



**A CRIME
IS A CRIME
IS A CRIME**

HCDA

A SHORT REPORT ON POLICE CRIME IN HACKNEY

Hackney Community Defence Association (HCDA) was formed at a conference in Hackney Town Hall on July 23rd 1988. It is a voluntary self-help organisation which consists of people who have been subjected to police malpractice. The principle objective of HCDA is to campaign against such police malpractice in the London Borough of Hackney. A major part of HCDA's work consists of taking up individual cases and assisting lawyers in a para-legal capacity.

The Royal Commission on Criminal Justice was set up following the release of the Birmingham Six from prison on March 14th 1991. On November 4th 1991, HCDA picketed the offices of the Royal Commission calling on its members to attend a meeting of HCDA and meet people who have suffered police injustice.

On Thursday November 28th, 1991, two members of the Royal Commission, Mrs Yve Newbold and Professor Michael Zander, attended an HCDA meeting at the Family Centre in Stoke Newington. This report was given to them to be submitted to the Royal Commission on Criminal Justice.

where members of the public have suffered unwarranted and unprovoked assaults by police officers. The majority of those assaulted have then been charged with a criminal offence. HCDA is concerned with the particular injustices suffered by the victims of these crimes and the inadequacies of the present criminal justice system in dealing with the criminals who perpetrate them.

It is important to note that all the cases referred to in this report post-date the 1984 Police and Criminal Evidence Act (PACE). PACE had its origins in the Royal Commission on Criminal Procedure, which presented its findings in January 1981. It was intended to introduce safeguards into the criminal justice system for suspects and detainees in police stations. However, many of the recommendations made by the Royal Commission were rejected by the government of the day. PACE, instead of addressing the problem of police injustice, merely served to legitimise existing police practices and further eroded civil rights in Britain.

BACKGROUND

I. The London Borough of Hackney is a multi-racial inner city area of London which is recognised to be one of the poorest local authorities in Europe. It suffers from high unemployment, homelessness and bad housing (1).

II. The London Borough of Hackney falls within Area Two of the Metropolitan Police. Two police divisions cover the borough - 'GH' Hackney Division and 'GN' Stoke Newington Division. Hackney Division has two police stations - Hackney, Lower Clapton Road, E5, and City Road, Shepherdess Walk, N1 - and Stoke Newington has the one police station in Stoke Newington High Street, N16.

III. Policing is a highly charged political issue in Hackney. There is a long history of poor police

Newington police station in 1990, Dalston police station, which used to be the second station in the division, was closed.)

IV. Hackney Council, following the lead of the Greater London Council, was the first London borough to set up its own Police Committee in 1982. Before the Police and Criminal Evidence Act (1984) made it a statutory requirement for London police divisions to set up police community consultative groups, Hackney Council attempted to form a police community consultative group in the borough. The move foundered on the Metropolitan Police and Home Office's opposition to the group being chaired by the Council. Hackney Council abolished its Police Committee in 1989, and resources to its Police Committee Support Unit were drastically reduced.

1987 proved to be a crucial year for police community relations in Hackney. Three major incidents attracted national media attention.

On January 8th, a young black man, Trevor Monerville, had emergency brain surgery after he had been detained at Stoke Newington police station. On June 14th, Tunay Hassan died in Stoke Newington police station, after witnesses had seen him being assaulted by police officers during his arrest. On November 5th, Gary Smith was violently assaulted by seven off duty City Road police officers. The seven officers are currently waiting to hear from the

Home Office for the outcome of their appeal against dismissal from the Metropolitan Police.

Notes:

1. *Research in Hackney*; Borough profiles regularly produced by Research and Intelligence Section, Chief Executive's Office, London Borough of Hackney, The Town Hall, Mare Street, London E8.

2. *Policing in Hackney 1945 - 1984*; a report commissioned by the Roach Family Support Committee and produced by an Independent Committee of Inquiry; Karia Press; 1989.

YOUR RIGHTS

If you are stopped by the police

- ~ Give your name & address if asked
- ~ Ask why you have been stopped

If you are searched

- ~ Ask why
- ~ Ask for written notice explaining the reasons

If the police want to search your home

- ~ Ask for a copy of the search warrant
- ~ Ask why

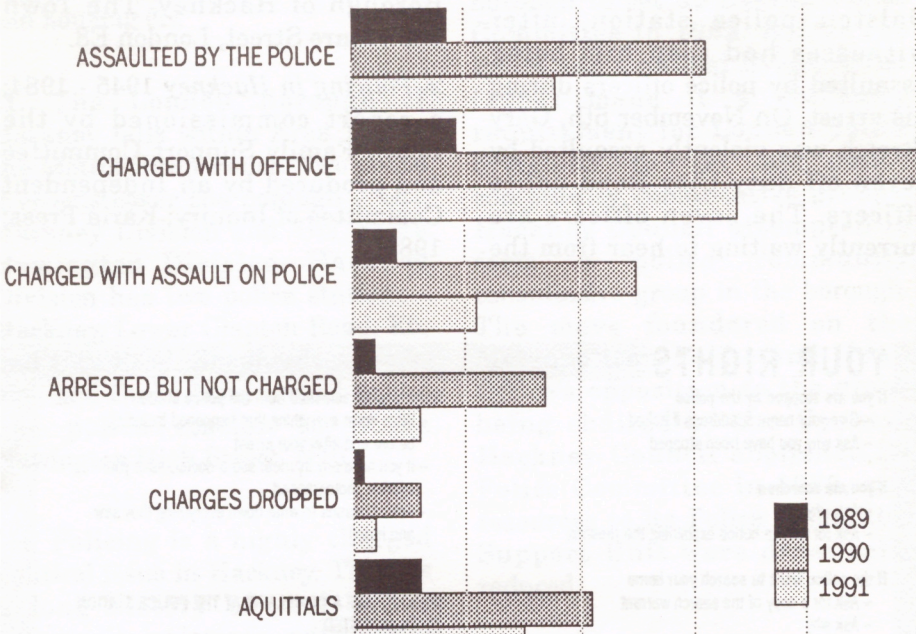
When you are released from the police station

- ~ Write down everything that happened including before and after your arrest
- ~ If you have any injuries: see a doctor, have your injuries photographed
- ~ Ask witnesses to write down everything they saw and heard

DO NOT MAKE A COMPLAINT AT THE POLICE STATION WHEN ARRESTED

STATISTICS

[. Hackney Community Defence Association (HCDA) was set up on July 23rd 1988. HCDA commenced monitoring cases of police injustice in the Hackney and Stoke Newington divisions of the Metropolitan Police on January 1st 1989.



Out of a total of 29 cases of police malpractice reported to HCDA in 1989, HCDA took up 13.

CIVIL ACTIONS AGAINST METROPOLITAN POLICE	6
POLICE OFFICERS SUSPENDED	0
HACKNEY POLICE STATION	7
CITY ROAD POLICE STATION	1
STOKE NEWINGTON POLICE STATION	5
TOTAL	13



Out of a total of 140 cases of police reported in 1990, HCDA took up 76.

CIVIL ACTIONS AGAINST METROPOLITAN POLICE	13
POLICE OFFICERS SUSPENDED	0
POLL TAX RELATED CASES	39
HACKNEY POLICE STATION	23
CITY ROAD POLICE STATION	26
STOKE NEWINGTON POLICE STATION	17
AREA TWO TERRITORIAL SUPPORT GROUP	10
TOTAL	76



Out of a total of 150 cases of police malpractice reported in the first 6 months of 1991, HCDA has taken up 41.

WAITING TO APPEAR	6
CIVIL ACTIONS AGAINST METROPOLITAN POLICE	7
POLICE OFFICERS SUSPENDED	0
DEATH IN CUSTODY	1
HACKNEY POLICE STATION	12
CITY ROAD POLICE STATION	18
STOKE NEWINGTON POLICE STATION	9
AREA TWO TERRITORIAL SUPPORT GROUP	2
TOTAL	41



EVIDENCE

I. Police Assaults

All of the 57 cases of unprovoked police violence taken up by HCDA since January 1st 1989 have been followed by the arrest of the victim. In only 3 of the 52 charged cases, was there any independent evidence of a criminal offence.

All of the people who approached HCDA after having been assaulted by police officers feel a deep sense of injustice. This is largely due to the fact that as the victims of criminal assaults they themselves have been arrested, and most have consequently had to defend themselves against criminal charges in court.

HCDA believes that in all the above cases police officers have attempted to justify violence against members of the public who have been going about their business in a lawful manner, by arresting them.

and Eaton, Appendix C; Nelson, Appendix D).

People who have been charged with offences against police officers after having been assaulted find themselves in a perversely unjust situation. They have to defend themselves against criminal charges that directly arise out of the fact that they themselves were a victim of crime in the first instance.

III. Locations of Assaults

Prior to the 1984 Police and Criminal Evidence Act (PACE), a great deal of public concern was expressed about police brutality inside police stations. PACE was intended to deal with this problem by making the custody officer, usually a sergeant, responsible for the welfare of detainees and the keeping of a separate custody record for each detainee.

HCDA believes that it is significant that the majority of police violence cases reported to

HCDA believes that PACE has heightened up police station procedures. But all this has achieved is to take routine police violence out of the station and onto the streets where individual officers are still unaccountable. However, in cases where officers might feel morally justified in assaulting a suspect, for example if they believe a colleague has been assaulted and seriously injured (Murray and Eaton), or they claim that the suspect is particularly violent (Nelson), then further assaults are still likely to take place in the police station.

Police Sentencing

Many of the people who have been assaulted by police officers have then been charged with indictable offences. Victims have subsequently been remanded in custody, or have had severe conditions imposed if bail has been granted (see Nelson; Lewis, Appendix F; Moore).

For victims of police violence

of the events. HCDA believes that by charging victims with indictable offences, which subsequently cause them to be remanded in custody, arresting officers effectively act as judge and jury by forcing their victims to serve prison sentences.

V. Avoiding the Jury

In the period pending committal of a case to crown court, indictable charges have often been reduced to summary charges, particularly where charges of violence and/or public order are concerned (see Nelson; Moore).

Such gerrymandering of the law means that these victims of police violence automatically lose their right to a trial by jury, and the prosecution has a lesser case to prove before a magistrate. For victims who have been remanded in custody, the reduction of criminal charges represents one more level of injustice to be endured.

HCDA believes that due to the close working relationship between

criminal offences. In the majority of these cases this ends any hope the victim might have of gaining legal redress for the initial assault. These people are the anonymous victims of police injustice; the only people to know that they have suffered are their families and close friends.

On June 21st 1990, at about 6.00am, Samuel Moore, his partner and their 10 day old daughter were asleep in bed. They were awoken by police officers running up the stairs, shouting and banging. A fire extinguisher was used against the family dog and Mr Moore was punched in his right eye. He was arrested under a warrant for suspected violent disorder at Trafalgar Square on the March 31st 1990 anti-poll tax demonstration, and he was also charged with assaulting a police officer during the raid on his home.

Mr. Moore was initially denied bail on the grounds that, being charged with a serious offence of violence on March 30th, and

he was being restrained. Mr Moore was convicted at well Street Magistrates Court, and his appeal against conviction was dismissed at Knightsbridge Crown Court on February 15th 1991.

Because the courts believed that the police officer who assaulted Mr Moore had acted in self defence, and only used a reasonable amount of force in restraining him, Mr Moore is unable to gain redress for the assault he suffered.

VII. Rudolf Hawkins

Others have been convicted of criminal offences but are still attempting to seek redress.

On February 2nd 1990, Rudolf Hawkins, was arrested at his home by Stoke Newington police officers.

They informed him that there was a warrant out for his arrest, but refused to say what it was for. When Mr Hawkins was standing outside his front door he was struck several times with a truncheon. He suffered several

*lvised that he can take out a civil
tion for damages against the
etropolitan Police.*

II. Redress

ere are two possible means of
ress which are readily available
he victims of police malpractice,

i) a complaint can be made
against the police officer
responsible or

ii) a civil action for damages can
be taken out against the Com-
missioner of the Metropolitan
Police.

Police Complaints

DA advises the victims of police
lpractice not to make comp-
ts against the police for several
sons:

i) because police officers invest-
igate complaints

ii) because the police have been

iv) because the police
complaints procedure has been
shown to be heavily weighted in
favour of police officers, and
very few complaints result in
criminal charges being brought
against offending officers.

X. Civil Actions

HCDA advises the victims of
police malpractice to take out civil
actions for damages against the
Metropolitan Police. In 26 of the
police violence cases taken up by
HCDA, the victims have been
charged with criminal offences and
acquitted. Many of these victims
are now at various stages of civil
action proceedings for assault,
unlawful arrest, false imprison-
ment and malicious prosecution
(see Gordon; George and George;
Lavery and Eaton; Nelson; Lewis).

XI. Injustice

All the people who have
approached HCDA after having

complaint against the police it is possible, but unlikely, that a police officer might be charged with a criminal offence (see Stretch, Appendix G).

If a person proceeds with a civil action for damages, their action is against the Commissioner of the Metropolitan Police. Individual police officers alleged to have committed crimes are not personally held legally or financially accountable for their actions.

XII. Gary Stretch & The Burkes

Gary Stretch was assaulted by seven off duty police officers on November 5th 1987. An official complaint was made to the Metropolitan Police. The disciplinary hearing against the men was heard in October 1990 and they were formally dismissed from the Metropolitan Police on December 7th 1990 (the men are at present waiting to hear from the Home Secretary to discover whether their appeal against dismissal has been allowed).

The first case of police criminal

two cases are self evident. Firstly, there is the length of time it takes for a complaint or a civil action to reach its conclusion. Secondly, none of the police officers involved in either of these incidents were charged with criminal offences. None of the civil actions supported by HCDA since 1989 have yet been settled. And, as far as HCDA is aware, no police officers have been charged as a result of these misdemeanors.

XIII. Political Police

Out of the 130 cases taken up by HCDA, 67 (51.5%) have involved black people. Out of the 57 cases of police violence taken up by HCDA, 33 (57.9%) have involved black people.

Out of the 130 cases taken up by HCDA, 60 (46.2%) have involved people engaged in making political protests.

Black people and people involved in political protests are more likely to suffer police injustice in Hackney. HCDA believes that individual police

CONCLUSIONS

legal and political conclusions be drawn from the evidence on race violence collected by HCDA.

A large amount of HCDA's work consists of incidents in which people have been subjected to minor criminal assaults by police officers and have then been charged with criminal offences. It is widely accepted that such incidents take place, and the public consciousness has internalised police malpractice of this kind as an acceptable level of police violence and corruption. It is HCDA's view that toleration of these minor cases of injustice allows more serious miscarriages of justice to take place.

As a matter of law it is of serious concern that police criminality is not dealt with in the same manner as criminal offences committed by civilians. The British

IV. Police officers have responsibility for arresting suspects, charging suspects and conducting investigations against suspects. Police officers are therefore in an extremely powerful position to intervene and exploit the criminal justice system. HCDA believes that during the course of the last 60 years the powers of the police have increased to such a degree that they are now more powerful than the courts which they are supposed to serve.

V. HCDA believes that police officers who commit criminal offences are able to 'get away with it' as a direct consequence of their powerful position within the juridical system. Serious political conflicts arise when the powers of individuals, and groups of police officers are used unaccountably against powerless working class people who might be unemployed, live in run down housing conditions and suffer from institutionalised racism.

enough that the threat of violence exists.

VII. In this report we have specifically dealt with the way in which individual police officers criminalise the victims of their violent crimes. On a general level, criminalisation interacts with the economic and social conditions experienced in inner city areas to justify and rationalise the existence of these circumstances. It is through the process of criminalisation that the police justify their actions and deflect public criticism away from themselves.

VIII. Miscarriages of justice commence with police officers making arrests and conclude with the courts supporting the evidence presented by police officers. HCDA believes that the root cause of problems within the British criminal justice system lies in the immense powers available to police officers. The powers of the police have steadily increased since the

does not exist.

IX. HCDA questions whether it is in the best interests of justice that the police should have responsibility for arresting suspects, charging suspects and conducting criminal investigations. HCDA believes that the police's influence over the criminal prosecution process should be constrained.

X. As a voluntary self help group representing the needs of people who have suffered police injustice, HCDA does not wish to make specific recommendations for legislative change. HCDA considers police injustice and excessive police powers to be an inevitable consequence of the economic, social and political suffering visited upon working class inner city communities.

XI. It is HCDA's view that any changes to the criminal justice

APPENDICES

Hackney police branded 'liars'.

Three men who claim they were assaulted by police in East London, are planning to sue.
QUENTIN McDERMOTT reports.

magistrate inferred last week that 0 young officers from Hackney police station had brought false evidence to court. The constables appeared to explain why they had arrested part-time mini-cab driver William Gordon last November. Gordon, who is 51, stood accused of assaulting one of the officers, by punching him in the jaw and shoving him into the road, of possessing an offensive weapon - a 7-knife - and of failing to stop his car on police instructions. No witnesses were called by the police, but Gordon, who protested that he had been assaulted by one of the officers, called three witnesses to back up his version of events. Gordon told the court that he was arrested after tooting his horn at a van which was making an illegal right turn at a junction on Regent Street. Instead of stopping the van, the officers pulled him in, stopped as soon as he could. Gordon says one of the officers told him 'a lying black cunt', after searching his car, and pushed him to the bonnet, before both PCs dragged him on to a grass verge.

Gordon was pulled to the ground, and one of the officers sat on the small of his back. He was screaming in pain. 'I felt as if I was going to die,' he recalled. Gordon says he was thrown on the floor of a police van, and slapped in the face. The officer Gordon accused of pushing and racially abusing him, Pc McGowan, claimed Gordon had punched him into the road, into the path of an oncoming bus. Both officers denied abusing Gordon, or over-reacting when they arrested him. Both claimed only to have used 'authorised police holds' in restraining him. But at the end of the case, the magistrate dismissed the charges. He accepted that the pen-knife was not an offensive weapon, and said he had found William Gordon a 'truthful' witness. The magistrate said that, in his judgement, the bus referred to by Pc McGowan 'did not exist'. He added: 'It is quite clear that there was a scuffle which was started by a push by the officer.' Gordon had been justified in responding, and the officers had then 'over-reacted'. After the hearing Gordon

accused the officers of lying, and said he is planning to sue. In doing so, he joins an increasingly long list of aggrieved men who have been charged by east London police after claiming to have been maltreated. In recent weeks, serious charges against two other men - Raphael Joseph and Glenford Lewis - have been dropped by the Crown Prosecution Service. Joseph had been charged with assault after officers were called to a fight in Stamford Hill at the end of August. A month earlier he had been arrested and charged with several driving offences. Joseph was convicted of those offences, but is now suing the police for assault and battery and false imprisonment, relating to this earlier arrest. The officers who arrested him deny they beat him up. Glenford Lewis is also suing for damages, after the CPS offered no evidence against him, on serious drugs charges, at Snaresbrook Crown Court. The main prosecution witness, an officer who, Lewis alleges, planted a matchbox containing containing

APPENDIX A City Limits: 8/2/90

cocaine, during a search of his car, was 'too ill' to attend court. The officer suffers from a back problem, and was 'not physically capable of attending court,' Superintendent Roy Clark, from Dalston, told 'City Limits'. Lewis' fingerprints were never found on the box, and he claims he was punched in the face, and threatened by officers. The Hackney Community Defence Association, which has campaigned for all three men, says the Lewis and Gordon cases raise 'extremely serious questions' about the policing of black communities. It is calling for officers who harass members of the public in this way to be dismissed. Said a spokesperson: 'The police repeatedly claim they are concerned about their image in the community, but in reality, they do not take notice of the community's concern at police racism and violence, and continue to bring unwarranted charges against people as they go about their daily business.'

Hit Squad

A 50-year-old Hackney man is suing the police after being injured so badly that officers rushed him to hospital thinking he was dead. Raphael Joseph claims he was attacked by police after making off on his motorbike from officers who had seen him driving the wrong way down a

for an independent inquiry to be held into the incident. CS Twist denied Mr Joseph was assaulted and said he was not aware of any injuries he suffered until contacted by Time Out, except those he sustained when he fell from his motorbike. 'I'm dismayed to learn of injuries alleged to have been caused by my officers in this unusual manner.'

APPENDIX E Time Out: 16/8/89

'They were out to beat someone up'

Stoke Newington and Hackney police are under renewed attack from black families in the borough.

JUDY HIRST reports

A north London family will be leading a protest demonstration outside Stoke Newington police station at 4 pm this Saturday, after allegations that two of their members were manhandled and beaten up by the police.

Earl Samuel and Ezechiel Hippolyte were driving home in the early hours of September 15, after a snooker game in the West End, when they were pulled up by the police in Green Lanes, Stoke Newington.

We were cruising along behind this panda car, at well under 30 mph, when it suddenly braked in front of us,' Hippolyte told CL. 'When we asked why we'd been stopped, the officer claimed I'd been driving carelessly and called for reinforcements. Before we knew it, three of them were throwing us into the back of a police van.'

The two men, who are brothers-in-law, allege that Samuel was punched in the stomach and mouth in the ensuing fracas, subsequently needing six stitches to the face and dental treatment. The ligaments in a previously broken ankle, that had just begun to mend, were torn again when he was thrown into the van.

The brothers-in-law, who are both building workers in their early 30s, have never been in trouble with the

done.'

Another black family in Hackney who are planning to sue the police are the Georges. Charges of obstructing the police - made against Brenda George, and her 17 year old daughter Natasha, when police raided their South Hackney home in July - were thrown out by Old Street Magistrate's Court last week, after Hackney police failed to produce

sufficient evidence.

'They couldn't produce a warrant in court,' said Mrs George. 'Which isn't surprising because they never had one. My daughter used to work in a solicitor's office, and she challenged them when they waved a bit of photocopied paper in our faces.'

Mrs George claims that she was thrown onto a bed by police officers, who said they were searching for her son Valentine, and 'nearly suffocated' as her arms were wrenched behind her back. She has since had to give up her job as a nurse, and look for clerical work, because of the damage she claims was done to her shoulder.

Scotland Yard would not comment on either case, except to say that a complaint had been received from Samuel and Hippolyte, and would be investigated.



Hackney cops sued over 'GBH' acquittal

RELATIONS between the police and people in Hackney have worsened following the acquittal of two local men accused of attacking five police constables.

Michael Lavery and Jeffrey Eaton were cleared at Inner London Crown Court of causing actual and grievous bodily harm to the five officers after their arrest for being drunk and disorderly on New Years Day this year.

The officers, all from City Road Station, claimed the men had become

down in the road. Doctors who examined them later found almost 40 injuries, including head wounds apparently caused by a truncheon. The men claimed they were assaulted at the scene of their arrest, in the van, in the custody suite at City Road station and later in the cells.

The jury took just 15 minutes to acquit the men of all charges.

PC Moles, the arresting officer, denied in court that he had a grudge against Lavery following an argument a month earlier in a pub about Gary Stretch, the Hackney man who was attacked by seven City Road PCs with bottles and almost had his ear severed. The officers responsible for this incident were all dismissed from the Metropolitan Police.

At Lavery and Eaton's trial, one policeman told the court that he was '100% behind' his sacked colleagues, and that most officers at City Road

APPENDIX C

Time Out: 2/10/91



Hackney police 'assault' storm

Hackney and Stoke Newington police face over 25 claims for damages.

Denis Campbell and Catherine Pepinster report.



CLINT NELSON is an unlikely thug. He stands 5'6" tall, weighs eight stone and has a club foot. Yet in March, Highbury Corner Magistrates Court accepted police evidence that he had viciously assaulted two of his officers. The prosecution alleged that, in the

family's BMW. Lilian Nelson Clint's mother, told the court that she had been flagged down by a police minibus containing Territorial Support Group officers from Stoke Newington station. When she was grabbed by a woman PC, 19-year-old Clint jumped out of

weeks in Feltham Young Offenders' Remand Centre, the offensive knife charge was dropped, and the ABH charge replaced with the lesser charge of assault. Kate Akester, Nelson's solicitor, says this is typical of the increasing use by police of 'this technique of charging a suspect with serious offences to

Smith said: "We have dealt with 150 cases so far this year of people who claim they have been assaulted by the local police. Often they have been assaulted and then themselves charged with assaulting the police like Clint Nelson. There's a routine level of violence against suspects by police. It's maybe a punch that causes a broken nose. That's serious for the individual but it's not considered serious in the police force. If you don't stop that level of violence then it allows the more serious cases to happen; if officers believe they can get away with a little malpractice, then it escalates."

On Monday of this week, the HCDA and alleged victims of Hackney policing picketed a meeting in central London of Lord Runciman's Royal Commission on Criminal Justice, set up in the wake of the Birmingham Six and Guildford Four cases. The protesters' message was that the police in Hackney have learned nothing from these miscarriages of justice, and continue to use violence and false evidence against suspects.

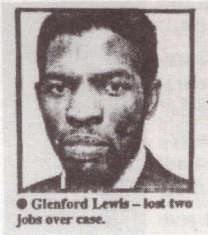
Jeffrey Eaton experienced the rough side of policing in Hackney too. In September he and his friend Michael Lavery were acquitted at Inner London Crown Court on charges of causing actual and grievous bodily harm against five PCs from City Road station, the third police station in Hackney and Stoke Newington division. Although the two men had sustained almost 40 injuries between them, they had been accused of attacking five officers in the back of a police Transit. The jury took just 15 minutes to clear them.

Eaton told Time Out 'The whole experience with the police was terrifying' and that even though he was cleared, 'I didn't feel that justice was done after what he [Lavery] and my family went through.'

The Eaton and Lavery court case in September also revealed that the seven

Man says police tried to frame him

Wrongful arrest threat as drug charge is dropped



● Glenford Lewis - lost two jobs over case.

MAN who claims Dalston policemen beat him up and tried to frame him is planning to sue them for wrongful and malicious arrest. He argues against Dalston's Glenford Lewis of Snaresbrook Magistrates' Court on Monday.

The prosecution said a police officer had crucial evidence was too ill to turn up to see the same officer Mr. Lewis claims planted drugs in his car.

Mr Lewis, who has protested his innocence since his arrest last May, claims the police were afraid the court would realise the case was fabricated.

Now he is consulting his solicitors over the case to take out a civil action against the police. Hackney Community Defence Association are supporting his case.

Mr Lewis, 33, of Dalston's Holly Street

to Dalston police station and accused of drug dealing.

A strip-search found no drugs and detectives took Mr Lewis to his car, parked near his home on the Holly Street Estate. He claims a detective planted a matchbox containing cocaine in the car, along with a current newspaper to prove that it had been used recently.

But Mr Lewis says he hadn't seen the car since it was confiscated by the police on his arrest for the previous offence 12 months before. It had been picked up from the police compound by his girlfriend a month before he was released from prison, he claims, and the only set of keys were with his mother.

The car had a flat battery, no MOT, insurance or road tax and the tag from the police compound was still tied to the front windscreen wiper, he said. Forensic tests on the newspaper and the matchbox later found no fingerprints belonging to Mr Lewis.

INSIDE STORY

One night in a pub, seven off-duty policemen beat up Gary Stretch. Three years passed before a tribunal found the officers guilty. The case has left bad feelings all round, write **Duncan Campbell** and **Martin J Walker**

THE Limes was one of those very Eighties East End pubs. Flash and glitzy, with loud music and "entertainers"-disc jockeys and strippers. - aimed at the young men of Hackney with a few bob to spend.

On Guy Fawkes Night 1987, there were two groups at the pub. The first was part of an unofficial wake. They had been to the funeral of Elaina Dimitri, a young woman stabbed to death three months earlier whose burial had been held up by an inquest. Her brother, Nikki, and a group of his friends were in one part of the bar.

The other group was also young and all male: seven off-duty police constables from nearby City Road police station.

Also in the pub that night was Gary Stretch, a 24-year-old from Hoxton. He would pop into The Limes about once a week and on this occasion was with an old friend. Gary knew Nikki



STRETCH MARKED

police team-and had served a prison sentence. His photograph was up in the police

of the police officers had apparently issued a warning that Stretch and any-one he

THE VICTIM:

Gary Stretch was known to the police. He had two previous convictions for actual bodily harm - one during a football match against a police team - and had served a prison sentence. His photograph was up in the police station across the road from the Limes pub. But he had not been in trouble for three years

was November. I couldn't understand what was happening."

and a sergeant put his arm around me and said, 'worry, no one is going to hurt you.' He was driven to St. Andrew's Hospital. By now, I had lost consciousness. Gary spent five days in hospital during which time I was stitched up and I was put in a brace. Meanwhile, his father Eddie had been phoned by a friend who suggested he find their cause they thought Gary was being held in a police cell. Eddie Stretch phoned a policeman friend at Scotland Yard who advised him to make a complaint, advice he acted immediately. He was in the complaint by the time Legg, the barmaid, whose father was a policeman, and her parents were thrown by the police. Says Gary, "My mother, who works for BP, had always criticised the police. When I was in trouble in the past with her she would say, 'You've got to pay for it'. When it happened it was almost as if she was ashamed. There was a picture in the papers for me after I'd been beaten up and it was almost as though it was my fault. She felt embarrassed about it."

Over the next three years the case became the main point in the Stretch household. Gary's father was very upset about it. It had an effect on the whole house. It became an obsession. So angry that

continued.

In January 1989, the Director of Public Prosecutions announced that there would be no charges as there was insufficient evidence. The papers were returned to the police who decided to conduct an internal disciplinary hearing.

"I was disappointed. In fact, I wanted them to charge me because at least that meant that it would come out in court," says Stretch. But his father & Joanne Legg wanted the complaint to be pursued.

By May of this year the complaint had still not run its course. The officers, who were all still suspended on full pay, instructed counsel to ask for the disciplinary charges against them to be thrown out on the grounds that so much time had elapsed between the incident and the convening of the tribunal and that this amounted to "abuse of process". The case, backed by the Police Federation, went to the High Court. The plea was rejected. The police officers' legal team then obtained an ex parte injunction to halt proceedings pending a judicial review. Mr Justice Popplewell however turned down their application for a review on the grounds that there were "no exceptional circumstances".

By this time Gary Stretch was also becoming frustrated. "I felt like 'wiping my mouth' and forgetting about it," says Stretch. But the tribunal did

says Stretch. "You would see them in the gents and pass them in the corridor and I felt very vulnerable." The evidence went on with some interruptions, for four weeks.

At last the day when the verdicts were due arrived.

"They looked really confident," says Stretch. "They were throwing sweets to each other and talking and laughing. I don't think they could believe they would be found guilty."

"One of them got up and slung his jacket off and stormed out. He was in bits. I could hear one of them shouting and being quietened down by another officer. They couldn't believe it."

Gary, now working as a driver, did not feel like celebrating. "I feel cheated in a way in that it went to an internal inquiry and not to court. And that it took so long. If the same thing happened to someone else I would tell them to bring a private prosecution."

His father, Eddie, says now that he would not do the same again: "I wouldn't go through the same procedure again. The pressure on the family has been interminable. The police go on about the pressure on them but it was self-inflicted."

Joanne Legg agrees: "I wouldn't advise anyone to do it. I was cross examined for a whole day, they spat me out for breakfast. They asked a lot of horrible, irrelevant things."

the case could have been better presented - Gary Stretch did not brief the prosecuting counsel who was working for the Metropolitan Police and had to interrupt to add details to the case, the press was not able to report the proceedings; the three-year delay meant that a cloud hung over the case.

The police officers might also argue that the delay did them no favours, they were in limbo for three years with a cloud of suspicion over them. Now they seem certain to lose their careers.

The total cost will not be less than £500,000. Quite an expensive night out in the pub.

The Police Complaints Authority which was set up in 1985, recognises criticisms of the way they operate but argue that it is not up to them to make the decision to make changes. They processed a total of 11,155 complaints in 1989, most of them minor. They find themselves between the police ranks who feel they are hypercritical - "PCA" is sometimes said to stand for "Prosecute Coppers Always" - and the public who are unaware of their work or its difficulties.

On the secrecy of the process, the PCA position is that "it gives the appearance of being clouded in mystery which detracts from the credibility of the system".

The police defend the proceedings, saying that few professions punish their

Grandmother awarded for police assau

A GREAT grandmother yesterday won £50,000 damages from the Metropolitan Police Commissioner after a jury found that she had been assaulted, falsely imprisoned and maliciously prosecuted following a minor traffic accident.

Croydon County Court was told that Marie Burke, 73, had been pulled to the ground by a woman police constable and held down in front of her home in Hackney, east London, after she went to help her disabled husband. Her counsel, Courtney Griffiths, said the police conduct had been calculated to "humiliate and distress". "These officers behaved in an arbitrary, oppressive and unconstitutional way," he said.

In one of the highest damages awards against the police, the jury decided that Mrs Burke should be

paid £20,000 in compensation for the assault, £15,000 for false imprisonment and another £15,000 for the malicious prosecution.

However, the jurors dismissed a civil action by Mrs Burke's husband, Edgar, 79, who said he too had been falsely imprisoned and assaulted. The jury also rejected a claim by Mr and Mrs Burke that police officers had entered their home without permission.

Afterwards, the Burke's solicitor, Raju Bhatt, said in a statement: "It has become clear that a 70-year-old woman was maliciously accused of an offence which she had not committed.

AT THE back of Croydon County Court, Jeffrey Eaton had a special interest in what befall Edgar and Marie Burke after they alerted police to a minor road accident.

For he too alleges he has been the victim of injustice at the hands of the police in the deprived inner city Hackney area of London. Mr Eaton, 30, claims "the shit was literally kicked out of me" after he and a friend Michael Lavery, 31 were originally arrested for being drunk and disorderly.

Rafael Joseph, from Aden, was also present during the nine-day case. Caught after failing to stop for driving the wrong way down a one-way system, he alleges he was so badly beaten up by officers, that he was

injured which rendered him unconscious. Alongside him in the public gallery was Rudolf Hawtins, a 36-year-old bricklayer. He claims to have suffered a broken hand and head injuries when officers truncheoned him.

Encouraged by the £50,000 award to Mrs Burke, they are suing the Metropolitan Police Commissioner over the alleged actions of his officers. The damages have included demands for a judicial inquiry into policing in the area of north London which incorporates Hackney, Stoke Newington and City Road stations.

Payments in civil claims from the area have already totalled more than £100,000 so far this year. Last month, as part of a major investigation into

By Adam Sage Legal Affairs Reporter

This was done to cover up for an unlawful and brutal assault on her by officers in Hackney."

Mr Bhatt said the Commissioner of the Metropolitan Police against whom the action had been brought, had given no cause for any confidence to be shown "in his ability or willingness to deal with police misconduct".

Those officers responsible for the "wrongdoing" were "serving police officers on our streets to this day. One

Further cases in area dogged

By Heather Mills

Home Affairs Correspondent

moved amid allegations of involvement in drug deals, prompting Brian Sedgemore, the defending Labour candidate for Hackney South and Shorelditch, to raise the issue in the House of Commons. The murder of Vanda and Pamiel by her husband in the domestic violence unit at Stoke Newington police station, where she had sought a safe place to meet him, did nothing to bolster confidence in the force.

The area has long been dogged by allegations from certain sections of the community of police brutality, oppression, indifference to the welfare of prisoners, and racism. There are

hopes that the Court now leave those officers alone. The court heard 1989, Mrs Burke a George Edwards, v accident in the Bu was injured and it to report the incident. The plaintiff c police arrived, the Burke and then v husband, draggin only his longgin. However, the jur arguments that correctly towards a The decision

officers in the area Hackney Com Committee, a local group, details 143 up in the last th allegations have b attention in the last Graham Smith, secretary, alleges isolated cases. He in the area is "vict The committee's n Crime is a Crime, to the Royal Cor gating the crimin Two of the com have met the defen However, Sup deputy in charge at said he believed.

Woman, 73 wins £50,000 against Met

APPENDIX K
The Guardian
20/02/92

**I Myers
Duncan Campbell**

A WOMAN of 73 who was assaulted by police, falsely imprisoned and maliciously prosecuted was yesterday awarded a total of £50,000 damages.

Mrs Burke was pulled to the ground and held there by three police officers after she refused to give her disabled husband his insulin tablets when he was arrested following a minor traffic accident.

Mrs Burke, who suffers from arthritis, was taken to Hackney police station, searched and charged with assaulting a woman police officer.

Although the charges against her were dropped two days after the incident in early 1989, she decided to sue the police. The award, made up of £15,000 for false imprisonment, £20,000 for assault and £15,000 for malicious prosecution, is one of the highest against the Metropolitan Police. Ardenay Griffiths representing Mrs

Burke was charged with assault. Mr Burke was not charged.

Mr Griffiths told the court this was a clear case of assault, wrongful arrest, trespass and malicious prosecution.

The police claimed the events were completely different. They had had a report of an accident in which the driver had left the scene. They had been called to the Burkes' home and believed Mr Burke had been driving the crashed car. He was suspected of drink-driving and was asked to take a test.

He refused to take a test and was "gently" persuaded to go to the police station, police said. Mrs Burke assaulted PC Martin by smashing a jug over her, the court was told.

The case became a cause celebre in Hackney, where there has been antagonism between the police and parts of the black community for several years.

The Burkes are the grandparents of Trevor Monerville, who was arrested by Stoke Newington police in 1986 and only traced