these issues over the years falls outside our terms of reference. However, the very nature of the work that the SDS carried out had the potential of leading the squad into very sensitive areas of collateral damage that were potentially unacceptable. This is part of the essential background to answering the questions posed of us.

One such sensitive area was the particular circumstances of the Lawrence case. Undercover officers were deployed by the SDS into activist groups that then sought to attach themselves to a grieving family's campaign. The campaign was challenging the adequacy of the MPS investigation into their son's murder. When the family's dispute with the MPS turned into formal judicial proceedings in the form of a Public Inquiry, in which the MPS and the family were the prime opposing parties, each was entitled to determine and conduct their own cases without intrusive covert deployments into their 'camps' by the other.

### Findings

- SDS undercover deployment at the time of the Stephen Lawrence Inquiry included activist groups that sought to influence the Lawrence family campaign.
- Information reported back to the SDS as a result of that deployment included personal details about Mr and Mrs Lawrence, and discussion of the progress, reasons and details of the decisions made and discussions had by the Lawrence family connected to the Inquiry.

It was the job of the SDS management and not the undercover officers to assess and edit the intelligence they provided so as to ensure that only information relevant to the remit of any legitimate 'customer' of the SDS was disseminated to them.

The Stephen Lawrence Inquiry concluded taking evidence on 20 July 1998 and then adjourned until 17 September 1998 for the interested parties to prepare, and then present, their final submissions. The MPS, as others, intended to present detailed written submissions, as well as make oral submissions.

### Finding

- In mid-August 1998, the SDS arranged for an undercover officer, N81 (who was deployed into one of the groups seeking to influence, and to some extent succeeding in influencing, the Lawrence family campaign) to meet an ex-Special Branch officer, acting Detective Inspector Richard Walton, who had been seconded to the MPS Lawrence Review Team which was involved in drafting the final written submissions to be made by the MPS to the Stephen Lawrence Inquiry.

Bob Lambert, who was N81's Detective Inspector at the time, arranged the meeting, which took place on 14 August 1998 in a garden in North London. He has told us that he did so at the request of his senior management, who told him the purpose of the meeting was so that DI Walton could fully brief the Commissioner. He told Operation Herne when they interviewed him that N81 had probably been the best placed SDS officer to help the Commissioner with what was happening in the groups seeking to influence the Lawrence family campaign.

DI Lambert made a file note (dated 18 August 1998) of the meeting for his senior managers, the content of which we have set out in detail above.

DI Lambert's file note clearly, in our view, conveys that:

- DI Walton presented himself at the meeting as being currently engaged with the MPS Lawrence Review Team, not least as it states that DI Walton said at the meeting that he "continued to prepare a draft submission to the inquiry on behalf of the Commissioner"; and
- N81 and DI Walton had discussed the Stephen Lawrence Inquiry at the meeting from their own perspectives and that it had been a "fascinating and valuable exchange on an issue that Mr Walton had said continued to dominate the Commissioner's agenda on a daily basis", and that their "in-depth discussion enabled [Mr Walton] to increase his understanding of the Lawrences' relationship with the various campaigning groups... of great value as he continued to prepare a draft submission to the inquiry on behalf of the Commissioner".

On the SDS side of the meeting, it therefore seems that the meeting was arranged to allow an MPS officer on the Lawrence Review Team working on the presentation of the Commissioner's case to the Stephen Lawrence Inquiry to have an in-depth discussion with an officer who was deployed undercover in an activist group that was part of the Lawrence family's wider camp at the time of the Stephen Lawrence Inquiry, and who had reported back to the SDS personal information about the family, as well as other 'tactical intelligence' around the Inquiry. It is difficult for us to discern precisely what N81 conveyed to DI Walton as regards N81's proximity to the Lawrence family camp and the influence N81's group had achieved upon it. It seems to us that, in arranging this meeting, the SDS side – who knew most of the detail about what N81 had reported back – were certainly not doing so on the basis that there were any boundaries around what N81 could and could not discuss with DI Walton.

### Findings

- We find the opening of such a channel of communication at that time to have been 'wrong-headed' and inappropriate.
- The reality was that N81 was, at the time, an MPS spy in the Lawrence family camp during the course of judicial proceedings in which the family was the primary party in opposition to the MPS.
- The mere presence of an undercover MPS officer in the wider Lawrence family camp in such circumstances is highly questionable in terms of the appearance it creates of the MPS having a spy in the family's camp.
- However, for a meeting to then be arranged to enable an in-depth discussion to take place about the Lawrences' relationship with groups seeking to support their campaign, in order to help inform the MPS submissions to the Public Inquiry, was, in our assessment, a completely improper use of the knowledge the MPS had gained by the deployment of this officer.
- The meeting was apparently sanctioned at a high level of SDS management. Mr Lambert has claimed that he was asked to arrange it by senior management within the SDS. We also note that the file note he made was sent to the Detective Chief Inspector acting at the time. From a later file note that he made in September 1998, it would also appear that Special Branch Operations Commander Colin Black was aware of the meeting.

- In so far as we can discern, it appears therefore that the SDS management thought that it was a good idea to have the meeting because it might be useful to the MPS in dealing with the Inquiry, and because it might fulfil part of the 'wider remit' that the SDS was seeking to serve at this time.
- Nobody seems to have considered how opening such a channel of communication would be viewed by the Inquiry or the public, if it became known, in the context of the MPS's opposition to the Lawrence family's case at the Public Inquiry.

We have found Mr Walton's position concerning this meeting less than straightforward to establish and somewhat troubling.

When we interviewed Mr Walton in October 2013 he largely signed up to the accuracy of the SDS documents created close to the date of the meeting. Indeed, he said a number of times how the documents had jogged his memory and prompted him to remember more. He also provided narrative answers to questions such as "How did the meeting come about?" His answers included specific details as to how Commander Black had addressed him on the basis that he was part of the "Review Team" with an offer of "coverage" on the periphery around the Lawrence family. Mr Walton also provided detailed answers as to why the conversation with N81, as recorded in the file notes, was relevant to the work he was doing on the Review Team and why such intelligence was justified on a public order basis.

After we notified Mr Walton of our possible criticism of him in this report, he wrote to us and we interviewed him again in February 2014. During that interview he told us that he had come to realise that what he said to us in October 2013 had been wrong. He had just accepted then the accuracy of the SDS notes and had based what he told us around them, trying to be helpful to us, but without having any real recollection of the events. He emphasised to us that he now firmly believed that this meeting had occurred only as part of his new role within Deputy Assistant Commissioner John Grieve's newly formed Racial and Violent Crime Task Force (CO24), which included assessing the impact of the Inquiry on community relations. He stated, therefore, that he had not been working on the MPS submissions to the Inquiry at the time of the meeting with N81. He also challenged the accuracy of the SDS file notes as to what had been said at the meeting.

We find the SDS file note, made within a few days of the meeting, to be a more reliable description of what happened at the meeting than Mr Walton's altered version of events advanced to us shortly before we finalised this report. Our reasons for reaching this conclusion include the following:

- The SDS file note of the meeting was made shortly afterwards, and we struggle to understand why DI Lambert could have been motivated to make a substantially inaccurate record of it, as he must have done if the conversation had been as Mr Walton now contends it was.
- N81's position of proximity to the Lawrence family campaign, and the intelligence that he could provide, was the whole background to any insight he had to offer.
- Mr Walton largely agreed with the SDS version of events in October 2013. If he had no recollection of the meeting, we find it difficult to comprehend how such a senior officer would profess to have had his memory much refreshed by the SDS file note, and go on to give detailed narrative answers about how he came to have the meeting, and assert that what had been discussed was consistent with his Lawrence Review Team role.

- In October 2013, as well as agreeing with the majority of the SDS version of events and saying he had remembered much as a result, Mr Walton challenged detail, such as the fact that he had not raised the black community and churches with N81. This suggested that he did have some recollection of the detail of the discussion at the meeting. In addition, when dealing with whether he had been part of, or seen, the intelligence that passed along the “correspondence route” established by Commander Black to CO24 later after mid-September 1998, he indicated that he could not remember what happened.
- MPS meeting notes indicate that until at least 13 August 1998, the day before the meeting, Mr Walton was engaged in meetings in which the final submissions that he had prepared as part of the Review Team were discussed.
- Mr Grieve told us that he believed that Mr Walton was still working under the supervision of Detective Superintendent Bob Quick at the time of the meeting on 14 August 1998, who was in turn working to Assistant Commissioner Ian Johnston. He stated: “DI Walton was not in any way in my chain of command at the time... though he may have been later for a period.”
- There is no clear indicator as to when Mr Walton left the Review Team, but even Mr Walton agreed that he may have been ‘transitioning’ at the time of the meeting.
- We simply found Mr Walton’s changed recollection advanced in February 2014 about this meeting to be unconvincing.

## Findings

- We find therefore that, on a balance of probabilities, on 14 August 1998, DI Walton was not so completely detached from the Lawrence Review Team that his visit to see this undercover officer was concerned only with another function in CO24.
- Mr Walton has maintained throughout, however, and we accept, that the meeting was not his idea, but a request from a more senior officer in the SDS. We also accept that he agreed to the meeting without any detailed knowledge of the actual role and intelligence gathered by the undercover officer.
- It follows that we accept that Mr Walton may well have simply taken up the invitation without realising that he was going to meet an undercover officer who was positioned close to the Lawrence family campaign.
- We are also prepared to accept that these events suggest a degree of ‘naivety’ on his part, rather than a coherent plan to achieve some real advantage in relation to the MPS submissions to the Inquiry.
- Mr Walton does not remember asking anyone about whether he ought to go to the meeting, or telling anyone that he had been to the meeting. In so far as we have been able to enquire, no one has indicated that they knew about him going.
- We have found no evidence to indicate that what Mr Walton discovered from N81 at the meeting was actually incorporated into or used towards the final submissions made on behalf of the MPS.

- Nevertheless, on 14 August 1998, during the break between the end of the evidence received by the Public Inquiry and final submissions being presented, a meeting took place between an undercover officer deployed into an activist group engaged with the Lawrence family campaign and an MPS officer appointed to assist the MPS in formulating its submissions to the Inquiry. In our view, such a meeting was wholly inappropriate.
- Given the contested issues at the Public Inquiry as to the honesty, integrity and openness of the MPS, and the disputes as to the true causes of the seriously flawed investigation of Stephen Lawrence's murder, the objective impression created by any public revelation of the fact of such a meeting could only have been dire for the MPS. It would have been seen as the MPS trying to achieve some secret advantage in the Inquiry from SDS undercover deployment.
- There was no conceivable 'public order' justification for this meeting. Nor was there any other discernible public benefit, and certainly none that could possibly outweigh the justifiable public outrage that would follow if the fact of the meeting had been made public when the Inquiry resumed in September 1998. In our opinion, serious public disorder of the very kind so feared by the MPS might well have followed.

On or around 14 September 1998, Commander Black (Special Branch) noted that he had decided to establish a "correspondence route" for Special Branch briefings to go to Detective Sergeant Barry McDowell at CO24 for DAC John Grieve. Commander Black described this as "both tactical intelligence around the Lawrence Inquiry and broader work on race crime".

We have reviewed the file of intelligence that was retained by the SDS in order to keep a record of what was passed to CO24 from around 28 September 1998 onwards. This was, of course, after the MPS final submissions had been presented.

The records of the intelligence passed to CO24 do include some of N81's reporting. This includes some personal details relating to Mr and Mrs Lawrence. However, this personal information is set out in the context of notes focused on where the campaign was heading and any public order issues connected with Part Two of the Inquiry.

Commander Black's file note of 14 September 1998 states: "I am aware DI Walton of CO24 received ad hoc off-the-record briefings from the SDS" and that he had reiterated to DI Walton that it was essential that knowledge of the operation went no further. He added that he would not wish him to receive anything on paper. Mr Walton denies that he received any briefing beyond the meeting with N81 on 14 August 1998, and we have seen no evidence to show that he did.

Mr McDowell has also indicated to us that, as far as he could recollect, DI Walton had no part in the intelligence that was passed to CO24 via Commander Black's correspondence route.

We have seen no evidence that the intelligence passed via the correspondence route to CO24 was improperly used. Indeed, we recognise the enormity and breadth of the tasks faced by CO24 looking forward in the aftermath of the Inquiry.

Mr Grieve has emphasised to us that his enduring mission at the time of his involvement in the Stephen Lawrence investigation and CO24 was to significantly improve the treatment of victims and the pursuit of justice, as well as to revisit aspects of a number of failed investigations. We accept entirely that this was the objective of CO24 under his leadership. He has also suggested that he did not believe that gathering intelligence in this way was inappropriate, as a "way of understanding and

responding to the issues we were faced with". He emphasised that he had no part in any attempt to 'smear' or undermine the Stephen Lawrence justice campaign or Duwayne Brooks.

Mr Black has told us the following:

- a) He did not believe that our process of notification of issues was 'fair' as he felt that he had been given insufficient time to consider the material and was struggling to recall events which had taken place 17 years ago.
- b) Although he accepted that he had also been interviewed by officers from Operation Herne, he stated that he had not been informed of the detail contained in the documents relating to the Lawrence case.

We invited him to consider the detail of the documents apparently written in his name (referred to above). He was unable to provide us with any detailed information about these documents.

### **6.18.1 Peter Francis' claim that he was tasked to gather intelligence that might be used to 'smear' the Lawrence family campaign in 1993**

Peter Francis has clarified to us some of the details of the assertions he makes, as compared with what was reported in the media in the summer of 2013, including that:

- he has no evidence of there having been "huge pressure from the Commissioner" or "a secret order from the top of New Scotland Yard" to gather intelligence that could be used to 'smear' the Lawrence campaign;
- the pressure upon him to find intelligence that might be used to 'smear' the Lawrence family campaign emanated principally from his Detective Chief Inspector at the time, N86, but that Chief Superintendent Robert Potter was also aware of it;
- there was no "concerted effort to find dirt" on Duwayne Brooks. Mr Francis was simply informed by someone around Youth Against Racism in Europe that Mr Brooks may have been on the May 1993 Welling anti-British National Party demonstration; and
- the concern that he had expressed in 1997/1998 about possible disclosure to the Stephen Lawrence Inquiry was not that consideration should be given to his undercover role being disclosed, but rather that some disclosure should be made to the Inquiry as to SDS undercover deployments into groups around 'black justice' campaigns.

#### **Comment**

- There is no surviving record that we have seen that supports Mr Francis' claim that he, or any other officer, was tasked to report back intelligence that might be used to 'smear' or undermine the Lawrence family.
- However, the weight of the material that we have considered makes it clear that the majority of the records of SDS work in the era have been destroyed. In addition, if there had been such tasking, it would most likely have been oral rather than recorded in writing.
- No individual who served in the SDS at the same time as Mr Francis, and who has agreed to be interviewed by us or by Operation Herne, has confirmed Mr Francis' claim that the SDS sought intelligence that might be used to 'smear' the Lawrence family.

DCI N86 has denied tasking Mr Francis to obtain intelligence of this type and that there was any pressure to obtain intelligence relating to the family campaign.

Mr Potter told us that he was unaware of any desire within the MPS to gather intelligence to undermine the Lawrence family campaign. He described any such request as “totally improper”.

### Comment

- The thrust of the response to Mr Francis' claim from his fellow SDS officers at the time has been a strong affirmation that such tasking lay outside of the remit and ethos of the squad. By this time, the squad was moving towards reporting on and seeking to prevent the subversive or potentially criminal plans of politically active groups that sought to influence campaigns such as that of the Lawrence family, rather than focusing on the campaigns themselves.

Nevertheless, we find the following aspects of the material that we have considered of some concern when evaluating the veracity of Mr Francis' claim that he was asked by his then DCI, N86, to gather such intelligence:

- a) There is clear evidence of a strong feeling of indignation and hostility towards what was perceived in some senior MPS quarters as unjustified and untruthful statements made by or on behalf of **the family** as to the incompetence and lack of effort being made by the murder investigation. This feeling **was** therefore directed at the family campaign rather than the politically active groups that sought to latch onto the campaign. Such feelings clearly had the potential to have been converted into a desire to obtain material that might be used to rebalance public opinion in favour of the MPS.
- b) There is also clear evidence that the Lawrence family campaign was perceived by senior quarters of the MPS and the SDS to be something of a torch for other 'black justice' campaigns to follow. It attracted a wide range of politically active groups that sought to use it to pursue their own aims. The result was that it was assessed as posing a potential for serious public disorder on the scale of that following the incident involving Rodney King in Los Angeles.
- c) The combined effect of the two points above suggests that senior quarters of the MPS appeared to view the Lawrence family campaign as promulgating falsities which had the potential to foment very serious public disorder by the political groups that followed and supported it. In that context, we find Mr Francis' allegations that there may have been a desire to gather 'corrective' intelligence more believable than his fellow SDS officers now state. However, we recognise that they do all state that no such thing did occur, or could have occurred.
- d) The additional element of Mr Francis' claim, as clarified to us, was that the tasking came primarily from his DCI, N86, who he alleges also exhibited apparent racism. This allegation has some degree of potential support from N78's description of witnessing a possibly racially motivated incident involving N86. DCI N86 vehemently denies those allegations and we are unable to make any conclusive finding on the point.
- e) In 1998, the SDS was a squad in which managers felt that it was appropriate to share intelligence being generated by undercover deployment in groups that had become part of the wider Lawrence campaign camp with an officer involved in preparing the MPS

submissions against the family's case in a hotly contested Public Inquiry. As stated above, we find this conduct to have been inappropriate and 'wrong-headed'.

We must also take into account the potential for Mr Francis to have suffered some genuine distortion of events, or of the motives behind events, due to the adverse effect that his undercover deployment has had upon him, and as a result of the feelings against the police with which he has been left.

### **6.18.2 Special Demonstration Squad involvement in researching those who sought to support the Lawrence family shortly after the murder**

#### **Comment**

- There is no surviving record that we have seen that supports Mr Francis' publicly reported assertion that Special Branch asked the murder investigation to ascertain and report back the names of individuals and groups present in the Lawrence family home in the weeks after the murder.

No record of any such request or action to that effect has been found within the murder investigation records, which still survive.

Both family liaison officers concerned, Detective Sergeant John Bevan and Detective Constable Linda Holden, maintain that no such request was made of them. They say that the taking of names of those in the house was their own idea as detectives involved in the murder investigation.

It was unfortunate that the two family liaison officers failed to inform the family clearly that they were also active detectives on the investigation, and that they would report back any information they could glean. We believe that, even in 1993, it should have been recognised that a family might not realise that such officers had a dual role. However, we also accept that it has only been more recently that the role of family liaison officers has been clarified, and they have been instructed to make this dual role clear to a family.

Whilst indicating having no recollection of it occurring in the case of the Lawrence family, N78 has told us that it was not unusual for an investigation to seek information from Special Branch about political groups or individuals who were seeking to support a family campaign, and for that information to find its way to the SDS. Nor was it unusual for the SDS to seek such information from an investigation. Once again the potential for such activity to have occurred in the context of the Lawrence family exists, but there is no evidence other than Mr Francis' account to show that it actually happened.

### **6.18.3 Murder investigation office meeting note regarding "undercover officer"**

An office meeting note prepared during the initial murder investigation, dated 31 August 1993, contains a reference to "undercover officer" in a section dealing with contact with the Lawrence family.

We have been unable to establish the basis for the inclusion of the words "undercover officer". Those responsible for drafting the note have no recollection as to why these words were included. This obviously causes us concern.

## Findings

- Our Review does not permit us to test the competing accounts of Mr Francis as against other SDS officers.
- We have a number of concerns which arise from the allegations made by Mr Francis. We feel unable to reject his claims simply because other SDS officers deny them.
- We do not feel able to make any definitive findings concerning Mr Francis' claims.
- A Public Inquiry that can see and hear the evidence being tested, particularly an Inquiry considering the wider SDS issues, might be better placed to make definitive findings.

## Term of reference

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 might that have had on the Inquiry?

### 6.18.4 Who ordered the undercover policing and why?

Over the years, it appears to us that there would have been general knowledge that there was an undercover capability that had a broad public order remit both at the top of the MPS and also at the Home Office in the early decades of SDS operation.

The public order remit was clearly generally in the public interest. However, there was a duty on the MPS as a whole to ensure that SDS undercover deployments remained proportionate and justified. This was of particular necessity in the challenging environment in which the undercover officers were required to operate and in accordance with the wider duties of disclosure under which the MPS was required to operate.

The operational details and authorisations of individual undercover deployments within the SDS were, it appears, kept firmly within the unit as part of maintaining total secrecy. The SDS adopted an ad hoc approach towards assessing the benefit potential to its customers, rather than conducting a detailed 'cost-benefit' analysis, comparing the collateral damage that might be caused against the true value of the intelligence being obtained.

We have seen annual reports and authorisations covering the undercover deployments that touched on particular groups that affiliated with the Lawrence family campaign. They are of a general nature only.

We have seen SDS documents that show that a channel of communication was opened at the time of the Public Inquiry between an undercover officer in a group that had some influence upon the Lawrence family campaign and an officer appointed to the Lawrence Review Team preparing submissions to the Public Inquiry. The documents show that the meeting was approved by at least some of the SDS managers at the time.

The Head of Special Branch at the time of the Inquiry, Barry Moss, has stated that he would not have allowed what occurred in terms of N81's intelligence being passed to a member of the Lawrence Review Team. He has told us that there would have been no proper justification for such a course. This merely serves to underline the autonomy and secrecy of the work of the SDS, even in the context of Special Branch as a whole, which appears over the years to have led managers working within the SDS to make some questionable decisions.

### 6.18.5 Was information regarding undercover policing withheld from the Stephen Lawrence Inquiry?

#### Findings

- Yes, information regarding undercover policing was withheld from the Public Inquiry.
- In our assessment both the details of relevant SDS undercover officer deployment into groups privy to tactical aspects of the Lawrence family campaign and the fact that a channel of communication had been opened between an undercover officer so employed and a member of the MPS team working on the final submissions to the Inquiry should have been disclosed to the Inquiry Chairman. They were not.
- We have found no clear evidence that a positive decision **not** to disclose the extent of undercover policing was made by the MPS. There was simply a culture whereby no disclosure was made relating to the undercover work of the SDS. In this regard, the SDS seems to have operated, and been considered to be, outside the sphere of evidence and the MPS's disclosure duties. This seems to have been permitted by the MPS senior management.

In so far as we have been able to ascertain, those involved in the MPS Lawrence Review Team (other than DI Walton), or representing the MPS at the Stephen Lawrence Inquiry, had no knowledge of the undercover deployment of N81 into a group close to the Lawrence family campaign, or the opening of a channel of communication between N81 and a member of the MPS Lawrence Review Team.

Anesta Weekes QC (then Junior Counsel to the Inquiry) has also confirmed that no information regarding undercover deployments was revealed to the Inquiry team.

Mr Francis claims that at the time of the Inquiry he pushed for disclosure of SDS undercover deployments that had touched on the Lawrence family campaign to be made to the Public Inquiry. His senior officers responded to the effect that, if the public were to find out about it, there would be battling in the streets for a year to come.

We have found no records to support this claim by Mr Francis, and we are not aware of any individual who confirms it.

However, in our opinion, if Mr Francis had made such an enquiry of his senior officers at that time, we would expect the reaction to have been of a similar tenor to that which he claims he received.

We believe that the assurance of total secrecy in relation to the undercover work of the SDS may have become part of the justification for carrying it on. This was notwithstanding the level of intrusion and collateral damage it sometimes caused. In our opinion this is a classic danger associated with inadequate supervision of covert surveillance, and the reason for the growth in oversight that has been put in place as the years have passed.

We were concerned, in this regard, to discover that leading up to, and after, the implementation of the Regulation of Investigatory Powers Act 2000, SDS undercover officers were apparently authorised in very brief file entries under their pseudonyms in such a way that an inspection of the file did not reveal either who they were or give any detail about what they were doing.

### 6.18.6 What impact might the withheld information have had on the Stephen Lawrence Inquiry?

#### Finding

- We believe that revelation to the Public Inquiry of what is now apparent in terms of the nature of the undercover policing **around the time of the Inquiry**, and the use that was made of it, would have greatly troubled the Chairman of the Inquiry and his advisers as it troubles us, the Commissioner at the time and the Deputy Commissioner at the time, as well as others who were on the Lawrence Review Team who were unaware of it.

Baroness Lawrence and Imran Khan have confirmed to us that, although the family made the decisions as to how the Inquiry was conducted on their behalf, activist groups would sometimes participate in meetings with them that touched on tactical questions connected to the Inquiry. The groups would engage with them and give them information, and would often glean how the family intended to approach the issues.

Mr Lawrence is also understandably deeply disappointed by the prospect of there having been an undercover police presence spying in their camp on behalf of the MPS.

#### Findings

- We believe that if the MPS had sought the guidance of the Chairman of the Inquiry on the propriety of continuing any undercover deployments that touched on the Lawrence family campaign during the period of the Inquiry, as we believe it should have, the Chairman would have directed that such deployments should be terminated. We believe that the Chairman would also have wanted to assess the prior propriety of any undercover deployments since the murder.
- If the Public Inquiry had come to find out in September 1998 that a member of the MPS Review Team preparing the final submissions for the Inquiry had 'tapped into' an undercover resource, justified essentially on a public order remit, we believe the Inquiry would have deplored such conduct.
- The likely result would have been that the MPS's case at the Inquiry, and the MPS's reputation as a whole, would have been further – and severely – damaged. The objective appearance would have been that the MPS had taken advantage of the position of the undercover officer to gain access to some of the internal workings of the Lawrence family campaign.
- In our view, revelation of these facts to the Lawrence family and the public would have been inevitable, in order that submissions could be made as to the appropriate remedy in the Inquiry.
- Public disorder of a far more serious kind than anything envisaged by the original undercover deployment could well have resulted.
- In short, the MPS may itself have caused the real risk of the public disorder and the kind of 'meltdown' it so feared.

## 6.19 Postscript on undercover policing

Although our terms of reference are limited to the role of undercover policing in the context of the Lawrence case, we feel bound to indicate that from the material that we have seen, it would be wrong to assume that undercover policing by the Special Demonstration Squad (SDS) (which involved deployment into a wide range of groups that presented a public disorder potential) may only present problems in the Lawrence case.

In essence, the wider potential problems that appear to us to be likely to exist all flow from the extraordinary level of secrecy observed as to any disclosure that might carry the risk of exposing that an undercover officer was, or had previously been, deployed.

Whilst that level of secrecy was largely enforced within the processes and procedures adopted by the SDS itself, the wider Metropolitan Police Service (MPS) must take responsibility for allowing a situation to develop over the years whereby the SDS operated as if it was exempt from the developing duty of proper disclosure required of the MPS in legal proceedings, and particularly in criminal prosecutions.

Instead, what appears to have been the default position is that acknowledged by the 2009 SO15 report, namely that the SDS appeared to have:

“relied on their ‘intelligence only’ doctrine of never giving evidence in order to suggest their activity did not impact upon criminal proceedings, no matter how accurate that was”.

The extent of the wider problems flows from identifying the extent of SDS activity of potential relevance to issues arising in criminal proceedings where there was a duty of proper disclosure.

The SDS had, over many years, placed undercover officers inside a wide range of activist groups, targeted principally around the groups’ potential for committing, fomenting or providing intelligence on public disorder. A long-term undercover officer deployed into such a group had, necessarily, to play the convincing role of a genuine activist.

When the group concerned got involved in planning or committing potentially illegal activity, the undercover officer had to maintain cover. The concept of an undercover officer getting involved in criminal activity in one way or another was, it appears, approached ‘flexibly’ by some SDS officers.

The potential for an undercover officer to have been viewed by another group member as having approved, encouraged or participated in criminal activity is inevitable.

The undercover officer may well have ended up being arrested. The SDS records show that sometimes that was dealt with by the officer going through the investigation and the court process in their undercover name. This inevitably entailed deception of the arresting officers and courts, and also the legal advisers who represented a number of activists arrested at the same time, all of which had to be dealt with in a manner consistent with their undercover role.

It is also clear from the material that we have seen that sometimes an undercover officer who had been present at a riot or other disorder where arrests had been made and criminal proceedings had been brought knew that aspects of the prosecution case being advanced through police witnesses were false.

In short, it is inevitable that the interaction between an undercover officer and members of an activist group, taken together with the detailed records of intelligence reported back by them into the MPS

system, yielded an obvious potential source of material relevant to criminal proceedings brought. This relevance might be because the undercover officer had encouraged the alleged criminal activity of others, or because the records were capable of supporting a fact relied upon by a defendant or undermining a fact relied upon by the prosecution.

The very nature of SDS undercover work placed serving police officers inside groups of activists who not infrequently came into conflict with the police and faced arrest and prosecution. Having a system whereby that activity was shrouded in almost total secrecy and the role of, and intelligence gained by, the undercover officer was not considered in relation to the prosecution's duty of disclosure in criminal proceedings must, in our assessment, produce the potential for there to have been unfairness in some of those proceedings.

We point this out as it may be relevant to the question of the breadth of the issues arising under the broader heading of undercover policing.

We believe that consideration should be given to reviewing criminal prosecutions falling into the categories which we have described above against available SDS records. The purpose of any such review would be to assess if material non-disclosure may have occurred in any case in which there had been a conviction, and to enable appropriate remedial action to be taken. Such a review may reasonably be regarded as a priority before any possible Public Inquiry should take place.



## 7. Duwayne Brooks

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Our terms of reference mean that we must consider:

- a) the extent to which undercover policing touched on Duwayne Brooks;
- b) the extent of surveillance activity ordered or carried out in relation to Duwayne Brooks; and
- c) the extent, purpose and authorisation for any surveillance of Duwayne Brooks or his solicitor.

This section therefore considers the impact of the role of undercover policing and other police surveillance on Duwayne Brooks and his solicitor.

## 7.1 Background

It is important to note from the outset that Duwayne Brooks was also a victim of the tragic events on 22 April 1993. He was 18 years old at the time. He too was chased by a group of racist attackers. He only just managed to escape. He saw his close friend being brutally attacked, and then he watched Stephen Lawrence dying on the side of the road. These events were bound to have a significant impact on him.

In his own words (from Mr Brooks' autobiography *Steve and Me*), Mr Brooks describes his experience as follows:

"I will never be able to explain how that night, 22 April 1993, changed my life. You never plan for a death like Steve's, you never expect to be attacked on the street. You may be wary of certain areas, you may think you might get into rows at a pub or a club, but you never expect to be attacked while you're minding your own business. The attack did things to my mind and body that I didn't know were possible."

Without repeating its findings, which we have set out in section 4, it is clear that the Inquiry:

- a) was highly critical of the way in which Mr Brooks had been treated by the officers at the scene of the murder and in the immediate aftermath;
- b) was highly critical of the way that Mr Brooks' potential as a witness was undermined, both in the preparation of statements and the way in which he was handled at identification procedures; and
- c) expressed concerns about the level of victim support which had been provided to Mr Brooks in the aftermath of the attack and thereafter.

As the private prosecution of some of the murder suspects in 1996 demonstrated, between 1993 and the time of the Public Inquiry in 1998, Mr Brooks was the **only** witness capable of supporting a case against the key suspects. In reality, he had been the only person capable of making a visual identification of the attacking group.

For reasons that were no fault of his own, and were primarily as a result of the circumstances of the attack, his positive identification of two alleged attackers (Neil Acourt and Luke Knight) was not sufficiently reliable that it could withstand examination by a court. Once his evidence of the identifications was ruled inadmissible by Curtis J. in April 1996, the private prosecution was forced to offer no evidence against all three defendants on trial: Gary Dobson, Neil Acourt and Luke Knight.

Nonetheless, Mr Brooks remained a crucial and central witness throughout this period. As such, he was the focus of public attention and became associated with the campaign for justice following Stephen Lawrence's death, including playing a prominent role in the Public Inquiry in 1998 as an interested party.

Handling Mr Brooks successfully as a potential witness and understanding his position as a victim in the case should have been a central priority for any police team determined to do its best to investigate the murder allegation.

The circumstances of the attack and the death of his friend Stephen Lawrence had a significant impact on Mr Brooks' psychological health in the months that followed the murder. Without intruding on his privacy by going into this in detail, by the end of 1993 it is clear that he was suffering from post-traumatic stress disorder. We mention this merely because it demonstrates the additional care and sensitivity that should have been shown towards him by the Metropolitan Police Service (MPS).

From the time of his arrest for offences connected to the 8 May 1993 demonstration, Mr Brooks has been represented by his solicitor Jane Deighton, a partner at Deighton Guedalla Solicitors (now Deighton Pierce Glynn Solicitors). For 20 years, she has pursued Mr Brooks' interests relentlessly and fearlessly. This has involved representing Mr Brooks when he was the subject of criminal charges; representing him at the Public Inquiry; representing his interests when he brought a civil claim for damages against the MPS; and representing him when he has made other complaints against the police.

Unsurprisingly, representing Mr Brooks' interests without reservation led to a degree of conflict and confrontation with the MPS and the Crown Prosecution Service. We mention this for two reasons:

- a) From the time of his arrest in 1993, and certainly by the time of the Public Inquiry in 1998, Mr Brooks was, for most of the time, engaged in some kind of 'litigation' with the MPS. They were 'opposing parties' engaged in a variety of legal proceedings against each other. As it was when considering N81's undercover reporting, it is an important context when considering the role of undercover policing in relation to Mr Brooks during this period.
- b) The nature of this relationship is also important when we consider the circumstances in which conversations between the parties came to be covertly recorded by the police in 2000.

We have considered the following sub-questions in order to answer our terms of reference in this area:

- a) What was the extent of intelligence gathering (including undercover policing) ordered or carried out by police in respect of Mr Brooks?
- b) Have we been made aware of any material which suggests that any criminal investigations into Mr Brooks were instituted or continued as a result of an improper motive by the MPS?
- c) If so, does this reveal an attempt to 'smear' or undermine Mr Brooks as a potential witness in the murder case (as Peter Francis claims he was tasked to do in 1993)?
- d) What was the extent, purpose and authorisation for any surveillance of Mr Brooks or his solicitor?

## **7.2 What was the extent of intelligence gathering (including undercover policing) or surveillance activity touching Duwayne Brooks?**

Duwayne Brooks was a represented and interested party at the Stephen Lawrence Inquiry. He was also a vulnerable witness in the murder investigation.

At the Public Inquiry, forceful submissions were made on Mr Brooks' behalf **against** the conduct of the Metropolitan Police Service (MPS). As such, Mr Brooks and the MPS were opposing parties in litigation. This litigation context continued when Mr Brooks took civil action against the MPS for damages arising from the Inquiry's findings against the police in 1999–2000.

In addition, as a basic proposition (subject to exceptional circumstances), a person being prosecuted for a criminal offence or otherwise engaged in litigation with another has the right to expect that conversations which they have with third parties as to the manner in which they will conduct their proceedings should not be monitored by other people involved in those proceedings.

It is perhaps unsurprising, in light of the position in which he found himself after his friend's death in 1993, that Mr Brooks associated himself with a number of groups linked to the campaign for justice in the Stephen Lawrence case. Our Review has shown that Mr Brooks' value to these groups, as a key figure in the case, was extremely high. It is also clear that he trusted those within the groups to support him in various legal proceedings and shared information with them about the approach that he was adopting.

We have already indicated that the Special Demonstration Squad (SDS) had undercover officers in groups that sought to ally themselves with and support the Lawrence family campaign and that the deployment continued during the time of the Public Inquiry.

We are not aware of any such activity touching on Mr Brooks either before or at the time of the Public Inquiry.

The SDS records that we have seen do, however, indicate that undercover police activity generated intelligence that touched on Mr Brooks after the Public Inquiry. That intelligence can be summarised in adequate detail for the purposes of identifying for this report where it crossed the line of any clear public order value, as follows.

### **7.2.1 The extent of intelligence gathering relating to Duwayne Brooks**

- a) The intelligence concerning Mr Brooks covered a period beginning after the close of the Public Inquiry in 1999 and until 2001.
- b) The reporting included details of:
  - the divisions that had occurred between the Lawrence family and Mr Brooks;
  - the way in which Mr Brooks was going to approach his defence to an allegation of rape and indecent assault, including information suggesting that the alleged victim did not support the prosecution and had been 'put up' to making the allegations by the police; and

- the expectations that Mr Brooks had for his civil action against the MPS, including his lack of desire to reach a settlement with the MPS.
- c) The reporting was disseminated within the MPS in 'sanitised' intelligence reports, which did not reveal the nature of the source. It has not, however, been possible for us to identify all those who had access to these 'sanitised' reports.

### **7.2.2 Specific examples of the intelligence gathering**

In order to demonstrate the nature of the reporting as it touched on Mr Brooks, we have provided some examples below.

#### **Intelligence report, submitted 15 January 1999**

"... Brooks' support is important to [the group] as it gives them a degree of authority that they have been lacking due to the opposition of Neville Lawrence..."

#### **Intelligence report, submitted 12 February 1999**

"[One of the leaders of the group] was very pleased with the input of Duwayne Brooks who, although not a public speaker, is now becoming much more willing to take a prominent role and showed this by making a point of standing next to [the leaders] when they spoke to the media. [One of the leaders] sees Duwayne's value in that he is the only person who can speak out against the Lawrences and have people accept his right to have such views."

#### **Intelligence report, submitted 17 September 1999**

"Fundamental to [the group]'s activities will be the civil case brought by Duwayne Brooks against the Metropolitan Police for racial discrimination during the Stephen Lawrence investigation. Brooks is a follower (not a member) of [the group]... Brooks is most unlikely to lose his case. Brooks has also intimated that he will not settle out of court. This is something that is vital to [the group] as they will attempt to capitalise on the publicity that the case will generate.

"[The group] have no realistic chance of achieving influence in [the Lawrences' civil case] but are optimistic that their relationship with Brooks will pay dividends."

#### **Intelligence report, submitted 24 February 1999**

"Duwayne Brooks is much in demand by the media and he takes every opportunity to air [the group's] views."

#### **Intelligence report, submitted 24 September 1999**

"[The group] has rallied to Duwayne Brooks' cause after his arrest for indecent assault and attempted rape... [The group] has... taken the line that this is a counter-attack by the State in response to Brooks suing the police for racism. [One of the leaders] has advised Duwayne to go on the offensive and try to get media coverage of this angle."

The report summarised Mr Brooks' account of events and states: "[The group] are seeking to ratify this version and to try and discredit the alleged victim."

The report also set out details of Mr Brooks' solicitors, suggesting that "one of the partners is the mother of [one of the members of the group]... Deighton Guedalla apparently has a policy of not defending alleged rapists but are making an exception in this case (potential media coverage of course not being an influence on their decision)."

### **Intelligence report 99S577, submitted 9 November 1999**

"[One of the leaders] had asked Doreen Lawrence what she was doing to support Duwayne, and she had angrily replied that she was there for her son alone and was not interested in other issues. The Lawrences had said similar things during the enquiry that had gone unchallenged. On this occasion however, Doreen was visibly shocked when her comments elicited an angry response from the audience, and this undoubtedly swung some people towards [the group]...

"... [The group] will be pushing for the case to go to Crown Court where Duwayne is confident he will get off. Indeed he is confident that the case will never get to court, as the alleged victim is a member of the same Church congregation, and she is coming under pressure from Church leaders to withdraw her allegations..."

### **Intelligence report, submitted 19 November 1999**

"... [one of the leaders] has encouraged him to flout the bail conditions in order to attend interviews or demonstrations in South London. It is unclear whether Brooks will accede to this point of view because he does not relish having his bail rescinded..."

"Brooks remains adamant that he will fight and win both the civil action that he has taken out against the Metropolitan Police in respect of the Stephen Lawrence affair and the charges laid against him for indecent assault during October 1999. Brooks is optimistic that he will win a considerable amount of money from the Police..."

### **Intelligence report, submitted 27 January 2000**

"... [the group] are excited because the rape allegation against Duwayne Brooks is going to be dropped... a 'civil staff' member from the Racial and Violent Crime Task Force was asked to befriend the victim in this case. They met up on several occasions and the victim confided in her that she made the allegation up and that now the victim was unwilling to state the allegation in court despite pressure from the police to do so. The report states that the Racial and Violent Crime Task Force member passed this information on to Duwayne Brooks and said that she will be a witness for him. [The group] said that Duwayne Brooks' lawyers were meeting that day in order to get the case dropped.

"Both Brooks and [the group] will be happy to see the end of the criminal case as it will allow them to concentrate their efforts on the civil case against the police."

### **Intelligence report, submitted 3 February 2000**

"... They met on eight occasions and at the end of this time submitted a report detailing information that the victim had told her. These include: a) information that the police had put pressure on her to make the charges; b) that the victim is claiming she invented the allegation; c) that the victim is willing to inform the Judge of these facts. The lay visitor apparently advises that the case should be dropped."

### **Intelligence report, submitted 3 February 2000**

“... It is believed that the Police are contesting the fact that the case is out of time (more than 3 years) but Brooks’ lawyers advise that this can be disregarded considering the precedent set by the Lawrences... [The group] are hoping to build this trial on similar lines to that of the Lawrence Enquiry.”

### **Intelligence report, submitted 3 February 2000**

“Lee Jaspar has approached Duwayne Brooks and offered him support in the civil case against the Metropolitan Police.

“Ken Livingstone MP has privately informed [one of the leaders] that he also supports Brooks’ civil action against the Police.”

### **Intelligence report, submitted 14 February 2000**

“Brooks is pleased that the case of indecent assault against him is being transferred to the Old Bailey. It provides him with further ammunition that the State is targeting him and can only bode well at his forthcoming Civil Action against the Police.

“He also views it as very important that his supporters do not give the black female victim a hard time. He is keen to promote the fact that she is a victim of the Police as well...”

### **Intelligence report, submitted 24 March 2000**

“Duwayne Brookes [sic] and his supporters in [the group] were very pleased with his acquittal on the indecent assault charge earlier this week... [The group] were especially pleased with the tone of the Judge’s findings in its clear condemnation of the police... The timing of this decision is particularly helpful as a decision on whether Duwayne’s civil action against the police can continue will be announced soon and showed the decision go against Duwayne, [the group] are confident in gaining strong media coverage of what they will perceive as a ‘conspiracy’. Recent events concerning the arrests made in connection with the Stephen Lawrence murder further add to the strength of their case.

“[The group] also view as highly favourable that the collaboration with the police by a black female has been the cause of the trouble... Miss YY, the mediator in question, is known to supporters of Brooks and was at the Lawrence enquiry, where it is believed she passed information to the police. This became known and was commented on by Macpherson. It was further alleged that she was having an affair with one of the police officers involved. The black (activist) community now view her as a police lackey.”

### **Intelligence report, submitted 19 December 2000**

“Duwayne Brooks’ civil case against the Metropolitan Police continues unabated. He has been offered £\*\*\* in settlement but is most unhappy with this derisory sum. He is after a similar amount to that offered to the parents of Stephen Lawrence (£\*\*\*). However, there is the possibility that he will lose legal aid if he refuses the offer (if the barrister thinks that the offer is reasonable).”

### Intelligence report, submitted 20 February 2000

“... It is believed that solicitors acting for the police have approached both Brookes [sic] and the Lawrences asking them to postpone their civil actions until the autumn. [The group] are unclear as to the reasons for this alleged request but it is supposedly connected with legislation currently going through Parliament.

“Apparently the Lawrences have acceded to this request but Brookes [sic] has rejected the offer.”

### Intelligence report, submitted 24 February 2000

“... [The group] recognise that there is little more political advantage to be gained from Brookes [sic] but will continue to offer some support whilst the case is in progress.”

### Intelligence report, submitted 11 January 2001

“... Duwayne Brooks attended the meeting and was seen to be very friendly towards the Commissioner and John Grieve. Again his contact with [the group] is waning as his prime concern is the size of the settlement he is likely to receive...”

### Intelligence report, submitted 16 February 2001

“Duwayne Brooks is very unhappy at losing his action against Sir Paul Condon, in which he attempted to sue the former Commissioner of the Metropolitan Police with allegations of racism. He has therefore re-contacted [the group] and asked for help in mounting a public campaign.”

## **7.2.3 Metropolitan Police Service liaison with Duwayne Brooks as a witness**

At the time when this intelligence was being gathered, witness liaison with Mr Brooks was handled by specialist officers within the Racial and Violent Crime Task Force.

Whilst some of those officers had experience in working within Special Branch, and maintained their connections for the purposes of receiving intelligence, none has told us that they were made aware of the SDS line of reporting in relation to Mr Brooks.

We have been provided with a risk assessment dated 13 January 2000 prepared by the then Detective Sergeant Barry McDowell, ex-Special Branch, for the Racial and Violent Crime Task Force, in relation to Mr Brooks. It begins as follows:

“This paper seeks to outline the risks to Duwayne Brooks (DB) and the MPS from a political pressure group... This assessment draws on information gleaned from a number of sources including **DB, DC Paul Charlton (PC), who is DB’s Family Liaison Officer, Special Branch and [the group] themselves.**”

The report continues:

“... It is extremely likely that [the group], as part of their own information gathering process, will debrief DB on a regular basis about his contact with the Police. It is likely that they would want

to know information about the continuing investigation, officers involved in the inquiry, as well as the MPS in general to service their own agenda.

“This obviously throws up a number of additional risks around what MPS staff say to DB during contact with him.

...

“However, **through our relationship with DB, useful information may be gleaned that will assist with policing arrangements** therefore ensuring both public and police safety issues are planned for thoroughly...

“... how will DB feel if the MPS is seen to ‘interfere’ with the relationship between himself and his supporters. This would be further aggravated especially if we were advising him to distance himself from those supporters because we believe that they will actually do him some harm.”

A briefing note prepared on 29 September 2000 for the future family liaison officer dealing with Mr Brooks included a reference to his connections with the group referred to in the reporting above as follows:

“[The group] are a group that has supported DB... [The group] has been present at all DB’s latest court appearances and also attended a recent Lambeth PCCG meeting to which the Commissioner (Sir John Stevens) has attended.”

We have been provided with the minutes of a Gold group meeting within the MPS which considered the position of Mr Brooks on 6 September 2000. Deputy Assistant Commissioner John Grieve and Detective Chief Inspector Michael Jones (both considered in greater detail below) attended this meeting. The minutes reveal that the handling of Mr Brooks both as a witness and also in relation to his civil proceedings against the MPS was seen to be a high priority.

We have also been provided with a number of documents suggesting that, during this period, the handling of Mr Brooks as a witness was a matter which involved significant logistical commitment by the Racial and Violent Crime Task Force. An internal report dated 15 November 2000 presented a business plan for dealing with Mr Brooks’ accommodation needs at the time.

It is clear, however, that despite this commitment to supporting Mr Brooks as a witness, the relationship with him remained problematic and some officers had concerns about assumptions that were made about Mr Brooks’ attitude to the police. In a report prepared on 27 November 2011, the following comment was made:

“A further note within the body of the PNC record, under characteristics shows Mr Brooks as ‘anti-police’; this remark may have the tendency to create an unhelpful mindset in relation to those who may have interaction with Mr Brooks.

“Duwayne Brooks is a high-profile individual who has a tendency to come to the notice of police when he acts in support of others who have been stopped or who are interacting with police officers. I have concerns that the records currently held on the PNC as a warning signals/ characteristics are excessive, and in two cases inaccurate.”

We asked Mr McDowell, the author of the risk assessment prepared in January 2000, about his role in liaising with Mr Brooks. He held the dual position of managing intelligence coming into the Task Force

from Special Branch and also supervising aspects of family liaison with Mr Brooks. When asked why the report had been prepared he said:

"I think that it is probably the continued welfare of both Duwayne and to make sure that the investigation had some integrity and to look at all the issues that could affect it.

...

"Q:... Under the physical risks section, where you have identified that there is a capacity for a spectacular one-off action by [the group], in the sense that it should not be ruled out.

"A: Yes.

"Q: They might see an opportunity for doing something that would amount to potentially serious public disorder, and the risk that that may impose. It is just this sentence, 'However, **through our relationship with DB useful information may be gleaned** that will assist with policing arrangements, therefore ensuring both public and police safety issues are planned for thoroughly'. It implies that you are looking at the potential for gathering information through the relationship that could feed back and be used for some public order function. Can you explain the sort of thing that you have got in mind, because that is, obviously, an area of potential tension?

"A: **Yes.**

"Q: As it seems to me, given that the role that you have with him – and, in fact, you go on and – or you have spoken about the fact that it could cause difficulties with the relationship.

"A: (pause) That there would purely be – the piece you referred to, sir – as I mentioned earlier, the role of the family liaison officer is still part of the investigation team and through the course of a relationship when information is exchanged is there anything there, so, if Duwayne was associating with [the group], it would prepare the police in a way that we would not have an incident, it is a simple...

"Q: **Yes. It is an opportunity for some intelligence that could be useful?**

"A: **Absolutely.** And in no way would we be considering Duwayne as some form of informant or anything along those lines. As I report, 'useful information may be gleaned' and nothing more than that.

"Q: Let me put to you from a 2013 perspective –

"A: Certainly.

"Q: – and all the water that has gone under the bridge. **Some might say that this is playing a little reckless with the family liaison relationship** because, if he was to discover that, if I can use the blunt term, that you had sort of slightly tapped him for information about [the group] that might give the police a bit of a head start if there was some violent or public disorder that might kick off, **it is a use of a relationship which is not the right use of a relationship.** I just put it forward as a proposition –

"A: I can understand...

“Q: – to hear what the thinking, if there is thinking about it, you know, as to, no, we didn't think that and why.

“A: I can understand that position being taken and I can understand people thinking we are trying to exploit people here at their lowest or at their weakest point. I think that, if you are involved in an investigation, whichever your role, it is incumbent upon you to gain relevant information. I do not think that we would have done anything underhand or sinister with Duwayne. That was never the thinking, but, if we picked up on a morsel that might suggest that a group were planning to do something at a public meeting – I mention a paint attack there on a Government Minister or the Chair of the Government – if, for instance, we picked up on the fact that the Commissioner was going to get paint bombed or something by the group at a public forum, or any other party, we would be doing our job if we passed that information on, but no more than that.”

On the potential use of Duwayne Brooks to obtain intelligence on activist groups, John Grieve has emphasised to us that he would never have entertained any attempt to ‘smear’ either Duwayne Brooks or the Lawrence campaign. However, he did suggest that the use of intelligence in this way was a legitimate investigative tool, there being “no privacy in a murder investigation”. He stressed that there was “a legal imperative for active consideration of the risks not least for the protection of a significant witness”. Whilst we accept that the risk assessment in itself was entirely appropriate as a means of protecting a significant witness, the issue of concern for us is the suggestion that this relationship might be used to obtain intelligence about activist groups. That is, not intelligence relating to the murder investigation, but intelligence about potential public order issues arising from these groups. We remain of the view that this would not have been an appropriate use of the liaison relationship with Duwayne Brooks.

We will return to consider the nature of the liaison relationship with Mr Brooks in 2000 below.

### **Comment**

- In passing, we observe that some of the reporting that we have considered above included information about the alleged victim in an allegation of attempted rape and indecent assault being made against Mr Brooks (which is considered in detail below). This reporting included material that undermined the position of the alleged victim. From the records made available to us, it appears that no consideration was given to the potential disclosure of this reporting in the criminal proceedings. Had disclosure of matters going to the credit of the alleged victim not been disclosed by other routes, it is possible that material non-disclosure might have occurred.

## **7.3 Have we been made aware of any material that suggests any criminal investigation into Duwayne Brooks was instituted or continued as a result of an improper motive by the Metropolitan Police Service?**

### **7.3.1 The Welling anti-British National Party demonstration, 8 May 1993**

Despite a number of requests, it has not been possible to locate the original police file in this investigation (Operation Fewston) for us to consider.

We have, however, been able to locate:

- a) a copy of part of the police file (statements and exhibits only) retained by the Metropolitan Police Service (MPS) Department of Legal Services (retained as part of the papers submitted to the Public Inquiry); and
- b) a copy of the Crown Prosecution Service (CPS) file, as provided to the Public Inquiry (retained by the Home Office), including statements, exhibits, correspondence and some disclosure schedules.

The contents of these files indicate to us the following facts in addition to those we have already reported:

- a) Duwayne Brooks attended the 8 May 1993 anti-British National Party (BNP) demonstration. He was shown on video footage taken at the time of the demonstration which the police and CPS alleged amounted to him engaging in acts of violence against property and the police.
- b) On 8 October 1993, he was charged with offences of violent disorder and criminal damage in relation to his participation in that demonstration.
- c) The circumstances in which he came to be identified by the police were a key issue in the proceedings, and are considered in greater detail below.
- d) Psychiatric evidence was obtained during the course of the legal proceedings which demonstrated that he was suffering from post-traumatic stress disorder at the time of the demonstration and thereafter.
- e) A letter from the CPS dated 28 March 1994 suggests that the Prosecution intended to make some form of application in relation to non-disclosure of sensitive material. We have been unable to establish what this non-disclosure related to.
- f) For many months leading up to trial, representations were made on behalf of Mr Brooks that the case against him should not be pursued on two grounds:
  - his mental health issues; and
  - the wider public interest, given his role as a key witness to the murder of Stephen Lawrence.

- g) The CPS, with the assistance of advice from Counsel, concluded that there could be no question of the case not proceeding based on the available evidence. It took the view that it would be improper not to proceed against Mr Brooks on public interest grounds arising from his position as a witness, albeit that it was accepted that the circumstances would amount to mitigation.
- h) After protracted proceedings, on 13 December 1994, the trial judge finally ruled that it was an abuse of process to prosecute Mr Brooks, based on the delay between the offence and the identification and arrest of the defendant, and he accordingly stayed the indictment.

## Identification of Duwayne Brooks as a participant in the demonstration

Peter Francis has publicly alleged that, after he had failed to find material with which to 'smear' or undermine the Lawrence family, it was suggested to him by senior Special Demonstration Squad (SDS) officers that he look at Mr Brooks as a means of achieving the same result. This included him attempting to find evidence of Mr Brooks' involvement in criminality. As a result, Mr Francis alleges that he and another officer looked at a lot of CCTV of the demonstration and identified Mr Brooks, and local officers were then informed, resulting in Mr Brooks being charged with offences.

In *Undercover: The True Story of Britain's Secret Police* (by Rob Evans and Paul Lewis), Peter Francis (referred to as "Peter Black") said the following:

"As Lawrence and his family could not be undermined, Black says police found a way to discredit him by association. On the night Lawrence was killed, he was with Duwayne Brooks, a friend, who was also the main witness to the murder. Black recalls a concerted effort to find dirt on Brooks, who was becoming involved in anti-racist campaigning. . .

"Later, Black and another SDS officer embedded in the anti-racist movement trawled through 'hours upon hours' of footage from one of the protests against the BNP which had turned unruly. The police were desperate to find any evidence that Brooks himself participated in the violence. Senior officers, Black says, wanted to 'smear' the Lawrence family's campaign. 'They were trying to tar Stephen Lawrence' he adds. 'If we could come up with anything like that, that was genius. We were trying to stop the campaign in its tracks'."

We have considered the nature of Mr Francis' role within the SDS in the previous section.

It is important to note:

- a) SDS officers were often asked to identify those involved in violent protest activity for the purposes of potential prosecutions.
- b) Mr Francis joined the SDS on 7 January 1993 and, as was usual, spent about six months thereafter in the SDS 'back office', primarily working on his undercover identity and reading up on the group he was told he was going to deploy into. In August 1993, his deployment was changed to Youth Against Racism in Europe (YRE).
- c) He was deployed into YRE on 27 September 1993. He was then one of a number of SDS undercover officers who provided forewarning of the violent anti-BNP demonstration which occurred on 16 October 1993, which he attended and has stated he actively participated in.

Mr Francis' claim to have been instrumental in Mr Brooks being charged on 8 October 1993 in relation to the 8 May 1993 demonstration echoes what Mr Brooks said in his autobiography *Steve and Me* (published in 2003):

“Strangely, the decisions to arrest and then charge me were made after the charges against the suspects were dropped at the end of July. Jane wanted to know why they hadn't charged me from the outset, and why it was only happening now. She couldn't get an answer. Obviously some senior detective had decided that it was time to get me and so went ahead with the arrest. Jane claimed that this was an abuse of process, but neither the police nor the CPS would accept this.”

When we met Mr Francis he clarified his alleged involvement in Mr Brooks getting charged with offences connected with the 8 May 1993 demonstration:

- a) It had been around the week that his formal deployment commenced that he had heard from YRE members that Mr Brooks had been involved in the 8 May 1993 Welling anti-BNP demonstration and he reported that back to Detective Chief Inspector N86. He told us that nobody had ever been tasked to find anything out about Mr Brooks. It was routine for SDS officers to try to identify people who were at demonstrations they were also at, but this was different as he had just happened to hear it while deployed and so he reported it back to DCI N86.
- b) He had been aware that SDS officers had reviewed the footage of the May 1993 demonstration shortly afterwards but nobody had identified Mr Brooks then. As a result of reporting this intelligence back, he was asked to review the footage as he had met Mr Brooks at a social event he attended at Kingsway College as well, and he did so with another officer and identified him around the beginning of October 1993. That would then have been shared with the Area Division in an anonymous format unattributable to Special Branch. After Mr Brooks had been arrested and charged (on 6 October 1993), N86 had congratulated him and he had assumed that his intelligence had been instrumental.

We have examined the circumstances in which Mr Brooks came to be identified as a participant in the disorder, and believe that they establish the following:

- a) Mr Brooks was the last of all of the Operation Fewston defendants to be identified and arrested.
- b) PC Simon Bull and Sergeant Albert Russell were both involved in the arrangements for and conduct of the identity parade that Mr Brooks attended at Southwark Identification Suite on 7 May 1993 in relation to murder suspects and would therefore from this date know Mr Brooks.
- c) PC Bull was also one of the uniformed officers present during the demonstration on 8 May 1993.
- d) PC Bull identified Mr Brooks as having been on the demonstration on 22 September 1993. He made a witness statement on 23 September 1993. He indicated that he had been present at Southwark Police Station on 7 May 1993 (the day before the demonstration) when Mr Brooks had appeared as a witness at the identity parades in the murder investigation. PC Bull stated that, on 22 September 1993, he attended Southwark Police

Station and viewed a number of photographs. He was able to recognise Mr Brooks in a number of still photographs from the video footage of the demonstration.

- e) In response to an order from the court to provide further details to explain the delay in the identification being made, a note was prepared by Detective Inspector Roger Bailey dated 10 May 1994, which indicated the following:
- In early June 1993, questionnaires were sent out to the officers present at the demonstration.
  - On 13 June 1993, Inspector Steven Groves of 3 Area Territorial Support Group summarised which of his officers had been in the area of the disorder and stated that "PC Bull had information for the Inquiry team".
  - PC Bull was contacted and stated that he had seen Mr Brooks at the demonstration. It was then 'actioned' that he should attend the Identification Suite to view the photographs and footage. An appointment was made, but on the day of the appointment the key to the relevant room was missing. The appointment was cancelled.
  - At the end of July 1993, Sergeant Russell walked into the Identification Suite to talk to his colleague Sergeant Chris Reid, who was viewing photographs of the demonstration on the wall. He immediately recognised Mr Brooks, who he had seen at the identity parades.
  - "The details of this unexpected/unofficial identification were passed to the investigation team who decided PC Bull was to be requested to view the photographs and film footage to point out the man he had seen at the demonstration and knew to be Duwayne Brooks. This he did on 22.9.93 and made the identification as stated in his statement dated 23.9.93."

The motivations of those involved in these proceedings were to some extent examined by the Public Inquiry (but of course before Mr Francis came to make his allegations of impropriety).

Within the Home Office files, we have found records suggesting that there was a clear difference of opinion between Assistant Commissioner Johnston and the CPS as to whether Mr Brooks should have been prosecuted for this matter, as the Inquiry noted. Notes of meetings suggest that, whilst AC Johnston believed that the case should be dropped to avoid any collateral damage on the Lawrence investigation, and to aid community relations, the CPS believed that dropping the case might be far more damaging in the long run to any future proceedings and would harm Mr Brooks' credibility as a witness. We have not seen any records to suggest that if there was any SDS involvement in this case it was ever disclosed to the CPS.

## Findings

- We note that it was clearly part of an SDS officer's remit to seek to identify persons who had participated in demonstrations to the relevant uniformed branch. We believe it would be done on a sanitised basis though, that is: "A secret and reliable source has suggested 'X' was present and did...".

- The MPS has not been able to find the police file dealing with Mr Brooks' prosecution related to his participation in the 8 May 1993 demonstration. This is obviously a cause of some concern and means that we have only been able to piece together some of the relevant facts to form what is clearly an incomplete picture.
- According to SDS records, Mr Francis was not deployed as an undercover officer until 27 September 1993, five days after PC Bull had identified Mr Brooks and only 11 days before he was charged. Mr Francis told us that he had in fact begun to attend the college where he hoped to infiltrate the YRE from the date of enrolment around the second week of September 1993, that he had then seen Mr Brooks towards the end of September at the college and that he identified him from footage of the May demonstration around the first week of October 1993.
- If that is correct, Mr Brooks had already been identified by that time by Operation Fewston, to whom he had been suggested as a possible participant in the demonstration from at least the summer of 1993, assuming the information provided regarding the sequence of events leading to his late charging was accurate when provided in 1993.
- We have seen no evidence showing that Mr Francis mentioned anything about this aspect of his allegations until after Mr Brooks had described in his book the concern over the motives behind his late identification. What was known to Mr Brooks, but not to a reader of his book, was the explanation provided as part of his trial proceedings.
- Taking the investigation's account in 1993, Mr Brooks had been evidentially identified before Mr Francis now says he identified him. It would however have been routine, if Mr Francis did receive information that a particular individual had been present on a demonstration where offences were committed, for him to view images with a view for a sanitised information report to be passed to Division. It is also possible that both events occurred independently and that Mr Francis was not in fact instrumental in Mr Brooks' identification, but nevertheless got the credit for it from within his squad.
- The circumstances surrounding the violent disorder prosecution in 1993 and the MPS's handling of this prosecution also remain somewhat unsatisfactory, in particular in the absence of any clear explanation as to why, having dropped the case against the others charged in late July 1993, it was considered in all the circumstances appropriate to charge Mr Brooks in October, even if he had been identified.
- However, we have not identified any evidence that indicates that this prosecution was used as a deliberate mechanism to 'smear' Mr Brooks.

### **7.3.2 Special Demonstration Squad undercover policing and Duwayne Brooks after the Stephen Lawrence Inquiry**

Duwayne Brooks was a victim and a vulnerable witness from the night Stephen Lawrence was murdered. As the Public Inquiry identified, he was not treated and supported appropriately from the outset. Following the report of the Stephen Lawrence Inquiry, he remained a crucial and central witness in the renewed murder investigation led by Deputy Assistant Commissioner John Grieve. He commenced civil proceedings against the MPS following the Inquiry's report, which remained current until early 2001.

His status as a victim and as a vulnerable witness, and his position as a litigant against the MPS, should all have been borne in mind by any part of the MPS that found itself in receipt of intelligence that touched upon him.

SDS records indicate that from January 1999 intelligence reports filed as a result of undercover SDS deployment included intelligence which, in our assessment, had little value in terms of legitimate public order concerns, which included:

- a) the divisions that had occurred between Mr Brooks and the Lawrence family;
- b) the way in which Mr Brooks was going to approach his defence to an allegation of attempted rape and indecent assault, including information suggesting that the alleged victim did not support the prosecution and had been 'put up' to making the allegations by the police; and
- c) the expectations that Mr Brooks had for his civil action against the MPS, including his lack of desire to settle the case with the MPS.

## Findings

- Once it became apparent that this sort of information was being reported back, that line of reporting should have been terminated in our view, and certainly never disseminated to other parts of the MPS such as the unit dealing with him as a victim and vulnerable witness.
- Instead, what happened was that it continued to flow from January 1999 until he lost his civil case against the Commissioner in February 2001, thereby gathering into the MPS such personal and tactical information concerning the civil case in progress, without there being any sufficiently heavy counterbalance of benefit to render its collection proportional and in the wider public interest.
- The motivation of the MPS at that time, as an organisation, appears therefore, in part, to have been to defend its own interests in the fallout of the Public Inquiry, and it was also vigorously defending liability in the civil proceedings.
- We have not, however, in contrast to the use made of the intelligence gathered concerning the Lawrence family during the Public Inquiry, found any evidence that this 1999–2001 reporting found its way to those involved in the legal proceedings against Mr Brooks.
- Equally, however, it has not been possible for us to establish who may have seen reports that did include what we regard to be the offending aspects.
- It remains suspicious though, given that the intelligence gathering ceased after the civil proceedings were settled.
- At the time this intelligence was being gathered and reported into the SDS, DAC Grieve's Racial and Violent Crime Task Force was engaged in liaising with Mr Brooks as a witness and victim. We have seen documents indicating that another ex-Special Branch officer who was a supervisor of the liaison officer at the time, Detective Constable Paul Charlton, did appear to have some knowledge of Special Branch having a source of intelligence that touched on Mr Brooks and that he proposed consideration be given to the Racial and Violent Crime Task Force's liaison with Mr Brooks being used to gather any useful information that might assist with policing arrangements.
- We have not seen anything to show that the proposal was implemented, but the fact it was even being contemplated demonstrates how ex-Special Branch officers appear to have been less than hesitant at blurring the line of always considering the propriety and potential damage resulting from an intelligence opportunity, rather than just seeing the intelligence potential for the MPS.

### **7.3.3 The 1999 allegation of attempted rape and indecent assault**

In September 1999, allegations of rape and indecent assault were made against Mr Brooks. In his autobiography *Steve and Me*, Mr Brooks indicated what he believed the true motivation behind these allegations might have been, as follows:

“Less than a month earlier, in August 1999, I had announced that I was going to sue the police for negligence and racism... I was convinced that this is what it was all about. I knew it. If they could get me convicted here, they could trash me in the civil case. Convicted sex offender takes on police – who would you trust? That was what they were banking on.”

It is not necessary to go into the details of these allegations (which were ultimately dismissed by the court), save in so far as they are capable of demonstrating whether there was any deliberate mishandling of the case by the police for inappropriate motives.

We have considered the case papers again in light of the suggestion made by Mr Francis that there had been a deliberate attempt to ‘smear’ Mr Brooks with allegations of criminality. In addition, as we have set out above, records indicate that the SDS was in receipt of reporting which touched upon the progress of these allegations.

We have seen copies of much of the paperwork from the original investigation, which were retained on an MPS file generated during the course of the civil proceedings between Mr Brooks and the MPS.

We have also been provided with information generated by an investigation into the case conducted by Kent Police, prompted by a complaint made against the MPS by Mr Brooks in January 2001.

The original allegations were made by the alleged victim in September 1999. At an early stage in the investigation, after she had given her full account to the police, the alleged victim indicated that she did not want Mr Brooks to be prosecuted.

Just over a week later, further details were taken from her and she indicated for the first time that she would be willing to go to court and give evidence if required. This change of approach is significant. In our opinion it should have given rise to additional caution in the approach taken towards the proceedings.

On 16 September 1999, the day when the further account was taken from the alleged victim, Mr Brooks was arrested and interviewed. He was charged the following day and remanded into custody.

It was questionable whether the facts alleged by the victim could ever have amounted to ‘attempted rape’, even if they were accepted in their entirety. Nonetheless, Mr Brooks was charged with this serious offence and remanded into custody. It appears from a subsequent investigation into this matter that this remand in custody had been secured, at least in part, by an unjustified suggestion that Mr Brooks had threatened the alleged victim.

On 23 September 1999, a lay mediator was appointed to assist officers in communicating with the alleged victim. The lay mediator was sourced by the Racial and Violent Crime Task Force. This in itself was unsatisfactory. Mr Brooks was a witness to the Stephen Lawrence investigation, being handled by the Task Force. There should have been no overlap with the investigation and prosecution of Mr Brooks for offences. This created a real possibility of a conflict of interests.

The role of this mediator was to have a significant impact on the case. A number of meetings took place between the lay mediator and the alleged victim. No full note was made of the meetings. In one, on 3 November 1999, the alleged victim stated that Mr Brooks had not assaulted her and that she had made the allegation up. This account was eventually recorded in an unsigned statement prepared by the lay mediator, dated 3 November 1999. This statement followed a meeting between the lay mediator and senior officers. The statement, which fundamentally undermined the case for the Prosecution, was not disclosed to those acting for Mr Brooks until January 2000.

On 5 November 1999, the Prosecution withdrew the attempted rape allegation and proceeded on the allegation of indecent assault. The case was listed for trial on 7 February 2000 but was adjourned to 20 March 2000. On that occasion, the court heard legal argument as to the role of the lay mediator in the case and the failure to record any notes of her discussions with the victim. The case was stayed as an abuse of process by the trial judge.

The matter was investigated by Kent Police, with the following terms of reference:

“To investigate the circumstances leading up to and surrounding the arrest and prosecution of Mr Brooks, in respect of criminal allegations made against him on the 4th September 1999. The investigation will consider any policy issues that were made in relation to the enquiries conducted by officers of the MPS and in respect of Mr Brooks’ arrest and prosecution, together with any matters of racial diversity identified by the enquiry.”

Kent Police prepared a detailed report in which a number of complaints against officers involved in the case were substantiated.

The overall investigation was described as “negligent and incompetent”. The conclusions of the report were submitted for consideration of disciplinary matters via the Police Complaints Authority. Most of these complaints were objected to by the then Commander of Professional Standards, Phillip Hagon.

However, in 2002, ‘words of advice’ were issued to a number of officers for inadequate note taking and a failure to retain evidence. A Detective Inspector received a formal written warning for failing to keep proper notes and giving false information to the custody officer. In addition, Mr Brooks subsequently received a payment of damages from the MPS as a result of the failings in this investigation.

## Findings

- In our view, as with the circumstances surrounding the violent disorder prosecution in 1993, the MPS’s handling of this prosecution was unsatisfactory.
- The sourcing of a lay mediator by the Racial and Violent Crime Task Force created a real possibility that a conflict of interests would arise.
- We have not identified any evidence that suggests that this prosecution was used as a deliberate mechanism to ‘smear’ Mr Brooks, but the failings in the investigation coincided with inappropriate levels of SDS reporting in relation to Mr Brooks, including information relating to these allegations.
- This conduct, taken together, compounds the earlier failings in the handling of Mr Brooks identified by the Public Inquiry and raises further questions as to the motives of the MPS at the time.

In relation to CO24's involvement in the appointment of a lay mediator to communicate with the alleged victim who made an allegation of attempted rape and indecent assault against Duwayne Brooks, Mr Grieve has stated to us that he had no recollection of the precise nature of CO24's involvement, although he was aware of the allegation in general terms. He emphasised that given the size and wider role of CO24, which included advisory work on policy aspects, he did not believe that a conflict of issue arose. From his recollection, none of the members of the team involved in the reinvestigation of the murder had any direct involvement with the alleged victim.

### **7.3.4 Other criminal allegations**

It has not been possible to provide us with all of the original investigation files relating to other criminal allegations made against Mr Brooks. It follows that it is impossible for us to assess the propriety of these allegations in any detail.

For the purposes of our report, we can merely observe the following:

- a) Between 1993 and 2000, based on the records made available to us, Mr Brooks was arrested by the MPS on at least eight occasions in which the case was either not proceeded with, dismissed by a judge or overturned on appeal.
- b) During this period, Mr Brooks also made a number of complaints against the police for conduct relating to him and to others.

## **7.4 What was the extent, purpose and authorisation for any surveillance of Duwayne Brooks or his solicitor?**

By 2000, the investigation into the murder of Stephen Lawrence was being led by Deputy Assistant Commissioner John Grieve and Detective Chief Inspector Michael Jones. DAC Grieve headed the Racial and Violent Crime Task Force, set up in the aftermath of the Public Inquiry. DCI Jones was in charge of leading the murder investigation. Duwayne Brooks remained a central and important witness to that investigation.

As set out above, officers from the Racial and Violent Crime Task Force paid particular attention to liaison with Mr Brooks, and gave careful consideration to managing the perceived risks to him and the overall murder investigation from a number of competing forces involved at the time.

Family liaison with Mr Brooks was managed by Detective Constable Paul Charlton. A relationship of trust had developed, but it was still at an early stage and litigation between the Metropolitan Police Service (MPS) and Mr Brooks was on-going. It follows that, to some extent, a relationship of caution appears to have existed on both sides.

Nonetheless, Mr Brooks' value as a witness was not underestimated by the police team led by DAC Grieve and DCI Jones. As such, they understood the need to keep Mr Brooks and his solicitor, Jane Deighton, updated as to the progress of the murder investigation.

On 24 May 2000, DCI Jones applied to DAC Grieve for authority to deploy a covert recording device at a meeting between Mr Brooks, his solicitor, DAC Grieve, DCI Jones and DC Charlton. It is clear from other records that we have seen that only DAC Grieve and DCI Jones were aware of the use of the recording device at this meeting. Relevant documents are contained in Appendix 18.

DCI Jones' decision log dated 23 May 2000 records the following:

"DCI Jones to seek authority and deploy covert recording device for meeting. DC Charlton not to be aware... To seek authority for covert recordings of meeting for accurate record in light of any civil action or arguments advanced by Jane Deighton."

A document referred to as a 'Form 728' was submitted to DAC Grieve on 24 May 2000 seeking authority for the covert deployment. This was authorised by DAC Grieve at 18.05 on the same date. We have included the application and the authority endorsed on it at Appendix 18. The grounds for authority provided were as follows:

"A – All contact with such individuals is a delicate matter...

"Covert audio recording equipment be deployed due to the sensitivity and nature of the meeting and to afford suitable protection for yourself and I in light of potential allegations of unhelpfulness, lack of perceived co-operation and other complaint.

"Such deployment will also provide a precise record of any conversation, which might be necessary to counter any future allegations made against Police, and will clearly show that we have acted with integrity.

"B – It will also ensure that what is said by all parties can be corroborated by the Senior Investigating Officer in his record of enquiry... we also know that in enquiries such as this there is potential for witnesses to change (i) their statement, particularly where Duwayne has given

numerous accounts already; and (ii) is publicly stating that he intends NOT to give evidence in the future.”

The authorisation note indicated: “Authorised re A and B... It is of interest that Duwayne Brooks denies B(ii) and says police statements that he will not give evidence are untrue.”

The meeting with Mr Brooks and his solicitor took place on 24 May 2000 and was recorded. We have been provided with a transcript of the recording. In short, the officers provided an update on the investigation, in particular developments relating to possible corruption, and also discussed the prosecution for rape and indecent assault.

A similar application was made by the same officers in relation to a different witness. This was also approved on 24 May 2000.

Examination of DCI Jones’ decision logs reveals that there was a subsequent intention to deploy covert recording equipment at a later meeting with Mr Brooks on 16 August 2000. The request for authority was directed to the then Director of Intelligence. No further documents have been recovered in relation to this application and, although it is clear that the meeting did take place on 16 August 2000, it is not known if it was covertly recorded. Minutes of the meeting which have been recovered suggest that Mr Brooks and his solicitor discussed the progress of the corruption investigation and security issues relating to Mr Brooks with senior officers.

Searches have revealed that two further applications to deploy covert recording equipment in meetings with **other** witnesses in the Stephen Lawrence murder investigation were made in August 1999 and February 2000. We have not been provided with details as to whether these meetings were in fact monitored. No recordings have been retrieved. Both of the written applications justified the need for such recordings on the basis that:

“Such deployment will also provide a precise record of any conversation, which might be necessary to counter any future allegations of criminality or conspiracies on the part of the police.”

The existence of applications relating to other witnesses demonstrates that the tactic of recording meetings with significant witnesses was not limited to Mr Brooks, although the reasons for applying for authority to deploy a recording device varied in each case.

We have considered the lawfulness of using covert recording equipment in this way. Although Mr Brooks and his solicitor undoubtedly did not know that a recording device was being deployed during their meeting with senior officers, the fact that they were meeting with police officers was abundantly clear. Indeed it was the purpose of the meeting. It follows that this was not ‘surveillance’ or an ‘undercover operation’ in the traditional sense. Nonetheless, the officers involved recognised the need for authority for covert activity of this type, which clearly has the potential to infringe the requirements of the European Convention on Human Rights.

The applications for authority for the deployment of covert recording equipment in this case were made prior to the relevant sections of the Regulation of Investigatory Powers Act 2000 (RIPA) coming into force. We have therefore sought to establish what guidance existed for the use of covert investigative techniques of this type at the time. We have been provided with a joint declaration on ethical standards and covert investigative techniques made by the following: the Association of Chief Police Officers, the Association of Chief Police Officers in Scotland, HM Customs and Excise and the

Director General of the National Crime Squad and the National Criminal Intelligence Service. This, we understand, was the primary guidance in this area before RIPA came into force.

Part I of the guidance covers “the case for covert law enforcement techniques in the light of the threat from serious crime and criminality”. It sets out the justifications for use of the techniques in the context of “serious crime and organised criminality”. The techniques to which the document refers are:

- a) the use of informants;
- b) the conduct of human and technical surveillance (which is described as “the ability to monitor the movements of active criminals by watching or listening in person and electronically in order to provide the best available evidence of their participating in crime”);
- c) the conduct of undercover operations (which is described as “the ability to infiltrate criminal organisations with officers who pose as criminals, or to induce criminals to reveal themselves through what are commonly called ‘sting’ operations”);
- d) the interception of communications and accessing of communications data; and
- e) the dissemination of intelligence between agencies with law enforcement responsibilities.

The technique of covertly recording a witness to a serious crime for the purpose of keeping an accurate and unassailable record does not fall within any of the above categories. Nonetheless, given that applications for authority were sought and authorised against Mr Brooks (and other witnesses), we have considered what ethical guidance was provided to the police at the time. Parts 2 and 3 of the guidance set out “Ethical precepts” and “Integrity in process”. This includes the following statements (emphasis added):

“Justification – the law enforcement agencies will establish ‘sufficient cause’, based on a suspect’s previous criminal history or on reasonable suspicion of criminal activity or association...

“Proportionality – the ‘covert techniques’ referred to in this document will be applied only where criminal activity is sufficiently serious to justify the degree of intrusion into privacy which the technique entails;

“Necessity – the ‘covert techniques’ referred to in this document will be applied **only where it appears that what the action seeks to achieve could not reasonably be achieved by other means.**”

Retired DAC Grieve was spoken to by us and by officers investigating this matter on 23 July 2013. It is important to note immediately that Mr Grieve openly explained to us how recently he had suffered from very serious illness, which had the potential to affect his memory. We accept this entirely and have considered his account of events with this in mind. He had no specific recollection of these events. However, when he was shown the relevant authorities, he considered the basis for adopting such a course as follows:

‘... it was recorded that Duwayne changed his evidence... he changed it quite dramatically... my concern... that what is said, by all parties, can be corroborated by senior investigating officers... I thought it was absolutely necessary to have an unassailable account. I thought the chances of us getting authority for that... unassailable evidence recorded were absolutely nil... Approval, I meant approval, not authority... I thought, and still believe, it was absolutely within my gift. I felt it was a minor intrusion, although intrusion was a comparatively recent concept

being developed at the time... I never saw it as anything to do with legally privileged material and it was always in my mind that this would have to be disclosed... that is why it went into the exhibits system, that's why we kept it because that was its purpose."

When asked what he meant by getting "approval", he clarified:

"I've got no trouble with Jane Deighton, but the chances of getting the authority to record that and therefore an unassailable version, if there was any likelihood of change... there should be a record made."

As to his relationship with Ms Deighton at the time, he said this:

"I once said to Jane Deighton, we're on the same side, we want to bring Stephen's killers to justice, and she said I am not on the same side as you, I am Duwayne Brooks' lawyer."

DCI Jones was spoken to on 3 July 2013. He was asked for an explanation as to the circumstances of the recording. He stated that the relationship between Ms Deighton and DAC Grieve had been strained and difficult and they wanted a record of the meeting which could withstand scrutiny.

### **Findings**

- We have considered the circumstances in which a meeting with Mr Brooks and his solicitor came to be covertly recorded in May 2000 with care. We do not believe that such a tactic was necessary or justified in the circumstances. All of the suggested concerns cited in the application for authority could have been met by openly recording the meeting. That is not to say that we believe that the tactic was 'unlawful'.
- It seems to us that the approach of the senior officers was born out of a difficult relationship between the parties. We do not believe that any inappropriate motives existed, indeed we believe that the officers concerned were anxious to preserve the position of Mr Brooks as a witness in any future proceedings. Nonetheless, it was unnecessary and has no doubt compounded Mr Brooks' concerns about the activities of the MPS as a whole.
- There is evidence of authority being sought to covertly record one further meeting with Mr Brooks and his solicitor, but there is no evidence that the recording actually took place. Other meetings with witnesses that did not involve Duwayne Brooks or his solicitor were also covertly recorded.

## 8. Police forces nationwide

### Term of reference

5. What was the extent of intelligence or surveillance activity ordered or carried out by police forces nationwide in respect of the Macpherson Inquiry, Stephen Lawrence's family or any others connected with the Inquiry or the family?

In June 2013, a number of allegations were made in the national media that the campaign to 'smear' persons connected to Part Two of the Stephen Lawrence Inquiry – as it travelled to different parts of the country to inquire into racially motivated crime and test the temperature of opinion outside South East London – may have extended beyond the Metropolitan Police Service (MPS) to other police forces.

Part Two of the Inquiry included 148 written submissions being received by the Inquiry and oral evidence sessions that included the following outside the MPS area:

- a) Manchester, 13 October 1998
- b) Bradford, 21 October 1998
- c) Bristol, 3 November 1998
- d) Birmingham, 13 November 1998.

As a result of the allegations made in the media in June 2013, on 3 July 2013 the Home Secretary wrote to all police forces in England and Wales requesting:

“... an urgent but exhaustive search of records and archives to ascertain whether any material is held that suggests intelligence or surveillance activity was ordered or carried out in respect of the Macpherson Inquiry, Stephen Lawrence's family or any others connected to the Inquiry or the family.”

Two police forces – Greater Manchester Police and West Yorkshire Police – referred themselves to the Independent Police Complaints Commission as a result of material that they had unearthed in relation to this issue.

We have considered the responses from all of the police forces written to by the Home Secretary. We have also viewed material held by the West Yorkshire and Greater Manchester police forces.

## 8.1 Greater Manchester Police

Greater Manchester Police (GMP) has provided us with an internal memo dated 6 October 1998 (sent on 7 October 1998) which states the following (Appendix 19):

“The Stephen Lawrence Inquiry headed by Sir William Macpherson will visit Manchester on Monday 12th and Tuesday 13th October 1998...

“It is requested that information or intelligence regarding groups or individuals who are likely to attend the enquiry be forwarded to DCI \*\*\* at Special Branch, Chester House.”

On the face of this document, this appears to amount to tasking by Special Branch to acquire information about those attending the public hearings of the Stephen Lawrence Inquiry in Manchester.

Concern about the content of this memo was first raised by Charles Crichlow, a GMP officer and now head of the National Black Police Association, in 1998. Mr Crichlow has continued to reiterate his concerns in recent press coverage of this matter.

The GMP has conducted an investigation into the circumstances in which this memo came to be circulated. It has indicated to us that:

- a) it has not been able to identify any witnesses who recall the message or what preceded it;
- b) it has not identified any material which preceded the message or led to its formation; and
- c) it has not found any material in response to the memo or any actions taken as a result.

There is no material in any form which suggests that this request or ‘tasking’ came from the Metropolitan Police Service.

## 8.2 West Yorkshire Police

West Yorkshire Police has drawn our attention to the following documents (Appendix 20):

- a) A report dated 6 October 1998, setting out “background enquiries in relation to Mohammed Amran”.
- b) A minute sheet dated 9 October 1998 from the then Assistant Chief Constable of West Yorkshire Police, Sir Norman Bettison, to the author of the report, thanking him for the document and describing it as “excellent... it is refreshing to know that this sort of research capability is always available. I now have a good feel for the subject who has been researched. Given that this man is likely to be increasingly prominent in Bradford politics, could DC \*\*\* brief Superintendent Richardson and Inspector Baines, both of whom are giving evidence to the Macpherson Enquiry on 20 October, along with Mohammed Amran”.

West Yorkshire Police has informed us that it has conducted extensive searches around the genesis of this document and in relation to any other ‘tasking/briefing’ relating to other witnesses to the Inquiry.

- a) There is no suggestion in any of the material that we have been provided with that the interest in Mohammed Amran was in any way solicited by the Metropolitan Police Service (MPS).
- b) The interest in Mohammed Amran appears to have been based on localised public order concerns.
- c) We have not been provided with any information to suggest that this enquiry was associated with the activity of the Special Demonstration Squad or any other aspect of Special Branch.

### Findings

- Researching individuals to ascertain if they, or others, might pose a public order threat to hearings of this type was justified. There had been considerable public order issues at the time during the London hearings and previously when frustrations around police inadequacy in the investigation of racist crime had led to public disorder.
- The material provided to us does not suggest that any of the enquiries made were in any way tasked by the MPS or were linked either to the type of activity that we have referred to elsewhere in this report or to the provision of information regarding potential witnesses or contributors to the Inquiry for tactical deployment in the Inquiry itself, as opposed to for public order reasons.

