

*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**

Summary of Findings

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## 1. Our terms of reference

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?
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?

## 2. Key findings of the Stephen Lawrence Inquiry

The questions posed by our terms of reference must be considered in the context of the following key findings of the Stephen Lawrence Inquiry:

- a) The initial investigation of the murder of Stephen Lawrence was seriously flawed and deserving of severe criticism. The underlying causes of the failure were more troublesome and potentially more sinister. The impact of incompetence, racism and corruption on the investigation had been the subject of much evidence and debate.
- b) The Inquiry was faced with a complex task in order to determine whether corruption and collusion, racism or institutional lethargy had (alone or in combination) been causative of the seriously flawed initial investigation of the murder. Each contended force could have resulted in or contributed to the same failings. To assess the extent of the impact of any one of the forces on the investigation, it was necessary to consider that force in isolation.
- c) Applying the civil standard of proof to its findings, namely on the balance of probability, the Inquiry concluded that institutional racism affected the murder investigation, the Metropolitan Police Service (MPS) and police services elsewhere, as well as other institutions and organisations.
- d) As regards the serious allegation of corruption or collusion, the Inquiry decided that it would be wholly unfair to reach any adverse conclusion without being sure of it, applying the criminal standard of proof. Applying that standard, the Inquiry found that the evidence fell short of making it sure that corruption or collusion had infected the initial murder investigation.
- e) The flawed MPS Barker Review of the murder investigation in late 1993 had failed to expose the faults in the murder investigation as it should have. Equally, in the face of the Lawrence family's justified criticism, for years afterwards the MPS had wrongly insisted that the investigation had been professionally and competently carried out. This had piled more grief upon that caused by the murder itself and had misled both the family and the public.
- f) **Clifford Norris:**
  - At the Inquiry, it was suggested that the influence of Clifford Norris, a serious criminal and father of the suspect David Norris, had resulted in the "pulling of punches" by investigative officers, leading to the investigation being deliberately slowed down and "fudged". This, it was suggested, had resulted in the suspects, and in particular David Norris, being protected and ineffectively pursued.
  - There was undoubtedly evidence of the attempted corruption of witnesses in the Stacey Benefield stabbing case, in which David Norris and Neil Acourt were defendants. There was strong suspicion that it had been undertaken by, or at the behest of, Clifford Norris. However, there was no evidence of any such corruption of witnesses in the Stephen Lawrence investigation.
  - "Officer XX" appeared to have corrupt links with Clifford Norris in 1987. However, "Officer XX" had played no part in the Stephen Lawrence investigation, other than escort duty relating to Duwayne Brooks in 1996. There had been no complaint of

any attempt by “Officer XX” to influence Mr Brooks’ evidence or otherwise affect the Stephen Lawrence case.

- No corrupt connection had been established between Clifford Norris and any officer who played a part in the Stephen Lawrence murder investigation.

g) **The senior officers:**

- Detective Inspector Benjamin Bullock, Detective Superintendent Ian Crampton, Detective Superintendent Brian Weeden and Detective Chief Superintendent William Ilsley were all heavily criticised for the following:
  - The flawed decision (if there ever had been a decision) not to carry out arrests of the named suspects and searches of their addresses within days of the murder. The result was that potentially valuable evidence (including early identifications by eyewitnesses) and the possible gain of achieving a positive impact on the likelihood of witnesses coming forward had been lost.
  - The ill-conceived and poorly executed surveillance operation, supposedly resorted to as the alternative to making arrests and searches. This resulted in further lost opportunities to gather evidence.
  - The investigation’s poor use of the Home Office Large Major Enquiry System (HOLMES) computerised major incident investigation management system. This resulted in a failure to process and action information, and in further opportunities to obtain evidence from witnesses being lost or damaged.
  - The poor supervision and handling of “James Grant”, who provided important information within days of the murder. The senior officers had failed to recognise and personally supervise how “James Grant” was dealt with and how the information that he provided was handled. They had been too willing to leave it to Detective Sergeant John Davidson, who was unsuitable for the task. The result was that the relationship went largely unsupervised; “James Grant” was never properly registered as an informant; and incomplete records of unauthorised contact were all that existed.
  - The senior officers shared considerable responsibility for the insensitive and unsympathetic failure of the investigation to engage in effective liaison with the Lawrence family. Instead, the family had been patronised and were not given information to which they were entitled. In particular, Detective Sergeant John Bevan and Detective Constable Linda Holden’s attempts to establish the names of the individuals and groups who attended the Lawrence family home in the early days after the murder, to offer support, had been inappropriate and insensitive. It had contributed to a lack of trust towards the officers from the outset.
  - The senior officers had also been too quick to accept from the officers involved that the family were being difficult and unreasonably challenging. They had failed to seek out the family’s views for themselves. The result was that an inaccurate picture as to the attitude of the family had been passed to higher echelons of the MPS, contributing to the false position that the MPS had adopted for years in wrongly asserting that the family’s complaints were unjustified.

- The Inquiry nevertheless found there to be no evidence from the material disclosed to it, and the evidence given by each of the senior officers to the Inquiry, that any of them had any corrupt connection or motivation that had caused them to hold back or 'fudge' the investigation.

h) **Detective Sergeant Christopher Crowley:**

The Inquiry considered DS Crowley's involvement in the identification evidence provided by Mr Brooks. It found DS Crowley's evidence as to what Mr Brooks had disclosed to him after an identity parade on 3 June 1993 involving the murder suspects to be substantially the truth. When he gave evidence at the Central Criminal Court in April 1996, Mr Brooks had accepted the accuracy of the key parts of what DS Crowley reported. It was these key parts of what Mr Brooks had said after the parade that terminally undermined his identification evidence. The conclusions of the trial judge in 1996 when he stopped the private prosecution from proceeding were accordingly endorsed. The Inquiry found no evidence to suggest that DS Crowley had any corrupt motive or connection.

i) **Commander Ray Adams:**

Despite the long and hostile challenge of Mr Adams made on behalf of the Lawrence family, suggesting that he must have attempted to influence the murder investigation for corrupt motives, the Inquiry found that there was no evidence that he played any greater part than the single letter he wrote on 30 April 1993. Although the Inquiry still found it somewhat strange that he had played that part, the evidence did not indicate that it had been the result of any improper motive on his part.

j) **DS Davidson:**

The Inquiry was clearly most troubled about the possible motives behind the investigative deficiencies of DS Davidson. The senior officers had left DS Davidson in control of many of the 'outside enquiries' made by the investigation. The Inquiry found his deficiencies to include:

- highly unsatisfactory handling of "James Grant", including a failure to register him as an informant and holding unsupervised meetings with him, as to which there were only incomplete records. His handling of "James Grant" was also generally insensitive and at times quite rough;
- a number of dealings with potential witnesses that resulted in little evidence being obtained, and which were conducted in an inappropriate manner; and
- his undoubtedly unsatisfactory evidence before the Inquiry, particularly regarding his handling of "James Grant".

However, the Inquiry also found that there were examples of DS Davidson pursuing the prosecution of the murder suspects with some vigour. On the material before it, the Inquiry decided that it was not convinced that he had positively tried to thwart the effectiveness of the investigation, or been affected by the aura cast over the case by the presence of the unarrested Clifford Norris. The Inquiry found that no connection had been proved to exist between DS Davidson and Clifford Norris.



k) **The Barker Review:**

The MPS review of the initial investigation carried out by Detective Chief Superintendent John Barker in September to October 1993, at the behest of Deputy Assistant Commissioner David Osland, had resulted in an anodyne and uncritical report when criticism had been merited. The report was factually incorrect and inadequate. DCS Barker had imposed shackles upon his consideration as a result of what he sought to explain as “guidance” from senior officers. This had resulted in a flawed and indefensible report that had been deliberately ‘toned down’. As a result, the family and the public were presented with the wholly misleading and incorrect picture that the investigation had been a proper and professional one.

l) **The prosecution of Mr Brooks in 1993:**

The Inquiry considered the circumstances in which Mr Brooks came to be prosecuted for alleged criminal involvement in the demonstration in Welling in May 1993. Mr Brooks contended there had been an element of bad faith around the timing of the charging and in the Crown Prosecution Service’s (CPS’s) insistence on pursuing the case. The Inquiry concluded that:

- Mr Brooks’ part in the demonstration had not been brought home to the police until September 1993. However, after he had been charged there had been a legitimate debate between the police and the CPS as to whether the case should continue.
- Whilst the Inquiry understood the CPS’s argument as to its reasoning for continuing with the prosecution, it would have been better if the case had been abandoned early on.

### 3. Our findings on corruption

#### 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?

#### 3.1 Metropolitan Police Service disclosure of material to the Stephen Lawrence Inquiry

The ambit of the material that the Inquiry wished to have revealed to it by the Metropolitan Police Service (MPS) regarding any possible corrupt motivation of officers involved in the initial investigation widened as the Inquiry developed. This extended 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 MPS revealed a large number of discipline, personal, medical and other relevant investigation and prosecution files to the Inquiry. 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 of cross-examination on the topics.

Following the publication of an article in *The Guardian* on 11 June 1998 referring to a police corruption investigation, by letter of the same date, the Inquiry Secretary, on behalf of the Inquiry Chairman, asked Deputy Commissioner John Stevens of the MPS whether the investigation extended to any officers involved in the Stephen Lawrence case or any relatives or associates of Clifford Norris.

On 12 June 1998 Deputy Commissioner Stevens replied, saying that:

- a) no police officer or former officer called or due to give evidence to the Inquiry was under active investigation for corruption;
- b) 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) there were no records relating to Clifford Norris; and
- d) the intelligence was a matter of extreme sensitivity and disclosure of it could considerably hamper MPS anti-corruption investigations.

#### Finding

- We have found no evidence or record indicating that the Inquiry was told anything more about the anti-corruption intelligence held by the MPS than what was revealed in the letter of 12 June 1998.

Indeed, had it not been for the Chairman's request for information dated 11 June 1998, we have no reason to think that anything at all would have been revealed to the Inquiry regarding the anti-

corruption intelligence held by the MPS. This is because prior to the receipt of this letter, there is no evidence that anything had been done to assess or inform anyone about the anti-corruption intelligence that was held. Additional material which we describe in the report shows that intelligence of this type was indeed treated by the MPS with near to absolute secrecy.

The material we have seen indicates that the legal team instructed by the MPS was aware that discipline, personal, medical, investigation and prosecution files were being revealed to the Inquiry Chairman for his consideration. However, the MPS legal team was unaware that there were also anti-corruption intelligence files mentioning officers involved in the initial murder investigation, and that Deputy Commissioner Stevens was communicating with the Chairman directly regarding this intelligence. Had Counsel for the MPS been aware of such material, we are told they would have wanted to understand the nature of it, in order to advise as to whether or not it should be disclosed to the Chairman, particularly given the widening of the ambit of the files that the Inquiry wished to consider.

Anesta Weekes QC (then Junior Counsel to the Inquiry) has told us that she probably did read Deputy Commissioner Stevens' letter at the time. However, the letter would have given the Inquiry no cause to make further enquiries of the MPS, given the terms in which it was expressed.

In late July 1998, there was then a development in the material held by the MPS of possible relevance to the Inquiry. This was when the Anti-Corruption Command (CIB3) engaged in 'debriefing' Detective Constable Neil Putnam regarding corrupt activity in the South East Regional Crime Squad (SERCS) in which he was involved or of which he had knowledge. His account included specific details about corrupt activity undertaken by Detective Sergeant John Davidson at SERCS.

This development led to a further letter being sent to the Inquiry Chairman by Deputy Commissioner 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."

By letter of 21 September 1998 the Chairman of the Inquiry replied to Deputy Commissioner Stevens 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 John Davidson were revealed to the Inquiry beyond the content of the MPS letter of 11 September 1998.

- 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 anti-corruption intelligence to the Public Inquiry. Nor have we found records to demonstrate that the MPS conducted a comprehensive search of all of the material in its possession 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 recollection of various individuals involved as to what 'would have been done'. This is particularly so in light of our findings as to the anti-corruption intelligence which it appears that the MPS held at the time.

Again, the MPS legal team was unaware of this correspondence or of the detail of Neil Putnam's debriefing regarding Mr Davidson. Had they been aware, we are told they would have sought to know of the detail in order to advise if any further revelation should be made to the Inquiry Chairman. This was of particular importance given how troubled the Inquiry was about Mr Davidson's role in the investigation and his motives, and the breadth of material they sought to have revealed to them.

Ms Weekes has also confirmed to us that the Inquiry legal team was not apprised of the fact that the "new line of enquiry" concerning Mr Davidson consisted of an admittedly corrupt police colleague of Mr Davidson's at SERCS, who had described Mr Davidson's corrupt activity (including the misuse of informants) both before and after he had worked on the Stephen Lawrence murder investigation.

## **3.2 Should more have been revealed by the Metropolitan Police Service to the Stephen Lawrence Inquiry?**

### **3.2.1 Anti-corruption intelligence**

In 1993, at the cost of millions of pounds, the then Commissioner, Paul Condon (now Lord Condon), authorised a top secret anti-corruption intelligence initiative. It was predicated on an assessment of how serious the corruption problem was within pockets of the Metropolitan Police Service (MPS), in particular in 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. The officers were recycling drugs or other property seized as a result of the informant's information back to the informant to sell, and then sharing the proceeds. Corrupt officers were providing police information, or 'losing' evidence for payment. The perception was that CIB2 was ill-equipped to investigate such sophisticated corrupt activity effectively. It was being perpetrated by detectives who were skilled in covering their tracks. New methods of proactive investigation would be required when the intelligence initiative went operational.

The anti-corruption initiative was called Operation Othona. From 1994 to at least 1998, it operated wholly outside the MPS estate, gathering existing intelligence from all available sources. It generated its own intelligence by various sensitive and covert means. It operated from covert premises and used a state-of-the-art standalone computer system, apparently sourced with the assistance of the military. Extraordinary lengths were taken to conceal the recruitment of officers to the operation from anyone else in the MPS, other than the very small circle who knew about the initiative.

In late 1997 the Anti-Corruption Command (CIB3) had begun to emerge as the operational initiative to action the intelligence generated. Its existence was announced publicly in early 1998. The 'standalone' intelligence capability remained, and the unit communicated its intelligence as necessary or as requested by CIB3 in a sanitised format.

### Comment

- The MPS has been unable to locate or account for the Operation Othona intelligence that existed by the time of the Inquiry in 1998. That is with the exception of what appears to be some of the original intelligence which was found on a hard drive manufactured in 2001. This hard drive 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 MPS Directorate of Professional Standards. We have very recently been informed that in 2003 there was 'mass-shredding' of the surviving hard copy reports generated by Operation Othona.

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. These were commissioned as a result of his fear that corruption had played a part in the investigation, despite the findings of the Inquiry.

### Comment

- It is a further cause of real concern to us that searches of the MPS database and file system to identify all relevant material for the MPS Corruption Review of 2012, and for our Review, failed to find these reports. We only located one of the reports during a review of material held at the Independent Police Complaints Commission. We received the others via the Senior Investigating Officer in the recent murder investigation, Detective Chief Inspector Clive Driscoll, as a result of his own work.
- If the 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 concerns that further relevant material has not been 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 which suggested that:

- a) there was a strong inference that Clifford Norris was a corruptor of police officers and an intimidator of witnesses;
- b) a possible link from Clifford Norris to Detective Sergeant John Davidson existed through both "Officer XX" and DS Davidson having a common connection with "Officer B", another officer suspected of corrupt activity; and
- c) there was an enhanced level of suspicion that DS Davidson was corrupt both before and after he worked on the Stephen Lawrence investigation. This was due to:
  - the sheer number of other officers to whom he was connected who were also suspected of corruption;

- the fact that a number of the officers who were/are under suspicion of corruption were connected to the Daniel Morgan murder investigation (on which DS Davidson was identified as having also possibly worked at some stage); and
- the detail and implications of Neil Putnam's debriefing regarding Mr Davidson in mid-1998.

The analyses also identified a number of further lines of enquiry which had the potential to obtain evidence in support of the suspicions voiced in the reports. 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 current review by the Daniel Morgan Independent Panel. Its 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 of that review 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 the material had still not been indexed.

In early February 2014, we were informed by the MPS that there is no record of DS Davidson being involved in the investigation into the murder of Mr Morgan. It has been suggested to us that the intelligence analysis in which the suggested link was made is incorrect. We have some reservations about accepting this assertion, in the absence of further consideration of the material held by the Daniel Morgan Independent Panel. In any event, a number of the officers involved in the Daniel Morgan investigation can be linked to DS Davidson.

#### **Comment**

- We remain concerned that there is a real possibility that the Daniel Morgan Independent Panel may hold or acquire material of relevance to our review of the corruption issue.

### **3.2.2 The detail of Neil Putnam's debriefing regarding John Davidson in 1998**

The records that survive from Neil Putnam's debriefing in 1998 show that he provided potential evidence of John Davidson's corrupt activity in the South East Regional Crime Squad (SERCS). This alleged activity began shortly after John Davidson arrived at SERCS from the Stephen Lawrence murder investigation in the early summer of 1994. It 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) a history of corrupt relationships with one or two such informants that had gone back years. This explained why he had 'hit the ground running' at SERCS in terms of acting corruptly. It also suggested that he had been involved in corrupt activity including with informants both before and immediately after he had worked on the Stephen Lawrence murder investigation; and
- c) involving Neil Putnam and other officers in the squad in collaborating in 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 Neil Putnam. Mr Yates told us about the response that he got after asking the intelligence section of CIB3 what they knew about John Davidson in 1998:

“... 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, both the intelligence picture suggesting that John Davidson was a corrupt officer and the content of Neil Putnam's debriefing relating to Mr Davidson should have been revealed to the Chairman of the Inquiry.
- Anybody who was focused on the vexed issue of the motives behind John Davidson's involvement in the deficient Lawrence investigation, and who knew that the source of the “new line of enquiry” concerning Mr Davidson was a self-confessed fellow corrupt officer, should have recognised the potential for Mr Davidson to have confided in that officer as to his true motivation in the Lawrence case. It is a source of some concern to us that nobody in the MPS who was aware of the detail of what Neil Putnam was saying about Mr Davidson appears to have thought to ask him about Mr Davidson's motives in the Lawrence case.
- The absence of contemporaneous records showing exactly what level of information from Neil Putnam's debriefing regarding John Davidson was passed up the chain of command makes it difficult to identify where any personal criticism is merited. The end result is that nothing more than the letter of 11 September 1998 was revealed to the Inquiry. In our opinion this amounted to a significant failure in the disclosure made by the MPS.

### **3.2.3 The alleged confession by 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 after he had been released from prison in 2000, Neil Putnam alleged that in the summer of 1994, John Davidson had admitted to him that he had a corrupt connection with Clifford Norris at the time that he worked on the Stephen Lawrence investigation.

Mr Putnam also alleged that he had told his debriefers about this in July 1998. They responded by saying that 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 it, and thought that what he had said had been noted. However, no one did come to see him.

In our report we have set out in detail the substantial arguments that we believe exist on either side as to the credibility of Mr Putnam's allegation. We have also explained the reasons why we have found them to be sufficiently balanced to leave us unable to resolve the issue with the powers we have.

### Findings

- We believe that there are substantial arguments on either side of the issue of whether John Davidson admitted to Neil Putnam that he was in a corrupt relationship with Clifford Norris at the time that he worked on the Stephen Lawrence murder investigation.
- This is, for us, an unresolved issue.



- If the criminal standard of proof is applied to this allegation, as it was applied by the Stephen Lawrence Inquiry to allegations of corruption, we find it unlikely that any future Public Inquiry would be able to reach a firm conclusion that it was sure that the allegation was true, given Neil Putnam's status as a 'tainted witness'. We believe that any reasonable tribunal would be cautious of acting in the absence of independent corroboration.
- Independent corroboration of Neil Putnam's allegation does not currently exist, so far as we are aware. However, there do remain some outstanding lines of enquiry identified in the 1999–2000 intelligence reports which could be investigated, which, were they to amount to evidence capable of providing independent support, may change that assessment.
- We should also highlight that in the event of evidence emerging to support Neil Putnam's claims, the question of possible criminal proceedings would then resurface and need to be addressed first (taking account of the immunity provided to witnesses in the Stephen Lawrence Inquiry).

### **3.2.4 What impact might disclosure of the intelligence and details of Neil Putnam's potential evidence regarding John Davidson have had on the Inquiry?**

#### **Findings**

- Had the MPS informed the Chairman of the Inquiry about the combination of the detail of Neil Putnam's debriefing regarding John Davidson to CIB3 in July 1998 and the intelligence picture otherwise suggesting to the MPS that Mr Davidson was corrupt, in our view the Chairman was likely to have wanted to consider the following options:
  - identifying and disclosing information that might be used in questioning John Davidson by the interested parties, in particular as to a connection existing between Clifford Norris to "Officer XX" to "Officer B" to John Davidson; and the allegations of corrupt activity involving informants by John Davidson both before and after he worked on the Lawrence case;
  - finding a mechanism for Neil Putnam to be asked if John Davidson had ever mentioned anything about his role in the Lawrence investigation; and
  - allowing Neil Putnam to be called to give evidence at the Inquiry.
- If, in addition, the Chairman had been aware that Neil Putnam alleged that John Davidson had admitted that he had a corrupt relationship with Clifford Norris at the time of the Lawrence investigation, the Chairman would almost certainly have ordered disclosure and sought a means by which Mr Putnam could give evidence to the Inquiry.

If CIB3 had indicated that it wished to actively pursue a possible prosecution of John Davidson in relation to either matter, or the Chairman felt that such a prosecution should be considered based on the material that he was shown, the Chairman may also have had to consider adjourning the Inquiry in order 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.



### Findings

- We recognise the extreme operational sensitivity that CIB3 attached to the anti-corruption intelligence, to the content of Neil Putnam's debriefing and to the notion of him becoming a possible witness at the Inquiry before his allegations had been fully investigated. However, in our judgement, the combination of Mr Putnam's potential as a witness, taken together with the opportunity for aspects of the intelligence to inform the Inquiry on the subject of John Davidson's corrupt nature, necessitated that the Inquiry Chairman was fully informed to enable him to make important decisions as to the significance of the material 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. However, in our view, it is not impossible to envisage that the Inquiry might have been driven to the conclusion that there must have been more to John Davidson's failure to develop information and evidence in the Lawrence investigation than simply an inappropriate manner and unfortunate unconscious racism. As the Chairman's last letter dated 21 September 1998 implied, the Inquiry was clearly very worried about Mr Davidson's evidence and his motives, indicating that "much may turn" on material going to his credibility.

### Term of reference

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?

### Findings

- Assuming that Neil Putnam is available and willing to give evidence, the answer must be yes as regards John Davidson. Other than Mr Putnam's potential evidence, the material available which suggests that Mr Davidson may have been corrupt in the Stephen Lawrence investigation remains 'intelligence' and not 'evidence'.
- In regard to other officers the answer is no. However, there are still some potential lines of enquiry that may be capable of providing such evidence.

### Term of reference

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?

### Findings

- A number of the lines of enquiry highlighted in the 2000 analysis of the intelligence suggesting that John Davidson may have acted corruptly in the Stephen Lawrence investigation were not fully pursued. This was due to a lack of success following the limited investigation that was undertaken and because of other operational priorities.
- These lines of enquiry therefore remain open. However, it must be recognised that the prospect of them resulting in evidence of a quality 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.

### **3.3 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 relating to the issue of corruption. It is clear that there are significant areas where relevant MPS records should exist but cannot be found.
- A graphic example of this problem was demonstrated by 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 identify and locate all the 1999–2000 analyses considering the central issue of corruption in the initial Stephen Lawrence murder investigation.
- There is no record of any search of the anti-corruption intelligence in 1998, or the results of any such search, before a decision was taken 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 have considered whether a further Public Inquiry would have the potential to discover more evidence than we have discovered. Whilst a Public Inquiry would have the power to order the production of documents, require the attendance of witnesses and examine witnesses in a public forum, the potential for it to discover more than we have may well be limited. Fundamentally this is because of the chaotic state of the historical records held by the MPS. There are incomplete records of the moment; files have been destroyed; and the MPS uses a multitude of file-logging systems. In addition, a natural depletion of records will have occurred over time.
- In making a decision as to whether a further Public Inquiry is merited, it may assist if any possible outstanding lines of enquiry are explored first, and also if efforts are made to establish whether or not the review carried out by the Daniel Morgan Independent Panel is likely to touch on the role of John Davidson in that investigation, or of others with whom he was suspected of being involved in corruption.

### **3.4 The Metropolitan Police Service Review of 31 May 2012**

In our view this Metropolitan Police Service (MPS) Review contained errors and inaccurate phrasing. However, we accept that the inability of MPS system searches to reveal relevant material, and the short timescales allowed by the MPS for the review, may have been significant contributing factors in these errors.

The following matters within the review report have caused us concern:

- a) When dealing with Operation Othona, the review failed to indicate that none of the intelligence generated by the Operation could be located or accounted for at the time

of the review. That reality was reported internally within an MPS summary as follows: "... 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." However, the published version of the report referred to difficulties in identifying the operations that the intelligence had led to retrospectively, and suggested that any files which had been generated only referred to finance and administration and not subjects.

- b) In so far as we have been able to ascertain, the review was incorrect in stating that the MPS legal team and/or the Inquiry legal team had reviewed all the "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 he was never told about the material it generated. Commander Roy Clark, the Head of CIB3 at the time of the Inquiry, appears to confirm that the matter was dealt with between the MPS and the Chairman of the Inquiry without any intelligence being disclosed. Anesta Weekes QC, Junior Counsel for the Inquiry, 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" that related to John Davidson.
- c) The review stated that John Davidson had been a handler of David Norris (deceased), when he was not.
- d) If the author of the 2012 MPS Review had considered the 1999–2000 MPS intelligence reports and the details of Neil Putnam's debriefing relating to John Davidson in July 1998, as we believe he should have, the author should have realised their combined potential to inform the Inquiry further on the issue of a possible corrupt motive behind John Davidson's deficiencies in the murder investigation. The author should not have written: "The MPS disclosed all material in relation to adverse information held regarding the three officers of concern." Given that he was aware that the intelligence could not be located, it was impossible to say whether or not it implicated those officers. In our assessment this was, in any event, a somewhat reckless statement.
- e) Neil Putnam implicated John Davidson in July 1998, whilst Part One of the Inquiry was still on-going. This did not occur "late in 1998" as suggested in the review.

## Findings

- The result was that the 2012 MPS Review was another example of the MPS providing misleading reassurance to the family and to the public. In effect, the review claimed, "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 clear defects in the level of information that the MPS revealed to the Public Inquiry. The MPS held material of some potential importance to the determination of the true motives behind John Davidson's deficient investigative work on the Stephen Lawrence murder investigation and had not revealed it.
- We would add that although the author of the report deserves some criticism in these respects, we find that the MPS decision to commission such a wide-ranging and significant review over such a tight timescale was unrealistic and ill-judged.

### 3.5 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 files were clearly disclosed to, and reviewed by, the Inquiry Panel, along with other files relating to Mr Adams. Furthermore, the Inquiry's decision regarding the lack of relevance of the contents of the files to the issues before the Inquiry was communicated to all parties by the Chairman's letter of 25 June 1998. This also indicated that but for some words of advice, all of the complaints made against Mr Adams had been found to be unsubstantiated.

#### Finding

- In this Review, we have found that the position of Mr Adams is substantially as it was at the time of the Stephen Lawrence Inquiry – namely that there is no evidence providing any reasonable grounds for suspecting that he acted corruptly in the Stephen Lawrence murder investigation.

We have reached 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 into alleged corrupt activity at that time were limited in scope and somewhat unimaginative. The stark reality in the case of Mr Adams, however, 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. Nor was there any evidence that Mr Adams had sought to influence others involved in the investigation.

That remains the case following our Review. We have reviewed the full discipline files relating to Mr Adams, but there is no reason for us to seek to reopen those very protracted investigations with a view to trying to redetermine the complaints that were made.

### 3.6 The Independent Police Complaints Commission investigation in 2006

In 2006 Neil Putnam appeared on a BBC *Panorama* programme entitled 'The Boys Who Killed Stephen Lawrence'. He gave details of John Davidson's alleged confession to him of having had a corrupt relationship with Clifford Norris at the time that he worked on the Stephen Lawrence murder investigation. He also claimed that he had told the Anti-Corruption Command (CIB3) about this in the summer of 1998. This prompted the Independent Police Complaints Commission (IPCC) to undertake an independent investigation into the claims.

One of the questions that the IPCC posed was whether the Metropolitan Police Service (MPS), despite knowing or strongly suspecting that John Davidson was corrupt, had misinformed and/or withheld such knowledge/suspicion from the Public Inquiry.

The material that the IPCC obtained from the MPS included the 1999–2000 anti-corruption intelligence analyses and the detail of Neil Putnam's recorded CIB3 debriefing in July and August 1998.

The IPCC concluded that there was no evidence to suggest that the MPS withheld information concerning the integrity of John Davidson from the Inquiry and that it was clear from the

correspondence that was obtained during its investigation that the MPS ensured that the Chairman was aware of the emerging facts concerning the allegations around Mr 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. However, the 1999–2000 reports referred to a strong suspicion that John Davidson was corrupt and the reasons for it, and the details of what Neil Putnam alleged concerning Mr 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 both.

The correspondence between the MPS and the Inquiry (letters of 12 June and 11 September 1998) simply did not provide that information – or indeed any real detail at all.

### **Findings**

- We do not agree with the conclusion expressed by the IPCC in 2006 that there had been adequate disclosure to the Public Inquiry.
- The IPCC also found Neil Putnam's allegation that in his debriefing in the summer of 1998 he had mentioned that John Davidson had admitted to having had a corrupt relationship with Clifford Norris to be unsubstantiated. However, as indicated above, we have concluded that this remains a live issue with powerful arguments on both sides.

## 4. Our findings on undercover policing

### 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?

In June and July 2013, a former Special Demonstration Squad (SDS) officer named Peter Francis claimed in the media that he had been deployed undercover from September 1993 and that he had been tasked to find out any intelligence that might be used to 'smear' or undermine the Lawrence family campaign. As a result, our terms of reference were extended, and Operation Herne, the existing police investigation into the activities of the SDS supervised by Mick Creedon, the Chief Constable of Derbyshire, agreed to prioritise the 'Lawrence-related' aspects of its work and to liaise with us.

The only undercover policing of which we have been made aware that touched the Lawrence case was that carried out by the undercover SDS that existed within the Metropolitan Police Service (MPS) Special Branch.

The SDS was a top secret squad within Special Branch, operational from 1968 to 2006. It specialised in the long-term undercover deployment of officers into a range of groups that had the potential to cause serious public disorder or other violence or injury.

### Comment

- We acknowledge that for decades the SDS provided effective warning to enable the parts of the MPS dealing with the policing of public disorder to plan and allocate appropriate resources to meet the risks. Intelligence provided by the SDS thereby enabled a tighter management of the MPS resources. Valuable intelligence was also provided to the Security Service.
- There were also many examples of SDS undercover officers running great risks to themselves in order to gain very valuable intelligence.

The potential for substantial public benefit to accrue from the squad's work was accordingly both real and substantial.

However, 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. They had to adapt and cope with what their group decided to do. It was inevitable that undercover officers would be likely to face difficult choices as to how they handled relationships; 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 identities. They also had to cope with finding themselves, sometimes inexorably, rising in influence within an activist group. This often presented them with a better opportunity for gaining more useful intelligence.

### Comment

- 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 to 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.

Officers who carried out undercover work for the SDS were given a lifetime guarantee by the MPS that their identity would be protected. We have written this section of our report reflecting that promise, which has inevitably restricted the level of detail that we can describe.

However, some officers have chosen to reveal their identity as former SDS undercover officers. Given the terms of the Review that we have been asked to conduct, we have commented on the veracity of those claims and used the names that they have given publicly within our narrative.

The parameters of what is achievable in answering the questions asked of us regarding undercover policing are, once again, firmly set by the records that are, and are not, available to us.

There are very few documentary records capable of providing insight into the veracity of Mr Francis’ claim that he was “tasked to find intelligence that might be used by the MPS to smear the Lawrence family”. A number of possible explanations have been advanced as to why. These include the suggestion that incoming intelligence reports were routinely destroyed after SDS office analysis and intermittent ‘document review’. As with other MPS records, it does not appear that any clear records



were ever kept of what was being destroyed. Accordingly, in our view little weight can be attached to the fact that no record can be found to confirm any relevant aspect of claimed SDS activity.

More records survive from the post-computer era and we have been assisted in answering our terms of reference by the level of detail that these records describe about the intelligence gathered at the time of the Stephen Lawrence Inquiry in 1998.

We therefore describe our findings as to the era of the Stephen Lawrence Inquiry before returning to the claims made by Mr Francis.

## 4.1 Special Demonstration Squad undercover deployment at the time of the Stephen Lawrence Inquiry

### Comment

- Special Demonstration Squad (SDS) undercover deployment at the time of the Stephen Lawrence Inquiry included deployment into 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. It included discussion of the progress, reasons and details of the decisions made 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 were provided with so as to ensure that only information relevant to the remit of any legitimate 'customer' of the SDS was disseminated to them.

Contemporaneous records show that by 1998 the public order justification for SDS activities had begun to reduce and that the squad had become more focused on strategic intelligence for the purpose of informing decision making within the Police Service and the Government. This was recognised by the Metropolitan Police Service (MPS) when it reviewed the squad's operation after it was disbanded.

A 2009 MPS Review stated:

"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 bi-product of the operation** and secondary to their long-term aim. Although, **when it suited the SDS management, they would offer the bi-product of 'tactical intelligence' as a key indicator of their success.**"

The Stephen Lawrence Inquiry concluded taking evidence on 20 July 1998. It then adjourned until 17 September 1998 for the interested parties to prepare, and then present, their final submissions. As was the case for many of the parties, the MPS intended to present detailed written submissions, as well as making oral submissions to the Inquiry.



## Finding

- In mid-August 1998 the SDS arranged for an undercover officer, N8I (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. This was the MPS team that was involved in drafting the final written submissions to be made on behalf of the Commissioner of the MPS to the Stephen Lawrence Inquiry.

Bob Lambert, who was N8I's Detective Inspector at the time, arranged the meeting, which took place on 14 August 1998 in a garden in North London. Mr Lambert has told us that he did so at the request of his senior management and that he was told that the purpose of the meeting was so that DI Walton could fully brief the Commissioner. When Operation Herne interviewed Mr Lambert, he told them that N8I had probably been the best placed SDS officer to help the Commissioner with what was happening in the groups that were seeking to influence the Lawrence family campaign.

Mr 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 in our report.

In our view, Mr Lambert's file note clearly conveys that:

- a) 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".
- b) N8I and DI Walton had discussed the Stephen Lawrence Inquiry at the meeting from their own perspectives. It had been a "fascinating and valuable exchange on an issue that DI Walton had said continued to dominate the Commissioner's agenda on a daily basis"; and their "in-depth discussion enabled [DI 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 clear enough 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. That undercover officer 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 N8I conveyed to DI Walton as regards N8I's proximity to the Lawrence family camp and the influence that N8I'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 N8I had reported back, were certainly not doing so on the basis that there were any boundaries as to what N8I 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 N8I 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 around 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 that were 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 of 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 the accuracy of the SDS notes then, 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:

- a) The SDS note of the meeting was made shortly afterwards, and we struggle to understand why Mr 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.
- b) N81's position of proximity to the Lawrence family campaign and the intelligence that N81 could provide was the whole background to any insight N81 had to offer.
- c) In October 2013 Mr Walton largely agreed with the SDS version of events. 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 note, and go on to give detailed narrative answers about how he came to have the meeting and to assert that what had been discussed was consistent with his Lawrence Review Team role.
- d) In October 2013, as well as agreeing with most 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 had happened.
- e) 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.
- f) 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."
- g) 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.
- h) We simply found Mr Walton's changed recollection advanced in February 2014 about this meeting to be unconvincing.

## Findings

- We find, therefore, that on the balance of probabilities, on 14 August 1998, Mr 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 discernable 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 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 Mr 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, Mr 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.

## **4.2 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:

- a) 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.
- b) 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 Chief Superintendent Robert Potter was also aware of it.
- c) 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 might have been on the May 1993 British National Party demonstration in Welling.
- d) 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 disclosure of his undercover role, but rather that some disclosure should be made to the Inquiry as to Special Demonstration Squad (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 Metropolitan Police Service (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 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 who 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 a degree of hostility in the autumn of 1993 towards what was perceived in some senior MPS quarters as unjustified and untruthful statements 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 who sought to use it to pursue their own aims. The result was that it was assessed as posing a threat of potential 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 it was appropriate to share intelligence that was 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.

#### **4.2.1 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 Peter 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 surviving murder investigation records.

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 down 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 in more modern times that the role of family liaison officers has been clarified, and they have been instructed to make this dual role clear to a family.

N78 has told us that, whilst indicating having no recollection of it occurring in the case of the Lawrence family, 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.

##### **Finding**

- Once again, the potential for such activity as Mr Francis alleges to have occurred exists, but there is no evidence other than Mr Francis' to show it actually happened.

#### **4.2.2 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 regarding Peter Francis’ claims**

- Our Review does not permit us to test the competing accounts of Peter 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, and which also considers the wider potential SDS issues raised in the postscript to this section, might be better placed to make definitive findings.

## **4.3 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 Metropolitan Police Service (MPS) and also at the Home Office in the early decades of Special Demonstration Squad (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’ weighing up 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 were 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 (N81) 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.



## 4.4 Was information regarding undercover policing withheld from the Inquiry?

### Findings

- Yes, information regarding undercover policing was withheld from the Public Inquiry.
- In our assessment both the details of relevant Special Demonstration Squad (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 Metropolitan Police Service (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 who they were or give any detail about what they were doing.

## 4.5 What impact might the withheld information have had on the Public 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 Metropolitan Police Service (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. In our opinion 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.

## 4.6 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 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 broad range 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 has 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 could take place.

## 5. Duwayne Brooks

On 8 May 1993 there was an organised demonstration outside the British National Party bookshop in Welling. This demonstration led to incidents of public disorder. Duwayne Brooks was present, but was only charged with criminal offences arising out of the incident in October 1993. The issue of when and how he came to be identified by the police, and why there was such a significant delay before he was charged with any offence, was a contested issue during the course of his prosecution and was also considered by the Public Inquiry.

We have considered whether the circumstances of this prosecution support the claim that the Metropolitan Police Service (MPS) sought to 'smear' the reputation of Duwayne Brooks, Stephen Lawrence's friend, who was both a victim of the events on 22 April 1993 and a key witness in the murder case.

Peter Francis alleges that he was involved in identifying Duwayne Brooks as a participant in the demonstration, leading to him being charged with criminal offences.

### 5.1 The prosecution of Duwayne Brooks in 1993

We note that it was clearly part of a Special Demonstration Squad (SDS) officer's remit to seek to identify people who had participated in protests and demonstrations to the relevant uniform branch. We believe it would be done on the basis of submitting a sanitised report suggesting, for example, "A secret and reliable source has suggested 'X' was present and did..."

#### Comment

- The MPS has not been able to find the police file dealing with Duwayne Brooks' prosecution related to his participation in the 8 May 1993 demonstration.

This is an obvious cause of concern. It 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, Peter Francis was not deployed as an undercover officer until 27 September 1993, five days after PC Simon Bull had identified Mr Brooks on 22 September 1993 and only 11 days before Mr Brooks was charged on 6 October 1993.

Mr Francis told us that he had in fact begun to attend the college where he hoped to infiltrate Youth Against Racism in Europe from the date of enrolment, around the second week of September 1993. He had met Mr Brooks towards the end of September at the college and he had then identified him from footage of the May 1993 demonstration around the first week of October 1993.

If that is correct, Mr Brooks had already been identified by that time by Operation Fewston (by PC Bull on 22 September 1993).

We have seen no evidence showing that Mr Francis mentioned anything about this aspect of his allegations until after Mr Brooks had described his concern about the motives behind his late identification in his book. What was known to Mr Brooks, but not to a reader of his book, was the explanation provided as part of his trial proceedings.

### Findings

- 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 conduct for an SDS officer to be asked to undertake this task. If Mr Francis did receive information that a particular individual had been present on a demonstration where offences were committed, it is therefore likely that he would have been asked to view images and for a sanitised information report to be passed to Division.
- It is therefore possible that both events occurred independently; that is, that Mr Francis was not in fact instrumental in Mr Brooks' identification, but that he did receive the intelligence he claims he did and that he received credit for Mr Brooks being charged from within his squad.
- The circumstances surrounding the violent disorder prosecution of Mr Brooks in 1993, and the Metropolitan Police Service's handling of this prosecution, remain somewhat unsatisfactory; in particular why, in the absence of any clear explanation, having dropped the case against others charged in late July 1993, it was considered appropriate to charge Mr Brooks in October 1993.
- However, we have not identified any evidence that indicates that this prosecution was used as a deliberate mechanism to 'smear' Mr Brooks.

## 5.2 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 that Stephen Lawrence was murdered. As the Public Inquiry identified, he was not treated and supported appropriately from the outset. Following publication of 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 Metropolitan Police Service (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.

Special Demonstration Squad (SDS) records indicate that from January 1999 intelligence reports filed as a result of undercover SDS deployment included intelligence that, in our assessment, had little value in terms of legitimate public order concerns. It included:

- the divisions that had occurred between Mr Brooks and the Lawrence family;
- 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
- 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

- In our view, once it became apparent that this sort of information was being reported back, that line of reporting should have been terminated. It should certainly never have been disseminated to other parts of the MPS, such as the unit dealing with him as a victim and a 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. The result was that the MPS was able to gather personal and tactical information concerning the progress of the civil case without there being any sufficiently heavy counterbalance of benefit to render its collection proportional and in the wider public interest.
- At that time, the MPS as an organisation was defending its own interests in the fallout of the Public Inquiry and vigorously defending liability in the civil proceedings.
- In contrast to the use made of the intelligence gathered concerning the Lawrence family during the Public Inquiry, we have not found any evidence that this reporting from 1999 to 2001 was disseminated out of the SDS, in particular to anyone engaged in representing the MPS in the legal proceedings against Mr Brooks.
- Equally, 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 may be seen as suspicious that the intelligence gathering ceased after the civil proceedings were settled, but that event may have triggered a loss of interest in Mr Brooks by the intelligence source.

At the time this intelligence was being gathered and reported into the SDS, DAC Grieve's Racial and Violent Crime Task Force (CO24) 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, did appear to have some knowledge of Special Branch having a source of intelligence that touched on Mr Brooks. That officer proposed that consideration be given to the Task Force's liaison with Mr Brooks being used as a means of gathering any useful information that might assist with policing arrangements.

### Finding

- We have not seen anything to show that the proposal to use the liaison relationship with Mr Brooks as a means of gathering intelligence was implemented. The fact that it was even being contemplated demonstrates how ex-Special Branch officers appear to have been less than hesitant to develop intelligence without considering the potential damage of doing so.

## 5.3 The 1999 allegation of attempted rape and indecent assault

In September 1999, allegations of rape and indecent assault were made against Duwayne Brooks. In his autobiography *Steve and Me* Mr Brooks indicated that 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 or appropriate to go into the detail 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 Peter 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 Special Demonstration Squad (SDS) was in receipt of reporting that touched upon the progress of these allegations.

We do not repeat in this Summary of Findings the factual situation set out in the body of the report.

### Findings

- In our view, as with the circumstances surrounding the violent disorder prosecution in 1993, the Metropolitan Police Service's (MPS's) handling of this prosecution was unsatisfactory, for reasons including the strength of the evidence, the grounds for opposing bail and the handling of the alleged victim.
- The sourcing of a lay mediator for the alleged victim of the rape allegation by the Racial and Violent Crime Task Force created a real possibility of a conflict of interests arising, given the Task Force's parallel role in handling Mr Brooks as a victim in the murder investigation.
- However, we have not identified any evidence that suggests that this prosecution was used as a deliberate mechanism to 'smear' Mr Brooks. The failings in the investigation coincided with inappropriate levels of SDS reporting in relation to Mr Brooks, including information relating to these allegations.

### Term of reference

6. What was the extent of, purpose of and authorisation for any surveillance activity of Duwayne Brooks and his solicitor?

In May 2000, those involved in the on-going murder investigation decided to covertly record a meeting between senior officers and Mr Brooks and his solicitor.

### Finding

- 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. On balance, 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 the tactic was 'unlawful' or that any disciplinary matter arises from these events.

We are concerned that the senior officers involved felt it appropriate not to inform the witness liaison officer, PC Paul Charlton, who also attended the meeting of their intention to record it.

It seems to us that the approach of the senior officers was borne 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.



## 6. 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?

The Stephen Lawrence Inquiry Part Two held oral evidence sessions outside the MPS area in Manchester, Bradford, Bristol and Birmingham during October and November 1998.

Allegations were made in the media in the summer of 2013 that there may have been police activity by forces other than the MPS to gather intelligence for tactical use at evidence sessions or otherwise to research potential witnesses to the Inquiry for 'tactical' and improper motives. As a result the above term of reference was added to our Review.

On 3 July 2013, the Home Secretary wrote to all Chief Constables of police forces nationally requesting an urgent but exhaustive search of records and archives to ascertain whether any material was held which suggested that intelligence or surveillance activity was ordered or carried out in respect of the Stephen Lawrence Inquiry, Stephen Lawrence's family or any others connected to the Inquiry or the family.

We have seen the responses received. They are all negative, with the exception of Greater Manchester Police (GMP) and West Yorkshire Police (WYP).

In so far as records survive and have been found we have examined them, and we have liaised with those at GMP and WYP who have been tasked to investigate the material relating to any such possible activity within their respective forces.

Some limited documentation does exist within the records of both GMP and WYP indicating that there was some research carried out into the background of a limited number of individuals who it was thought might attend the hearings. We have not been provided with any material that indicates or suggests that it was done for 'tactical' purposes in the sense of dealing with evidence to be given, or evidence that might be given, to the Inquiry. The motive for this research appears to have been simply to scope and plan for potential public order issues associated with the hearings to be held within the relevant police area.

### Findings

- Researching individuals to ascertain if they, or others, might pose a public order threat to hearings of this type was, in our assessment, justified. There had been considerable public order issues during the London hearings and on other occasions 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 to the type of activity that we have referred to elsewhere in this report. Nor have we seen any evidence to suggest that the enquiries related to the provision of information regarding potential witnesses or to contributors to the Inquiry for tactical deployment in the Inquiry itself, as opposed to public order reasons.
- Our review under this heading has been limited to the documents which the police forces have produced.

