

Change sweeps the law

Commission's key recommendations

APPEALS:
An independent authority to investigate alleged miscarriages of justice; new powers for Court of Appeal

TRIAL BY JURY:
Abolition of a defendant's right to insist on trial by jury

RIGHT TO SILENCE:
Right to remain silent retained, but defence required to disclose case, or risk adverse comment by prosecution

CONFESSIONS:
Uncorroborated confessions will still be admissible, but rules to be tightened

FORENSIC EVIDENCE:
National DNA bank of genetic profiles of criminals, and new forensic science supervisory body

STANDARDS:
Judges urged to penalise poor lawyers; independent supervision of police rejected

PLEA BARGAINING:
Limited introduction, reduced sentences for guilty pleas

ADAM SAGE and TERRY KIRBY

THEir over proposals to abolish defendants' right to a trial by jury yesterday overshadowed other recommendations from the Royal Commission on Criminal Justice designed to prevent more wrongful convictions. Lawyers welcomed the commission's widely anticipated call for a new body to investigate alleged miscarriages of justice but reacted with dismay to measures which they said were motivated by the desire more to save money than protect the interests of defendants.

The commission was established in March 1991 by Kenneth Baker, then Home Secretary, after the release of the Birmingham Six; other miscarriages have added to the importance of its work.

The 352 recommendations address virtually every aspect of the system.

According to Lord Runciman, the commission chairman, will "very significantly reduce the chances of miscarriages of justice by returning to the courts the balance of power which has been lost in the past."

The commission proposes retaining the right to silence but said defendants should be forced to disclose their case before trial.

Other recommendations include a new data base, a formalised system of plea bargaining and stricter sanctions against poor performances by barristers.

However, there was profound concern over the call to limit the Crown Court cases heard by juries.

Reformers were also disappointed that the commission backed away from a radical approach to three issues: the cure of recent miscarriages, the introduction of corroboration of confession evidence, rejection of independent supervision of the police and rec-

ommends only a supervisory council for forensic science.

Michael Howard, the Home Secretary, said the proposal to end the right to choose trial by jury was "very controversial", adding: "What I want to see is a system that will minimise miscarriages of justice. It is a miscarriage of justice if an innocent person is convicted but also a miscarriage of justice if a guilty person is acquitted."

Any measures the Home Office want to implement swiftly could be included in the criminal justice Bill planned for the autumn.

The police service, relieved that the commission did not advocate a system of independent supervision of investigations, last night welcomed much of the report and said the new body to investigate miscarriages would improve public confidence. The Bar Council was among the report's sternest critics, expressing disappointment at the rejection of its proposal for the Crown Prosecution Service to supervise police

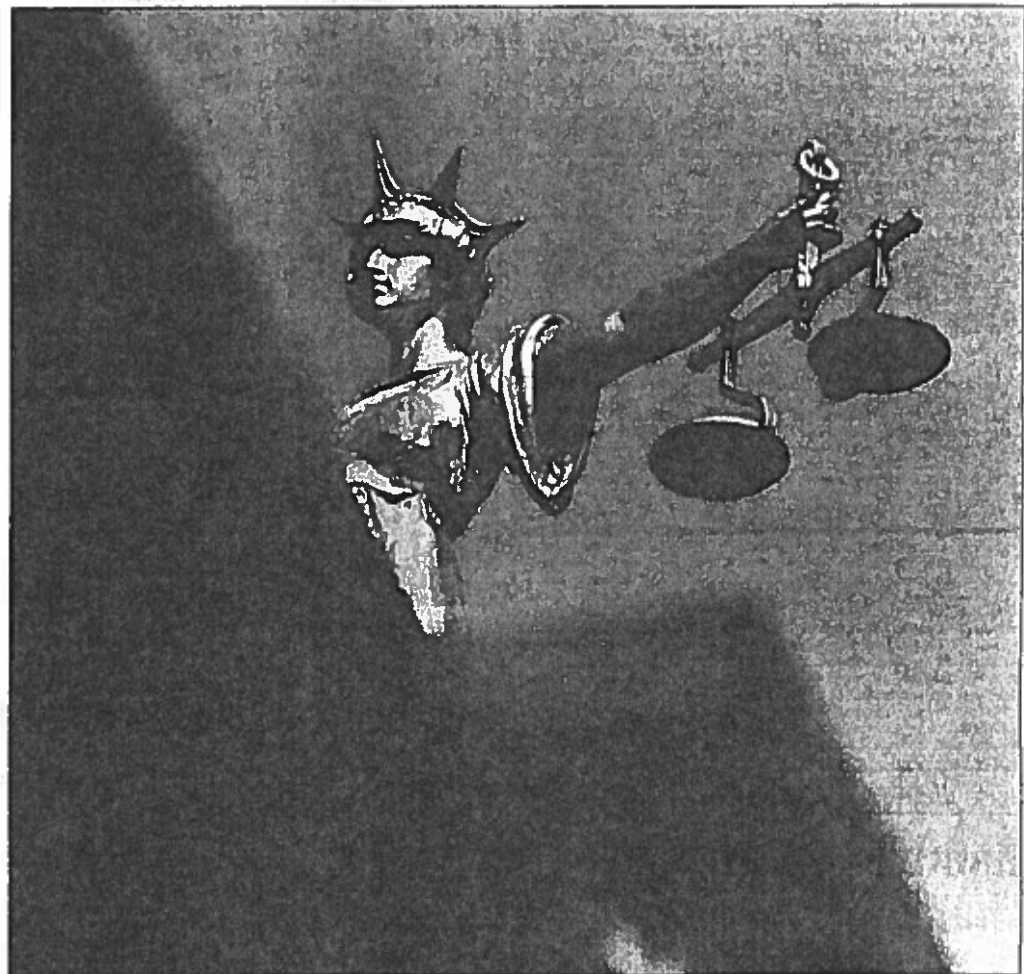
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investigations. The commission had failed to meet its "central objective" of preventing more wrongful convictions. Rosemary Thomson, deputy chairman of the Magistrates' Association, said: "It seems wrong to take away the right to elect trial in the Crown Court."

Michael Mansfield, the barrister who represented five of the Birmingham Six and Judith Ward, said the recommendations "failed to address the underlying problems of the last 10 to 15 years". Ms Ward described the report as a "missed chance".

Chris Mullin, the Labour MP for Sunderland South who campaigned for the release of the Birmingham Six, attacked the failure to outlaw uncorroborated confessions which, he said, lay "at the root of many big miscarriages of justice".

One of the few bodies to give the report an unreserved welcome was the Serious Fraud Office, whose requests for a wider scope to take on more cases and new measures to speed up fraud trials were supported.



Hard work ahead to fill in this framework

FROM ancient times an English man could claim trial by jury, when accused of theft. Indeed, jury trial was until recent times the only mode of trial for serious offences, and justices of the peace, when they were established, were given minor charges to try in addition to their administrative duties.

Now all that may change. You will, if the recommendations are accepted, lose your right to jury trial for serious offences such as theft and fraud, serious assaults, affray, violence to children, indecent assault and supplying drugs. If the magistrates so decide, they will try the case.

There is nothing wrong with trial by magistrates. The point is that serious accusations should have jury trial.

The recommendation I have mentioned is in the Royal Commission on Criminal Justice, which was established in a time when there was particular concern about miscarriages of justice. What this recommendation, abolishing jury trial, has to do with miscarriages of justice, I do not know. I can only think the reason is to save money. Cost is all very well, but when it impairs the public interest and justice, it should not be the standard.



VIEWPOINT

By John Rowe QC, chairman of the Bar Council

Certainly the report does make a recommendation to deal with miscarriages. The review body is prepared to consider allegations of miscarriage. The Court of Appeal will have wider powers to deal with verdicts which are unsatisfactory, and to allow fresh evidence, and those points deal with miscarriages after they have happened.

There are wider powers for trial judges to dismiss a case when the case is unsatisfactory, and the suspect's right of silence in the police station is

maintained. At long last an independent forensic science service is to be available to defendants.

I am glad to see the reference to the need for the jury panel to reflect the ethnic content of the community, but I do not think a judge should have the power recommended by the report to interfere with random selection and cause the jury to have particular ethnic members.

The report criticises the standards of some barristers and I face the fact that the Commission has seen some poor advocacy and that is less than justice. Judges are encouraged by the report to take action against these barristers. That is good. For many years now, there has been a complaints procedure against barristers and a complaint cannot be dismissed unless the lay members on the Committee agree.

Justice delayed is justice denied, said Magna Carta; and the Commission propose steps to define the issues in a case before it reaches trial and to ensure that there is good preparation on the side of both the prosecution and the defence. This will lead to a shorter time before the case comes on for trial and a shorter time of hearing. So, less delay of justice, and no denial

of it. But did the Commission really work out why the miscarriages had occurred? In these cases the fault lay started in the investigation of the case and in the disclosure stage when the prosecution tell the defence what they have by way of documents and material. The Bar suggested that the Crown Prosecution Service should supervise police investigation; this has not been taken up.

As to disclosure, the Commission seem to be saying that instead of full disclosure by the prosecution, it may make some initial disclosure, and then wait to see what the defence has before making its second round of disclosure. But what if the defence does not know of a particular case available to it which is to be found only in the prosecution documents?

This has happened in at least one well-known miscarriage case recently. The defence did not know of fact showing the defendant could not have done it; they were to be found in prosecution documents which were not disclosed.

The Royal Commission has worked hard. But a great deal more work is required by the legal profession, barristers and solicitors to get it right.

INDEPENDENT 6.7.93

Defence 'should have to reveal its case'

Defendants could be made to 'help' the prosecution, writes Adam Sage

DEFENDANTS will be under intense pressure to reveal their case in the run-up to their trial if the commission's recommendations are supported by the Government. The commission outlines detailed plans aimed at abolishing the so-called "ambush defence" whereby suspects only disclose their cases at the last moment. Failure to provide an early indication of the arguments likely to be used by a defendant should be brought to the attention of the jury, the commission says. This proposal will be warmly welcomed by the police and some barristers who believe the "ambush defence" is used to secure acquittals of many guilty people. The commission's report says: "If all the parties had in advance an indication of what the defence would be, this would not only encourage earlier and better preparation of cases but might well result in the prosecution being dropped in the light of the defence disclosure, an earlier resolution through a plea of guilty or the fixing of an earlier trial date."

However, inclusion of this recommendation split the commission, with one of its members, Professor Michael Zander, including a note of dissent. He said: "The fundamental issue at stake is that the burden of proof lies throughout on the prosecution."

"Defence disclosure is designed to be helpful to the prosecution and, more generally, to the system," Professor Zander says. "But it is not the job of the defendant to be helpful either to the prosecution or to the system."

The commission rejects calls for abolition of the right to remain silent. Jurors should not be told if a defendant refuses to answer police questions, it says.

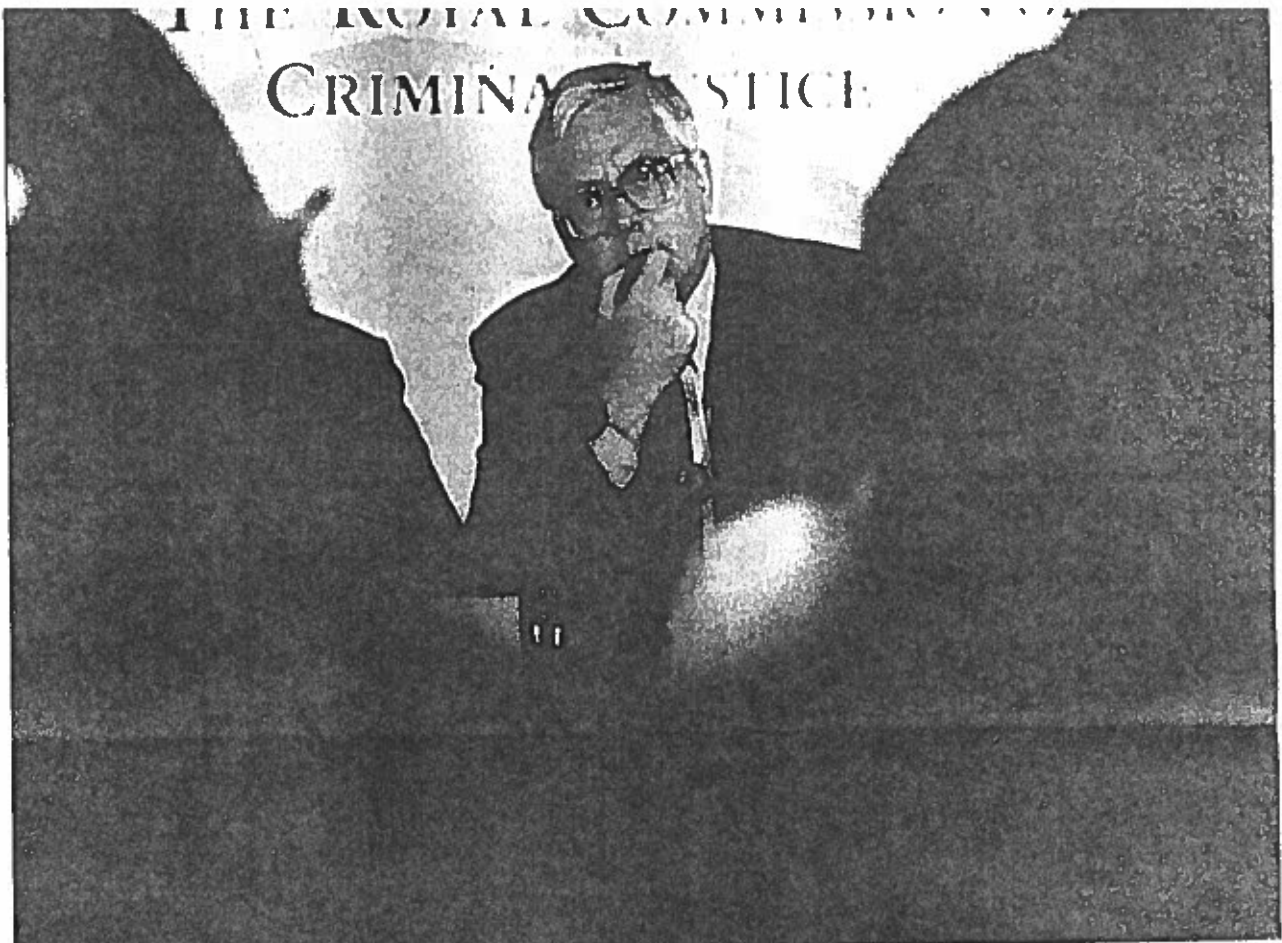
There are also measures designed to balance the requirement for defendants to disclose their case. For instance, prosecution lawyers should be forced to disclose all material relevant to the case, whether or not they intend to rely on it.

Legislation is needed to lay down detailed guidelines on disclosure, the commission says, pointing out that some material has to be withheld in the interests of national, or occasionally commercial, security.

There is a radical proposal for judges to be given the power to order that up to three members of the jury are from ethnic minorities in cases with a racial dimension. In exceptional cases, defence lawyers should be able to request that the three jurors are from the same ethnic background as the defendant, the commission says.

If legal reformers will be pleased by this proposal, they will be angered by other recommendations. For instance, the commission says rules on hearsay evidence should be relaxed.

The commission says that in some cases the Crown Prosecution Service should listen to victims' opinions before deciding whether to bring a case to court.



Viscount Runciman of Doxford, chairman of the Royal Commission on Criminal Justice, taking questions at the launch of its report in London yesterday

Photograph: Edward Sykes

Members divided on question of unsupported confessions

THE ISSUE of whether confessions to police should only be admitted as evidence if corroborated by other evidence is sidestepped by the commission because its members are split.

Many miscarriages of justice — including the Guildford Four case and also more recent scandals such as the West Midlands Serious Crime Squad affair — involved convictions based only on confessions of suspects. The failure of the commission to agree will disappoint many reformers.

It says that safeguards in the Police and Criminal Evidence Act (PACE) — introduced in 1986 following the earlier miscarriage of the 1977 Maxwell Confait case — are "comprehensive and, while not foolproof, are substantially sound". PACE provides for both contemporaneous note-taking and tape recording of interviews.

Although there were allegations of abuse of PACE during its early years, the system has been tightened by in-

Defence lawyers hoped for changes in the admissibility of evidence. Terry Kirby reports

ternal enforcement and Court of Appeal judgments. However, many defence lawyers still think corrupt police officers can circumvent the rules by intimidation or deals outside the interview room. The commission urges that video-recording of interviews should be introduced, but makes no recommendation that confessions should only be admissible if video or audio taped. "To do so, would mean that some reliable confessions might be lost."

The commission recommends that custody suites — the area outside interview rooms — should be continuously recorded.

The commission says PACE, together with its recommendation of the reversal of a Court of Appeal deci-

sion limiting judges' powers to stop a weak prosecution, should make it "less likely" that miscarriages will occur. In all cases, says the commission, the judge should warn jurors strongly about convictions on confession evidence alone.

Three members argued that a confession should not be the sole basis for a conviction. The majority view was that where a confession was "credible" and passed the tests in PACE, it should be allowed. Where it was not credible, the case should be dropped by the CPS or rejected by the judge.

The commission also recommended that in some circumstances, police could question suspects after they have been charged; some lawyers fear this could be abused.

Signature 'followed threats'

ROBERT BROWN, 36, has served 17 years for the murder of Annie Walsh, who was bludgeoned to death in her Manchester council home, writes Heather Mills.

Although he maintained his innocence at his trial, he was convicted largely as a result of his own confession to police. But Brown maintains he only signed a confession after long hours of police interrogation, threats and assault.

Lawyers and justice campaigners say the confession is full of inconsistencies — it did not match accounts given by two witnesses who

saw Miss Walsh shortly before her death; his account of eating biscuits with her did not match pathology reports showing she had had fruit and meat, and begs the question why he was supposed to have taken were still in her house.

Those who have investigated the case for the television documentary, *Scottish Reporters*, have also unearthed new evidence from a woman who now says she was mistaken when she said Brown had turned up at her flat in the early hours with blood on his clothing. His lawyers now hope to have the case reopened.

Merger plan would mean SFO gained in strength and size

THE Serious Fraud Office will be much enlarged and strengthened if the Government accepts the recommendations of the Royal Commission.

A week after the SFO came under fire in the comments for its handling of the Aisl Nadir case, the commission said the Government should mount an urgent study of merging it with the Fraud Investigation Group of the Crown Prosecution Service.

The effect would be to extend the SFO's much-feared power to override suspects' right to silence to a much larger number of cases.

The commission said there was "no justification in principle for the present division of responsibilities and powers. The same body should investigate all cases of serious and complex fraud and the same powers should be available to the investigators".

The commission's 17 recommendations on serious fraud included strong backing for the continuation of the SFO's special power as well as detailed proposals for how early disclosure of the defence case and plea bargaining would operate in fraud trials.

The commission accepted the SFO's suggestion that the courts should be allowed to bring City regulators into the plea bargaining process. In return for guilty pleas, defendants would agree to accept "severe regulatory penalties" instead of jail sentences. These could include fines and disqualification from office.

Peter Rodgers studies the proposals to join the two fraud investigation bodies

The commission said it was seriously concerned that the powers and resources for investigating serious and complex fraud were "not available to all those charged with a task", particularly when the number of offences and amounts involved were increasing.

The FIG currently handles 40 cases with a total of more than £380 at risk, compared with the 57 cases involving £6.25bn being investigated by the SFO.

It is believed that a merger would lead to many of the smaller FIGs being devolved to regional offices, the CPS, with the SFO taking more serious and complex jobs.

The FIG cannot use Section 2 of the Criminal Justice Act 1987, which allows the SFO to force defendants to give interviews and produce documents even after they have been charged, on pain of imprisonment.

The commission said it recommended an urgent study rather than immediate merger because of differences in working methods. The FIG mounts team investigations while the SFO mainly advises on investigation by the police.

View from City Road, page 24

National data bank of suspects' DNA profiles supported

A NATIONAL data bank of DNA profiles from all people arrested for serious offences should be established to assist in the investigation of crime, the Royal Commission recommends.

Half the data bank would consist of identifiable prints taken from those who are convicted, in the same way that fingerprints are currently retained, for future matching against samples from the scenes of crimes.

The second half would be an anonymous statistical base comprising all profiles, including those from people

Terry Kirby reports on recommendations allowing police to take hair and saliva samples

who are acquitted, to help scientists make estimates of the frequency of profiles in the population at large.

The commission says it is "proper and desirable" for police to take non-intimate samples, such as hair or saliva, from all those arrested for serious offences, whether or not it is relevant to the offence. The data bank should be governed by clear safeguards and overseen by an independent body.

The plans were welcomed last night by the police service, which has pressed for such a recommendation.

The report also proposes powers for police to take samples with consent from those arrested for less serious offences. But where a suspect refuses intimate or non-intimate samples, a jury should be allowed to draw an inference, as is the case in serious offences.

The commission has rejected a call

from the police to make refusal to supply a sample an offence in itself. But the proposal to recessify saliva as a non-intimate sample — as in Northern Ireland — will mean police can take such samples without consent from suspects. The proposals, together with a recommendation that the police have the "reasonable force" to remove drugs from the mouths of suspects, are likely to cause

concern among civil libertarians.

Plans to improve access to forensic science for the defence fall short of what many lawyers would like. Rather than a wholly independently appointed and maintained service, the commission says that the existing Forensic Science Service and the Metropolitan Police laboratory should continue with their policy of allowing access to defence lawyers.

The commission advocates a Forensic Science Advisory Council oversee standards and provision, including a code of ethics and duties disclosure — two areas where failure by scientists which have been identified in a number of miscarriages of justice, including the Maguire and the Stefan Kisiko case. The fence should also be given an enforceable right of access to material held in the prosecution. Reframers question whether these measures far enough.

ADDITIONAL BY G. J. 93 117

Reformers applaud proposal for body to review cases

New authority would examine possible miscarriages of justice. Terry Kirby and Heather Mills report

reformers, the emphasis would be on the new body to disclose everything relevant to the defendants.

Justices, the legal reform organisation, yesterday repeated its demands that an interim tribunal should be set up immediately to investigate the most worrying cases.

In a series of recommendations, the commission urges the Court of Appeal to be "more prepared" to quash convictions when there is no fresh evidence, but where the judges believe the jury's verdict may be unsafe — the so-called "lurking doubt" cases.

It also says the court should be prepared to accept fresh evidence more readily and recognise errors by trial lawyers as grounds for appeal.

In a note of dissent, Professor Michael Newbold, another commissioner, contends the conclusion that convictions can be upheld despite serious misconduct by the prosecution, if there is other evidence against the convicted person. Professor Zander writes: "The moral foundation of the criminal justice system is that if the prosecution has employed foul means, the defendant must go free."

The commission says the new authority comprising both lay members and lawyers appointed by the Lord Chancellor, would consider submissions, supervise investigations and refer cases to the court. Crucially, the report says, it should have "operational independence" and be "proactive" when investigating alleged miscarriages. "It will need no further justification than a conclusion on the part of its members that there is, or may be, something on investigation, to justify referring it to the Court of Appeal."

When applications are rejected, the report says, defendants should be given a full explanation, rather than, as is often currently the case, a relatively short note.

The proposals retain a central concept — that the police and the Crown Prosecution Service will still be charged with conducting the investigation of the case, despite suspicions that officers are unreliable or want to expose weaknesses in their own prosecutions.

At a press conference yesterday, Lord Hutton emphasised that it had been investigations by outside forces which had resulted in many recent miscarriages being overturned. He also said that, despite the retention of the police report by the new authority, a situation which concerns

judge and jury, he is only likely to entertain cases only where fresh evidence has come to light. There is no provision to look at cases where there may be a "lurking doubt" despite the fact that convicted people lack the resources to unearth new material.

Inconsistencies not investigated

LAWYERS and politicians who have studied the case of Paul Cleland, one of Britain's longest-serving prisoners, have few doubts that had there been an independent body to investigate the possibility of a miscarriage of justice, he would not still be in jail, writes Heather Mills.

He was jailed 21 years ago for the shotgun murder of Terry Clarke, a friend and business partner. There were anomalies and inconsistencies in the case: the killing was witnessed by Mrs Clarke who gave a description which bore no resemblance to Cleland; three experts have said that the ancient weapon

Successive Conservative Home Secretaries, including Douglas Hurd and Kenneth Clarke, have recognised the weaknesses of C3 and accepted the need for change. Largely because the Home Secretary does not want to be seen to be usurping the function of a judge and jury, he is only likely to entertain cases only where fresh evidence has come to light. There is no provision to look at cases where there may be a "lurking doubt" despite the fact that convicted people lack the resources to unearth new material.



Paul Cleland: anomalies in case

and Maguire cases were earlier rejected by the Home Secretary on the recommendation of C3's civil service.

Subsequent referrals have led to the court quashing convictions in the Tottenham Three and the Stefan Kizbaso case as well as appeals connected with the West Midlands Serious Crime Squad. Recently, the Home Office has been criticised for refusing to refer back the Carl Bridgewater murder case. In all cases, lawyers have complained about difficulties in persuading C3 of the validity of new evidence and have argued that officials are reluctant to allow the court to decide issues.

The proposed new body — the Criminal Cases Review Authority — was the most fundamental recommendation the commission could have made, although some might argue that it did not need a two-year inquiry to reach the conclusion that it was "either necessary or desirable" for the Home Secretary to continue in the role.

VIEW FROM CITY ROAD

A £10m fine, no criminal charges:

A swindler pleads guilty in front of a judge to a simple theft charge, in return for which half a dozen more serious counts of conspiracy are dropped. Instead of going to jail he pays a £10m fine to the Securities and Investments Board and is discharged from office for five years. The whole affair is cleared up in a year instead of waiting to grind through the criminal courts.

That is the prospect raised yesterday by the Royal Commission on Criminal Justice. As part of its plan for formal plea bargaining, the commission suggested regulatory penalties could be introduced to the courts.

The bargain could be struck in a number of ways: a criminal prosecution could be dropped in return for a regulatory penalty agreed in advance. Alternatively the defendant could plead guilty to a lesser charge in return for the regulatory penalties. The Serious Fraud Office and the SIB are currently discussing ways this could be done.

The commission suspects only a very small proportion of fraud cases would be suitable for regulatory penalties. But even if that is true the implications for City regulation are immense, because the commission says the regulatory penalties must be "sufficiently severe that it could not be alleged that so-called white collar crime was being more leniently handled than other offences".

That must mean fines and disqualifications that really hurt, not the

Gaps in the defence



Trevor Henry: jailed

TREVOR Henry is serving a 10-year sentence for conspiracy to commit serious bodily harm on a former girlfriend, who was seriously injured when two unidentified men threw acid in her face, writes Heather Mills.

Henry, 36, maintained his innocence; there was no evidence against him and police could only suggest in court that he had the motive and means to launch the attack.

Lawyers say the case was so thin that the judge at his 1992 trial should never have allowed it to go before the jury. But his defence team at the time did not apply to have the case withdrawn, nor effectively challenge prosecution claims of motive and means.

The jury was not told of his previous good character. Neither was it told that following a previous attack on the victim, she had called Henry and it was he who took her to hospital and he who persuaded her to report the incident to police.

Critics fear proposal would erode fundamental safeguards lying at heart of judicial system

Defence lawyers attack call to end right to choose trial by jury

If, indeed, they are guilty — as early as possible. The commission also wants defendants to be able to ask the trial judge what sort of sentence they would be likely to receive for an admission of guilt.

It is one of a series of proposals designed to improve a system which has been described by many lawyers as creaky, cumbersome and inefficient.

These also include: ■ A recommendation for pre-trial committal hearings to be abolished unless defendants claim that there is no case to answer.

■ Time-limits within which lawyers must discuss and prepare the case; ■ A requirement for judges to curb prolix barristers and prevent trials from running on too long.

Yesterday, Lord Hutton was adamant that his proposals for sentence discounts would not lead to Alton-cash-style plea bargaining where suspects are encouraged to admit their guilt in behind-closed-doors meetings with their attorneys.

But justice said that the innocent would nevertheless come under pressure to plead guilty as a result of the commission's plans. The proposal would "subtly undermine the presumption of innocence in the criminal justice system", justice said.

It added: "It can rapidly lead to a system which becomes accustomed to looking for guilt and penalises those who opt for jury trial."

ADAM SAGE, Legal Affairs Reporter

In its report, the commission says that most defendants who opt for a jury trial do so because they believe they have a better chance of being acquitted. Many suspects think that magistrates are "on the side of the police".

Yes, the commission goes on: "Magistrates' courts conduct over 93 per cent of criminal cases and should be trusted to try cases fairly."

Prosecution and defence teams would try to agree whether the case should be heard before a jury or a magistrates' court, the report says.

The commission recommends that if agreement could not be reached, the final say would lie with the bench.

The report goes on to lay down some of the criteria to be used by magistrates when assessing whether they should hear a case. These include the gravity of the offence, the complexity of the trial and, most controversially, the "likely effect on the defendant".

This last recommendation is certain to attract criticism from those who say that middle-class suspects with no previous convictions will be able to go

'It can rapidly lead to a system which... penalises those who opt for jury trial'

Rebuke over legal aid cuts

LORD MACKAY of Clashfern, the Lord Chancellor, is implicitly rebuked by the Royal Commission over his recent moves to cut the spiralling cost of legal aid, writes Adam Sage.

Measures to replace hourly rates for criminal work in magistrates' courts with a system of standard fees are highlighted as a matter of concern. The report echoes the arguments of the Law Society that lawyers could be under pressure to cut corners. There was a risk that standard fees "may be a disincentive to solicitors to do the amount of work on a case that it requires," it says.

It also questions recent moves to limit eligibility for legal aid, saying: "We would... be very seriously concerned if the Government's proposals were to have the effect of increasing the number of defendants who have no legal representation in court."

The cutbacks were announced by Lord Mackay last November in an attempt to curb a legal-aid budget that was set to double to more than £2bn by the mid-Nineties.

Solicitors are likely to point out that if the commission's call for a reduction in the number of Crown Court hearings is supported by the Government, this would serve to save substantial sums of the money.

Tighter control on training urged

A WIDE-RANGING package of measures aimed at improving the standards of police officers, lawyers and judges was proposed by the commission.

It urges tighter supervision of the police during investigations, but has rejected calls for an enhanced role for the Crown Prosecution Service or a system of investigating magistrates.

Research conducted on its behalf demonstrates that greater supervision of detectives conducting investigations is needed, the commission says. It recommends improved training in supervision at all levels, "with particular emphasis on the mistakes most commonly made during investigations and how they can be avoided".

It also recommended a new system of national training in interviewing skills - a suggestion welcomed last night by the police service, which has implemented such a package.

The commission goes on to urge improved systems for selection of CID officers and for the management and supervision of specialist squads, saying it was "seriously concerned" at the faults revealed in the West Midlands Serious Crime Squad.

The report makes recommendations for improving the police disciplinary system, including making those acquitted of criminal charges face disciplinary proceedings, lowering the standard of proof in such hearings and

Terry Kirby and Adam Sage report on proposals aimed at raising standards

establishing the right of officers dismissed to sue for wrongful dismissal. It also proposes a "helpline" scheme under which officers or civilians can report concerns about malpractice.

The commission outlines measures aimed at improving the service provided by defence lawyers. Foremost among these is a call for judges to do more to ensure that lawyers who perform badly are penalised. The judiciary should be more willing to refer examples of incompetent work to disciplinary hearings, and more prepared to fine barristers who waste the court's time and money.

The commission says that a new code of practice is needed to offer guidelines to all advocates, and training for both branches of the profession should be extended and improved.

Additional funds should also be found to provide more training for judges, the report says, stressing the need for refresher courses. It goes on to criticise the failure to monitor the performance of judiciary: "[We] find it surprising that full-time judges seldom if ever observe trials conducted by their colleagues."

INDEPENDENT

6.7.93

Police pay out £87,500 damages

A FORMER Stoke Newington drugs squad officer is one of six policemen who cost the Metropolitan Police £87,500 in damages after three men claimed they had been assaulted during the 1987 Wapping print dispute.

Pc Terence Chitty, who is being investigated by Scotland Yard's anti-corruption probe, Operation Jackpot, transferred to Stoke Newington in October, 1990.

Pc Chitty and five other officers were suspended and charged with conspiracy to pervert the course of justice in May, 1989, but the case was dismissed.

However, the three men recently accepted a total of £87,500 damages and an unreserved apology from Metropolitan Police Commissioner Paul Condon.

● A picket of Stoke Newington police station by the Hackney Community Defence Association will be held on Monday between 9.30am and 11am.

The HCDA, based at the Colin Roach Centre, in Bradbury Street, Dalston, are calling for the publication of the results of Operation Jackpot and a judicial inquiry into policing in Hackney.

They will also meet members of civil rights group Liberty, who will be publicising their response to the Royal Commission on Criminal Justice's report on reform of the criminal justice system, which was published on Tuesday.

Drug addict bailed to continue break-ins

TOUGHER sentences have been demanded by Hackney's police watchdog group after they were told how a 17-year-old crack addict carried out a mini-crimewave on his own after repeatedly being freed on bail by magistrates.

Members of the borough's Police Community Consultative Group sat and listened in disbelief as Stoke Newington's top cop, Chief Supt Niall Mulvihill, described in detail how time and again the youth was arrested for burglary - only to be freed to go out and commit more crimes, even breaking into the same houses he had burgled before!

He was arrested by Stoke Newington police last month after committing more than 100 burglaries on a neighbouring division while out on bail.

He had already appeared before magistrates 10 times on burglary charges and was wanted for burglary offences on Stoke Newington's ground after failing to surrender to police bail earlier in the year.

When interviewed by detectives, he said he would admit to more than 50 residential burglaries if bail was considered, but it was declined.

His solicitor told detec-

tives he knew his client had committed numerous outstanding burglaries, but had advised him not to admit to any and to consider having them dealt with by a post-prison visit if he was jailed.

When he appeared before magistrates, he was released on bail to a probation hostel, despite police objections.

Chief Supt Mulvihill said it was hard for police to convince the public that cracking down on burglary was a top priority when such individuals were released on bail to burgle the same homes sometimes two or three times.

The police consultative group agreed to write to the powers that be demanding tougher custodial sentences from judges and magistrates.

"Bringing little things like this before the courts is no longer a deterrent because of the leniency of the sentences," said the chairperson, Betty Blomfield.

Turks demand move after 'racist' attack

A TURKISH family on the Kingsmead Estate are claiming they are the victims of racist violence after a gang attacked them in their home last week.

Anti-racist campaigners have compared the incident to Nazi attacks on Turkish families in Berlin and Solingen in Germany.

The family told police a gang of 20 white males aged between 16 and 20 forced their way into their home and attacked them at 9.15pm on Tuesday last week.

The mother, Guzide Binboga, had stitches. Her husband, Ali, 14-year-old son Cihen and daughters,

Eyalem, 16, and Meml, 18, received treatment for bruising at Homerton Hospital.

The family claim it was a racist attack and are demanding to be rehoused because they are too frightened to return home.

Hackney Council immediately put the Binboga family in temporary bed-and-breakfast accommodation.

Officers from Hackney police station in Lower Clapton Road investigated the attack and are not treating the incident as racially motivated.

Police say about 10 youths,

black and white, aged between 12 and 14, were responsible for the assault. No arrests have yet been made.

The Union of Turkish Workers, based in Balls Pond Road, Dalston, condemned the attack.

Ayse Hasan, from the UTW, said: "This racist assault on a family in their home is frighteningly similar to the attacks taking place daily in Germany."

"We call on anti-racists to support the family in protesting at the attack and to fight to ensure these racist thugs do not go free to terrorise others."

ROYAL CRIME COMMISSION FOLLY

by Mike Massie

THIS week's report by the Royal Commission on Criminal Justice has been described as "an insult" to victims of police criminality by community groups.

The Royal Commission was set up to examine and recommend proposals to reform the criminal justice system to prevent some of the almost routine savage miscarriages of justice that have made Britain the laughing stock of the world. It was also a reaction to the widespread plea that the British machinery of 'justice' is now securely founded on the principle, "that rather than convict a single guilty person, a hundred innocents should be put behind bars."

The indecently large number of innocents wrongly convicted is indicative of a deep rooted sickness in the so-called British "machinery of justice". Millions of pounds have been paid a merry of the victims. This is only the tip of the iceberg as more and more people still behind bars provide convincing evidence of wrongful conviction. A mixture of sheer spite and sheer incompetence both at the lowly police level

and the higher ranks of what passes for the judiciary in this country is largely responsible for this disgraceful travesty of justice.

Britain's miserable record in this regard explodes the myth that Britain's police and judges are the finest in the world. Even some totalitarian states, infamous for their stitching up of the innocent appear positively inferior in this regard, demonstrating that when you hand over a country to the dictatorship of a tyrannical and smugly inefficient and class ridden judiciary and a lazy, overpaid, over-petted incompetent, racist and dictatorial police, you are asking, as the Indian Chiefs of old would say, for a "heap of totalitarian trouble."

Britain's striking resemblance to Chile under Pinochet and Portugal under Salazar, is also the result of a closed, secretive prosecution service determined to secure a guilty verdict at all costs, even to the extent of withholding crucial documents from the defence, "touching up" forensic evidence with the help of some discredited "scientific experts" as in the case of

the Guildford Four, and some lawyers using methods more worthy of burglars and other low criminals than supposedly upright men of the Bar. In addition to the Guildford Four, there are enough names of wrongfully convicted people to fill a decent sized paper-back. Some of the most prominent are the Tottenham Three, Birmingham Six, Cardiff Three, the Taylor Sisters, and scores of certain citizens from Brixton and Notting Hill.

The Royal Commission has been accused of failing to address the major causes of unjust convictions and police crimes, especially perjury, assault, planting evidence and other techniques to frame and criminalise the innocent.

The two year 'investigative' report by the Royal Commission - at a cost of £2m to the taxpayer - merely recommends a series of 352 measures aimed at 'tightening' the existing system.

Although measures, such as the recommendation that the Home Office establish an independent tribunal to investigate future

Continued on page 18

A spokesperson for the Hackney Community Defence Association (HCDA) said that the group had participated in yesterday's (Monday July 12) picket of Stoke Newington police station, organised by Liberty, against the Commission's high-handed and undemocratic proposal for increased powers for magistrates, to now decide whether a defendant should be afforded the right to trial by a jury of their peers.

The HCDA spokesperson drew attention to the "cosy relationship between magistrates and the police".

"Many victims of police crime appear before magistrates charged with offences against the police," said the spokesperson. "Time and again these people are unjustly convicted by magistrates, some are lucky enough to win their case on appeal." "Magistrates Courts were originally called Police Courts, this is still an appropriate title as magistrates enjoy a far too cosy relationship with the police to ever be considered impartial," added the HCDA spokesperson.

The HCDA presented two participating members of the Royal Commission with copies of its own report, *A Crime Is A Crime Is A Crime: A short report on policing in Hackney*, at a meeting between representatives of both organisations in November 1991.

The National Black Caucus also presented a report to the Royal Commission. It welcomes such proposals as the empowerment of judges, in exceptional cases, to select juries including up to three persons of visible minority background. However, the Caucus would like to see more than three representatives of the visible minorities in cases where a preponderance of whites would be viewed as "justice not being seen to be done."

"The proportional ethnic make-up of the jury should be the same as the ethnic make-up of the area the defendant comes from," said Lee Jasper, of the NBC.

The NBC, generally unhappy with what it regards as an "apologia" from the Royal Commission, urges vigilance against the abuse of civil liberties.

Barrister Rudy Narayan, called the report "a book with an impressive cover but little content".

"There is absolutely nothing in this report to suggest any failsafe against other Kullasinghams, Cardiff Threes, Tottenham Threes, Birmingham Sixes, Taylor sisters or any of the other disgraceful miscarriages of justice taking place again," he said.

It is believed that Home Secretary Michael Howard, himself a QC, will resist moves to abolish a defendant's automatic right to trial by jury. Mr Howard has publicly stated that he might not be prepared to accept all recommendations of the eleven man Royal Commission. Howard normally far to the right of Mrs. Thatcher has happily, not allowed ideology, to over-ride his own convictions about the jury system being a vital part of the democratic tradition. This government has always been frightened of the people as is evident from its abolition of the GLC and its continuing attempts to destroy whatever is left of local government power.

It has often been shown that juries are far more sensible and responsible than authoritarian judges. They are certainly less willing to treat police evidence, often concocted, as reliable. And they are only too well aware that judges live in ivory towers. They are not only a highly privileged, over-paid and over-pampered caste, now about to get their come-uppance as a result of some vitally needed reforms, but they are generally indolent and lazy, nodding off in the midst of some cases. It is to the credit of juries that despite erratic and highly prejudicial summings-up, juries have returned not guilty verdicts in the case of people they are convinced are innocent or have been framed by the police.

It is unfortunate that the Royal Commission should spend so much of its time concentrating on securing convictions. While it is important to find the guilty guilty, it is also supremely important that the innocent are not convicted. Happily, the tide is turning against the British police and judicial establishment. Press and public opinion outraged by the excesses of the police and the justice are demanding better value for money, now that justice itself is being evaluated in free-market terms. We should keep up the pressure so that future Royal Commissions at long last give the people what they want - a thoroughly professional, incorruptible and efficient machinery of justice freed of the totalitarianism that has plagued us for so long.

Royal Crime Commission

continued from front

alleged miscarriages of justice, has been praised by government-sponsored groups - including the Commission for Racial Equality and the police-led Police Complaints Authority - the proposal for the abolition of a defendant's automatic right to trial by jury and the limitation of the right to maintain silence in police custody has been condemned by independent community groups and some experts like the radical former barrister, John Mortimer.

The Royal Commission has also failed to demand supporting evidence for confessions, as uncorroborated confessional evidence has been at the centre of some of the most widely publicised miscarriage of justice cases, such as the Birmingham Six. Additionally, the proposal to establish a national 'DNA bank', containing information on all felons with serious convictions - thereby allowing police to obtain DNA profiling of suspects from saliva, blood or semen samples - has been identified as a direct infringement of the civil liberties of suspects and prisoners.

CARIBBEAN

TIMES

13.7.93

The sheer weight of news from the police is changing the nature of crime stories, reports
KEITH BLOGG



Simon Edwards

THERE is a rule at Newsroom Southeast, the BBC's regional news programme: that only one report on crime be carried in any bulletin. It is an instruction which regularly leads to fury on the shop floor as news of a dramatic robbery or murder is dropped in favour of what one senior operative describes as "a lot of fillers".

This is a new problem, and one which is facing news operations everywhere: there is a deluge of news from the police. Once, it was the public service that seemed to care least about its public image. Has the Force now become a self-conscious chatterbox?

The crime figures are soaring, and more crime means more stories. But equally, this is a symptom of an open-door policy by Scotland Yard's chiefs. The attempts at glasnost by an organisation which now feels in need of love and understanding are refashioning the way crime and detection are presented to the public.

Only a few years ago, life for the newshounds on the crime beat was very different. It was a world of secret contacts, whispered conversations in a corner of the saloon bar, muttered tips on a private line and, dare one say it, the occasional sweetener.

Assignment to the Press

Bureau, the official voice of the Yard, was to Fleet Street what the salt mines were to dissident Russians. You waited for a trickle of information, sure in the knowledge that if something big happened you would probably be the last to know.

Today, the teleprinter in the modern Metropolitan Police Press Bureau seldom pauses as it churns out reports from all over London. There is a 24-hour rota of press officers. One veteran Yard man estimates that the workload has trebled in just a few years.

It all means that any competent journalist is now able to cover the murders, burglaries or gun raids which were once the exclusive province of the Crime Man. In one edition of the Standard, chosen at random, five crime stories were written by general reporters.

The old-style crime specialist correspondent with his black contacts book is finding himself, if not redundant, at least less centre stage. One told me: "The days when you could amaze the news desk by producing an exclusive tale from an informant have virtually vanished. News travels too quickly for that." ITN, once a

POLICE AND THE NEWS

leader in reporting the police on telly, no longer has a crime man, and many newspapers are cutting down their specialist teams from three to two or even one.

Trusted journalists receive unofficial invitations to prestigious raids through an informal rota of guests, officially non-existent, which ensures everyone gets a look in. There are off-the-record briefings, guidance, steers, and all the other shots in the "it didn't come from here, but..." PR armoury.

WHAT we have seen as a result is galloping inflation in crime news. Tales of villainy which would once have made headlines are dismissed in a paragraph or two. Only "good" murders — gang wars, blighted love or a middle-class mystery killing — still hold their value. When I news-edited the Thames News programmes, we would not even consider filming a raid unless £1 million worth of goods was involved. We were

by no means alone.

Even attacks on grannies, once guaranteed a front-page picture in the tabloids under the heading "Find the Animal Who Did This" are now liable to end up across two columns on an inside page.

Burglary, statistically the most feared and among the most frequent crimes in London, posed the Yard a new conundrum. They had to act to reassure a worried public — but a burglary is not sexy in newspaper terms. Solution: add a dimension of violence and melodrama — and invite the media along.

Thus was born Operation Bumblebee, at once a genuine attempt to crack down on burglary but also a new style of operation designed to win the hearts and minds of Londoners through TV and newspapers. Shots of doors bursting open, astonished thieves and their families bleary-eyed in their nightclothes, a hubbub of police activity all went to prove that Something Was Being Done.

Says one former Yard PR man: "You can trace the roots

of the change back as far as Sir Robert Mark's days as Commissioner in the Seventies. He was hated by many of his top men for the way he tackled the fortress mentality which then prevailed in the Met and tried to clean up corruption and other dubious practices. The idea that the police should be accountable to the public was a concept you did not mention."

Other Commissioners took up the running. One insisted on being given his own dressing room and being greeted by a top executive at the studio door before he would discuss his annual report on television. His chair was built up to make him the same height as the presenter interviewing him. But at least he did it.

IT WAS only with the last Commissioner, Sir Peter Imbert, that all doors were flung wide open. Sir Peter took to meeting the Press himself once a month, putting himself in the firing line and being prepared to handle the most difficult questions.

"The Met," as one senior Yard man puts it, "has realised that without the media it is out of touch with the public it serves."

So has glasnost reached its high-water mark? When Thames TV was planning the abortive Channel 5, I took a tape of its Canadian prototype news programme to Scotland Yard. It showed how North America is still streets ahead of Britain in open policing — and sensationalist reporting. As bodies were carried from the sites of disasters, the cameras were there at the same time as the police. Life on the streets became life on a giant TV set. Television did not merely cover the news, it virtually became part of it. And it left the Yard men gasping.

Is this what we want in Britain? If so, we need to change the law, which at present bans the use of information gleaned from police radio. And it will require an even greater shift in the policeman's traditional view of the media. Most of all, it requires us all to decide how valuable is the right of individual privacy in times of crisis. After all, the injured, the bereaved — the victims — can't always answer back.

The hunting of the nark

by Gervase Webb

ALL change at the Yard? If only... but the reality is, as always, not quite so clear cut. The political will for greater openness at Scotland Yard has been there for a long time, but the bottleneck remains the official voice of the Met, the Press Bureau on the ground floor.

Whatever the intention at the top, most reporters will say that they consistently find the bureau's unhelpful, inefficient and downright rude, and that many stories are garnered in spite of rather than because of the civil staff at Scotland Yard.

To be fair, their job has become harder. One incident will generate literally hundreds of calls from Fleet Street, the BBC, ITN and the major agencies down to the dozens of local papers, radio stations and struggling freelances, all desperate for information.

Quite simply, the equipment and the personnel on the ground floor at Scotland Yard are not geared up to cope with that sort of deluge.

Their "rules of engagement"

stipulate that there must be no speculation and nothing can be released unless it is checked back with the officer on the case. As a result, quite often the Press Bureau knows less about what has happened than the journalist making the enquiry.

But there is little doubt that reactive reporting has become easier. Something happens and the information about it is more readily available because ordinary coppers of middle to upper rank no longer think of the Press as the enemy.

One of the positive spin-offs from their jargon-battered management training has been greater awareness of media image of the police, coupled with the knowledge that a good, emotive appeal about a crime can and does stir witnesses to ring in with information.

However, news is something that someone, somewhere doesn't want

published, and there is still no "glasnost" when it comes to anything critical of the Met's tactics, strategy or policies.

What little information there is on that still comes from old-fashioned "narks" who are still sometimes prepared to put their jobs on the line.

That takes large doses of a basic commodity that no amount of media training can provide: trust. And that is where the traditional crime reporters still have the upper hand. For good or ill, much of their working life is spent with police officers, downing large amounts of drink perhaps, but also building up trust and confidence.

Sure enough, when the next enormity occurs, the first story can be and often is written by any general news reporter on the scene. But in the days and weeks that follow, most of the follow-ups will be broken in the old-fashioned way by an old-fashioned species — us, the crime reporters.

Gervase Webb is the Evening Standard's crime reporter.

EVENING STANDARD 14.7.93

Vigilante's stabbing prompts self-defence study

Last night it was confirmed that the Crown Prosecution Service had considered bringing a lesser charge of possessing an offensive weapon against Mr Elliott, but abandoned the idea once the defendant pressed his head with his "self-defence" knife, which would legally cover carrying a knife.

The jury had been told that Mr Osborne picked up a hammer when he left his home in Streatham, in December to confront Mr Elliott and demand an explanation for this tyre slashing.

Mr Elliott had been using the same car when he was killed by a lorry on March 19, 1988. Mr

...member of the Commons
home affairs committee, last
night joined other MPs in call-
ing for last week's Royal Com-
mission on Criminal Justice
recommendations to be imple-
mented speedily: "It seems to
me this was a case where the
previous convictions of the de-
fendant, who had admitted the
basic facts, should have been
made available to the jury."

JOSEPH Elliott might have been convicted of manslaughter if the Government had entered a recommendation for a life sentence, as urged by the Criminal Law Revision Committee in 1980.

The committee of judges, academics and lawyers suggested that a defendant charged with murder who used excessive force in self-defence should be liable to be convicted of manslaughter instead.

The recommendation was reproduced in the draft criminal code produced by the Law Commission, the official law reform body, in 1988.

At present, there is no half-way house in English law. A defendant who successfully pleads self-defence, as Mr Bland did, is not guilty of any crime. If he falls in his plea, he is guilty of murder.

An accused can only plead self-defence if the law of

"The only lawful justification for this killing that arises is the question of self-defence. A killing in lawful self-defence is not an offence at all," Mr Justice Kay said in his summing-up.

He told the Old Bailey jury that self-defence was lawful "where it is necessary to use force to resist or defend yourself against an attack or threatened attack, and when the amount of force used is no more than is necessary and reasonable."

"The Australians abolished it because it was thought to be too complex to explain to juries... but it's really quite simple."

Nicholas Purnell, QC, a former chairman of the Criminal Bar Association, said: "I think there is scope for looking at the relationship between excessive self-defence and the law of homicide generally. In this country there's no such thing as excessive self-defence—it's either murder or not entirely."

John Fraser, shadow solicitor-general, said: "It would be helpful to try to redress what is self-defence because the barometer seems to swing wildly from one extreme to the other." But Mr Fraser rejected calls for a prosecution right to appeal against a verdict and for judges to be able to take defendants' previous convictions "That may be a relevant

Police and prison jobs 'lost to Group 4'

Prison reformers fear a further 1,700 police and prison officer posts will disappear as the rest of the prison escort service is contracted out.

The trust says Group 4's record — nine prisoners have escaped — had proved badly flawed in practice and was

"To suggest that a new service costings tens of millions of pounds should be set up without looking to the police or prison service to shed any posts is unrealistic."

Widespread Racism

RACIAL attacks in Britain could be running at between 100,000 and 150,000 a year, said Peter Lloyd, Minister of State at the Home Office, told the Commons home affairs select committee yesterday.

Mr Lloyd said the British Crime Survey which compiled the figure had suggested the "true figure" could be 300,000, but the minister added

2007-08-01 10:00:00 AM

BUZZ OFF!

RED-EYED residents have a message for the police helicopter pilots whose late-night, low-flying sorties have given them six weeks of sleepless nights — **BUZZ OFF!**

Noisy chopper cops cruise over homes in Clapton, Homerton and Hackney South every night, keeping youngsters awake, sending frightened pets scurrying for shelter and ruining television reception.

"My wife and I could set our watches

by **JULIE COULSON**

by it. It comes over between half past ten and 11 o'clock every night without fail," said builder Brian Jefferies whose house in Glenarm Road, Lower Clapton, is on the helicopter's regular flight path.

"I have to get up early for work so we normally go to bed after *News at Ten*. We haven't bothered for the last few weeks. There's not much point with the next door neighbour's dog barking at the sky and a bloody great machine outside your bedroom window.

"We wouldn't mind if we thought they were out there solving crime, but they can't tell us there's a ser-

ious crime in the same place at the same time every night. That's rubbish."

Some locals are worried that they are being subjected to something more sinister than noise pollution.

"Am I being watched and why? That's what I'd like to know," said student nurse Hermione Marshman who lives in Powerscroft Road, Lower Clapton, a few hundred yards from Hackney police station.

"I wonder just how much they can see when they come that low. I've stopped getting ready for bed with my curtains open."

The three Met helicopters, which fly into east London from their base at Chig-

— that's the message from red-eyed residents kept awake by low-flying police helicopter

well in Essex, are equipped with searchlights as powerful as a million candles. But police are keen to dismiss fears that residents are being buzzed by Big Brother.

"These are routine patrols, that's all," said Sgt Dave Grant of Hackney police.

"We are aware of the noise problem, but there is a lot of night-time crime in these areas. The helicopters do an important job helping officers on the ground who are chasing suspects or carrying out surveillance."

Sgt Grant said the helicopters don't usually fly lower than 1,000 feet. They occasionally drop to between 700-800 feet and have permission to land in the street if necessary.

Protest over proposed change in law

A PICKET of Stoke Newington police station was staged on Monday to protest at the proposed changes to the criminal justice system.

Hackney Community Defence Association, based at the Colin Roach Centre in Bradbury Street, Dalston, say recommendations contained in a report by the Royal Commission on Criminal Justice could lead to miscarriages of justice.

The report proposes an end to a ruling that the prosecution must tell defence lawyers if allegations have been made against a police officer in any previous case.

Several cases involving former Stoke Newington police officers have resulted in acquittals because of this ruling.

A spokesperson for HCDA said: "The victims of police crime will have less chance of clearing their names if these recommendations become law."

Stoke Newington's top cop, Chief Supt Niall Mulvihill, said: "The demonstration passed off uneventfully. Those who wished to protest did so."



● Pc Alan Maddox.

Pc's youth work comes highly commended

A CARING copper, who has spent the last 10 years of his 28-year stint in Hackney promoting youth and community projects, has been rewarded for his dedication.

Pc Alan Maddox, who is stationed at Stoke Newington, was presented with a Deputy Assistant Commissioner's commendation at an awards ceremony at the Met Police's sports and social club in Chigwell.

Forty-seven-year-old Pc Maddox has set up schools liaison schemes, an education/police advisory group and a force-wide work experience project for youngsters.

"They did not happen by acci-

dent or coincidence, but by the sheer hard work of one man to achieve his vision," said a Scotland Yard spokesperson.

"He identified the need for a strategic response to a variety of difficult situations, replacing the barriers which existed between the education authorities in Hackney and the police service."

DAC commendations are awarded for action that is over and above the call of duty.

Support for councillor's mobile police plans

HACKNEY councillor Phil McCullough has won police backing for his plan to put mobile police units in the borough's street crime blackspots.

Inspector David Christie, from Stoke Newington police station, and Inspector Richard Getting, from City Road, agreed to put the suggestion to Metropolitan Police Commissioner Paul Condon after it won unanimous support at a recent Hackney crime prevention conference.

Cllr McCullough says the £50,000-plus it would cost to kit out and deploy "a couple of old buses" would be a small price to pay for safety and peace of mind on crime-ridden council estates.

HACKNEY GAZETTE

16.7.93

Police chiefs reject key proposals from Sheehy

Randeep Ramesh

POLICE chiefs have backed junior colleagues by rejecting the key recommendations of the Sheehy inquiry into pay and conditions.

John Burrow, president of the Association of Chief Police Officers, said yesterday that several proposals would damage the ethos of the service and morale of individual officers.

These include fixed-term contracts, performance-related pay, the scrapping of three ranks, and changes to pension and retirement rights.

"Acpo will be seeking immediate discussions of its concerns with the Home Office," said Mr Burrow. The Home Secretary, Michael Howard, is be-

lieved to favour a system linking pay to performance.

The criticism comes as the Police Federation, representing junior ranks, plans a 12,000-strong protest rally at Wembley, north London, on Tuesday. Its campaign is backed by the former Labour prime minister, Lord Callaghan.

But Acpo's response to the month-old report falls short of the federation's call for a royal commission. The association says it accepts the principle of fixed-term contracts for chief police officers and superintending ranks but rejects it for constables, sergeants, and inspectors.

Sheehy recommended that new recruits should start on 10-year contracts, renewable every five years. This was aimed at motivating the best

officers while weeding out the time-servers.

Acpo would prefer to see recently-introduced procedures to deal with incompetence work well and arrangements enabling an officer to leave the force voluntarily with "suitable financial provision".

It rejects compulsory severance as a means of adjusting the age and skills profile of a force.

Sheehy recommended raising the retirement age from 55 to 60 and changing pension provisions.

Acpo says officers should receive their pensions at an earlier age because the job is demanding and dangerous. "We doubt the stresses and strains of operational policing can be effectively carried out by officers approaching their sixties."

It is not convinced that the Sheehy recruitment package will attract people of the right calibre. It rejects the concept of performance-related pay and describes the proposals for overtime as "unmanageable and unfair".

GUARDIAN

19.7.93

Police rally scorns shake-up

Alan Travis
Home Affairs Editor

THE biggest protest rally in police service history last night launched a campaign to persuade the Home Secretary, Michael Howard, to reject the "insulting" Sheehy report on their pay and conditions.

On the day the police accepted a 1.5 per cent pay rise more than 20,000 off-duty officers from Britain's 52 forces packed into Wembley arena and overflowed halls to demonstrate their rejection of Sir Patrick Sheehy's recommendations to run police forces along business lines. The number at Wembley represents more than half the off-duty police officers in Britain yesterday.

Alan Eastwood, chairman of the Police Federation, last night told the Home Secretary: "We are not banging on about pay and conditions. We think we are fighting to save the service we love. We think that Sheehy insults and humiliates policemen and demotes the police officer in society."

"We say to Mr Howard: Turn back from Sheehy, put performance related pay and contracts out of the window. Talk with us."

The rally was organised by the Police Federation and the Police Superintendents' Association 10 days ago. It heard messages of support from more than 25 chief constables and speeches from the shadow home secretary, Tony Blair, and the Liberal Democrats' home affairs spokesman, Robert MacLennan.

Mr Howard, who did not take up an invitation to attend the rally, instead insisted in radio interviews that he was ready to consult before he made any formal response to Sir Patrick's proposals.

"At the end of the day I hope I will be able to take the police with me on a sensible agenda for change," he said.

The Police Federation insisted that it was not staging a

confrontation with the Government. "We will rely on the support of the public and MPs," said Mr Eastwood.

"We do not have the right to strike and we will put across our case by persuasion. The fact that we are holding this meeting is an indication to the public that all is not well in the police service."

He told the rally that the former Home Secretary, Kenneth Clarke, had made a "monumental blunder" in deciding the police were "fair game" for a shake-up. It had thrust the police service to the edge of the cliff.

Richard Wells, chief constable of South Yorkshire, said the Sheehy report presented "a shallow view of police work" which was likely to worsen recruitment, manpower wastage and bureaucracy.

Mr Wells, one of only a handful of officers wearing uniform, said: "This is my 21st year in the police service. I now feel that my chosen profession is in danger of being wronged."

Mr Blair said he would not criticise the Government for taking time to respond to the report's 272 recommendations.

But he added: "The test of police reform for the public is whether it helps to cut crime not whether it allows the Treasury to cut corners or satisfies some mistaken dogma."

Mr MacLennan said the report was malevolent, with its main purpose to cut costs rather than improve policing.

"We have not yet had to live in this country with the effects of a demoralised and divided police force," he said. "It must not happen."

Michael Sheehy, Conservative MP for Uxbridge and the Police Federation's spokesman in the Commons, said yesterday he already had the backing of 18 Tory MPs for his Early Day Motion asking the Government not to adopt Sheehy's recommendations. More than 50 MPs from other parties backed his stand.

Leader comment, page 17

What the force fears

1 Fixed term contracts, initially for 10 years, renewable every five, will turn policing from a vocation to "just another job".

2 Performance related pay will be tied to arrest and conviction rates, and only the very best in the highest risk jobs will be paid more than current salaries.

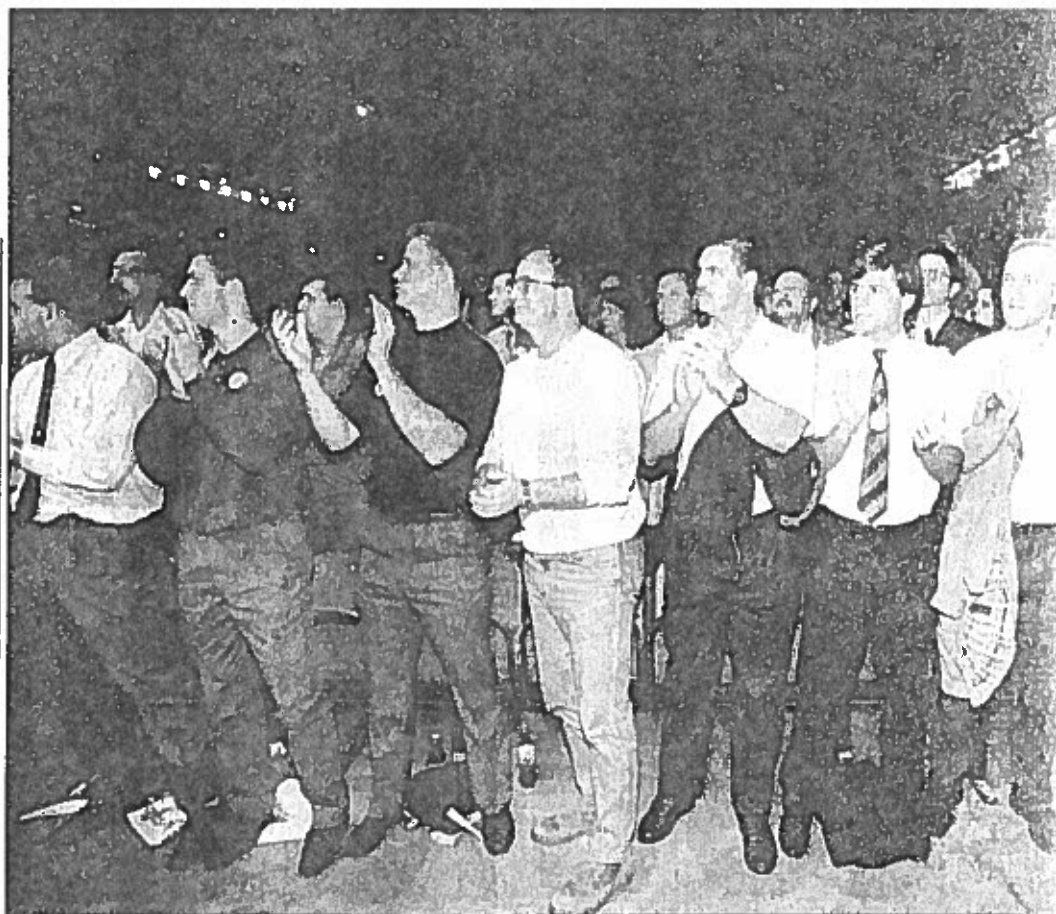
3 All officers will have to serve until 60 but must have 40 years service to qualify for full pension. Police say this will mean officers aged 59 working the late Saturday turn in violent inner cities to qualify for pension, and older entrants will be unable to get full pension.

4 New recruits to be paid £2,000 less than now and, with the abolition of a wide range of allowances, could face salaries up to £5,000 less.

5 Five thousand middle management posts could be axed "simply to adjust the age and skills profile of the force", say Chief Constables and Superintendents.

6 Destruction of the link between police pay and the average earnings index replaced by link to white collar private sector pay.

7 Proposal to abolish overtime payments for constables and sergeants will be unmanageable.



Front-line protest... Off-duty officers demonstrating their anger at the Sheehy proposals at Wembley. Below, the motto over the stage

Officers pack arena to taste other side of pro

Louise Jury finds law enforcers warming to defiance at Wembley but in an orderly fashion

MANY of the protesters streaming into Wembley arena in London yesterday were aware of the irony of their position.

More accustomed to being on the other side in a dispute — the miners, Wapping, the poll tax demos — the police officers wore the stickers and the defiant T-shirts with the Polish Solidarity logo a little uneasily.

"It's embarrassing that the Government forces us to this extreme," said Sgt Peter Davies, aged 37. Eighteen years in the service, he came nursing a broken rib courtesy of a drug dealer, and with as many of the Met's territorial support group from Barnes as could be spared.

"We're the front line. Any trouble in London and we're there," said his colleague, Sgt Malcolm Cumber, aged 33. But they predicted 100 per cent commitment would fade if Sheehy-style contracts were brought in.

"It will become an emergency police force," said Sgt Julian McKinney, aged 32, and 10 years in the force. "We will continue with calls that come in,

but prevention and detection work — forget it. It will be fire brigade policing."

Inside the arena, the law enforcers warmed to their defiance even as the most orderly queues in the history of Wembley formed at the snack bars.

They erupted in cheers when attendance reached 16,000, and stomped their feet in delight when it hit 20,000, with a further 3,000 outside. They laughed when a sequence of slides showing police work was shown accompanied by the lyrics: "Don't go changing to try to please me... I want you just the way you are."

The Police Federation chairman, Alan Eastwood, got a standing ovation as he led the speakers onto the stage. "Never in police history has there been a meeting such as this," he said. "We are angry, we are incensed, but we are police officers," he said.

Twenty-five chief constables and 70 MPs sent messages of support. Eight MPs turned up.

The 7am CID shift from Wellingborough, Northampton-

shire, had travelled straight from work.

Sgt Derek Lewis, aged 48, and due to retire, said: "I'm going to be on the other side of the fence next year. This is not just going to affect the police in their jobs, but the general public outside."

"I'm sure people don't realise what a difference it will make. The Government are trying to run the police as in a factory making widgets. But we're dealing with people."

He had booked in eight or nine prisoners during his shift, while WPC Lorraine Ashworth, aged 32, and Sgt Dick Spriggs, 37, had helped a woman found injured in the street with a six-day-old baby. The WPC had bathed and fed the baby while trying to persuade the woman to talk. Not many points there, she noted, on the arrest scale Sheehy has suggested for performance-related pay.



GUARDIAN

21.7.93

Police changes 'will do nothing to cut crime'

Alan Travis
Home Affairs Editor

POLICE authorities yesterday joined the chorus of opposition to the Government's police reform package, warning that the changes will do nothing to cut crime.

Conservative councillors were among representatives from 40 of the 43 police authorities at a rally in London to condemn the white paper plans of the Home Secretary, Michael Howard, to abolish the local government majority on authorities, replacing some elected councillors with appointed business people and headteachers.

Their meeting followed the largest rally in the history of the police service at Wembley Arena on Tuesday, when 23,000 off-duty officers protested at the recommendations of the Sheehy inquiry into their pay and conditions.

Yesterday councillors said the white paper proposals would mean that local government will lose control of the

£6.5 billion annual police budget to unelected quangos appointed under the patronage of the Home Secretary.

"There is no service which needs the support of the local community more than the police," said Josie Farrington, vice-chairman of the Association of County Councils. "Policing will only work with the consent of the general population."

The public did not have the same degree of confidence in the appointed boards now running the health service as they did in locally elected councillors, she said.

Labour's shadow home secretary, Tony Blair, told the meeting that Mr Howard's claim that a centrally appointed businessman was closer to the community than a democratically elected local councillor was absurd.

The combined effect of the white paper and the Sheehy inquiry — both of which will be implemented in legislation in the autumn — would be a centralised police force which would do little to combat the rise in crime, he said.

GUARDIAN 22.7.95

Howard woos police chiefs on reform

Alan Travis
Home Affairs Editor

MICHAEL Howard, the Home Secretary, has called urgent talks with chief constables next Tuesday "to explore possible areas of agreement" over the Sheehy inquiry's proposals to introduce short-term contracts and performance-related pay into the police force.

The invitation was issued after this week's 23,000-strong rally of officers condemned the report of the inquiry into their pay and conditions, chaired by Sir Patrick Sheehy, the chairman of BAT industries, as a "blueprint for disaster".

The Government's urgency was demonstrated last night by the decision to ask Home Office officials to hold three days of preparatory talks — including Saturday — with the three police staff associations.

The president of the Association of Chief Police Officers, John Burrow, who will lead the chief constables meeting Mr Howard, said the campaign against the Sheehy report, published only three weeks ago, was already having an impact.

"We hope we can rule out or modify some of the more radical proposals," he said after chief constables spent three hours discussing its 272 recommendations and a white paper proposing reforms of police au-

thorities. Chief constables have started lobbying MPs and peers over the issue.

A Home Office spokeswoman said the meetings were "to explore possible areas of agreement with and between the different police staff associations so there can be a common framework for the discussions". Tuesday's meeting is officially billed as a discussion of "personnel issues arising from the white paper" to spare the blushes of those police staff associations which have said they refuse to accept Sheehy's report as a basis for talks.

Mr Howard has tried to calm police anger and insisted he will consult widely before he makes up his mind in Septem-

ber about which of Sir Patrick's recommendations he will put into legislation this autumn.

"We need to explore the ways in which we can obtain lasting and beneficial change in the police service," he told the Commons yesterday.

Chief constables, who have welcomed some of Sir Patrick's recommendations, made clear yesterday that the proposals they wish to see modified include fixed term contracts for the lower ranks, raising the retirement age from 55 to 60, lower starting salaries and a link between pay and performance. These were all proposals driven by "social market forces" said Mr Burrow, the chief constable of Essex.

GUARDIAN 23.7.93

Jailed accountant is fighting for his future

AN UPPER CLAPTON man, who has spent six years fighting to have his name cleared by the Court of Appeal, is waiting to hear if the Home Secretary will re-open his case.

Mohammed Patel, of Warwick Grove, said his accountancy career was destroyed when he was convicted of obstructing a police drugs investigation - he has been unemployed since leaving prison in March, 1991.

Police claimed Mr Patel confessed to tipping off a suspected heroin dealer following their request to see details of his account at the Muslim Commercial Bank.

Mr Patel was convicted on the strength of the alleged confession, which he denied making, and received a four-year prison sentence in November, 1987.

He served 28 months at High Point prison in Suffolk, alongside Jockey Lester Piggott, who was serving his sentence for tax evasion.

However, Mr Patel's solicitors, Hickman and Rose in Kingsland High Street, Dalston, have collected new evidence claiming to show police partly re-wrote his confession.

In 1988, Lord Justice Lane refused Mr Patel leave to appeal against his conviction.

Mr Patel, his solicitor and members of the campaign group Justice for Mohammed Patel recently travelled to the Home Office in Queen Anne's Gate, Victoria, to present the case for an appeal.

The Home Secretary, Michael Howard, will now have to decide whether to re-open the case. A Home Office spokesperson confirmed Mr Howard was examining the case.

Mr Patel, a father-of-two, told the Gazette: "Obviously, with this conviction, I cannot work as an accountant. All I want to do is clear my name and provide for my family again."

The plight of Mr Patel was featured on Radio 4's *File on Four* programme on Tuesday.



● Mohammed Patel - unemployed since his release from prison.

HACKNEY'S CHIEF EXECUTIVE GIVES EVIDENCE TO INDUSTRIAL TRIBUNAL AND DENIES CLAIM THAT...

'Council officers were habitual liars'

THE chairman of an industrial tribunal hearing allegations of "improper" activities at Hackney Council conceded: "In large councils you are bound to get senior officers who are imperfect."

Kuton Menon made the comment after the Croydon hearing was told that a large number of Hackney senior officers were "habitual liars."

An investigation into the council's activities by the local Ombudsman concluded in November, 1990, that senior officers had lied to councillors and staff, and were likely to continue doing so.

"The suggestion is not of one or two rotten apples, it is the whole barrel - a large number of senior officers who habitually lie," said Peter Hall, counsel for the former Hackney auditor, Colin Cornelius, who claims he was unfairly sacked for exposing improper activities.

Hackney's chief executive, Jerry White, agreed there were examples of senior officers lying to councillors in the past.

"White-collar crime in the public service and the private sector is an epidemic," said Mr White.

"It would be foolish for anyone to say an organisation such as

mine was free from such people."

However, Mr White denied Mr Hall's claim that a large number of such officers habitually lied.

Mr Cornelius, 34, claims he discovered in 1988 that the Hackney stores manager, Larry Lobjoie, had improperly ordered £28,000 worth of kitchen units and accepted "hospitalities."

Mr Cornelius tried to alert his superiors and suggested calling in police, but, he claims, his efforts were "hampered."

In December, 1990, he handed confidential papers to his union representative and the following year circulated criticism of his bosses to other staff members.

A year ago, Mr Cornelius was sacked for breaching Hackney's code of conduct. He also claims he suffered unfavourable treatment by his employers under the Race Relations Act.

Mr White said he was not aware of any other case at Hackney involving allegations of racism.

Every manager responsible for appointing staff underwent two training courses covering equal opportunity and race relations lasting a total of five days, he said.

This was followed up with seminars and team-building exercises.

● The hearing, which began in April, was adjourned until Monday, August 2.

Sorry about our noisy helicopter

FOLLOWING last week's story in the Gazette, I would like to take the opportunity to apologise to any Hackney residents who have been upset by the recent police helicopter activity in the north of the borough.

We know that the noise of the helicopter - which, incidentally, is one of the quietest machines available - can be disturbing, and we make every effort to limit flying time at incidents to avoid undue disturbance.

However, over the last few weeks we have received a number of reports concerning shots being fired or armed suspects being sighted in and around the filter beds in Lea Bridge Road.

These calls have been late at night and the most efficient and safe way to conduct the necessary searches has been by the use of the helicopter with its special equipment in support of local foot officers.

Please be assured that we are very conscious of the need for police sensitivity and we have no wish to upset the public, but we have a difficult job to do in protecting them and must use the most appropriate equipment to help us in this task.

Also, remember that the police are not the only people overflying residential areas. There are also helicopters operated by the air ambulance, local radio traffic reporters and countless commercial operators who could sometimes be responsible for noise and nuisance.

- SUPERINTENDENT DAVID HYNES, HACKNEY POLICE.

HACKNEY GAZETTE

23.7.93

Detectives criticised as man is cleared of killing

A MAN accused of the murder and mutilation of a prostitute was acquitted at the Old Bailey yesterday after a jury was told that the woman detective in charge of the case "did not know what she was doing".

David Smith, 37, a lorry driver, thanked the jury which unanimously cleared him after three hours' deliberation of the killing of Miss Sarah Crump, 33, who worked as a hospital secretary by day and a massage parlour hostess and escort agency prostitute by night.

Mr Ronald Thwaites, QC, delivered a contemptuous attack on Det Insp Jill McTigue, who led the inquiry team of 35 officers.

He said she and an older male detective had constructed a case that was "all invention", and alleged they had "suppressed" vital fingerprint evidence which ruled out Smith as the killer.

"This case was her first murder as a detective inspector and unfortunately she was not equal to it," he said. "Together with a superintendent on the verge of retire-

By Sean O'Neill

ment — someone about to retire — it's all too much trouble, isn't it?

"And this inexperienced woman officer tells you herself by her actions — not betrayed by arrogance, but by her actions — she doesn't know what she is doing in this case."

Ms McTigue, an Australian and qualified pilot, came to England 17 years ago determined to join the Metropolitan Police.

She said after the verdict: "The case is closed. We are not looking for anyone else in connection with it."

The murdered woman's mother, Mrs Pat Rhodes, said the kindness of the police had been matched only by their professionalism. "They never covered anything up," she said.

Miss Crump, who worked under the name of Angie, was found murdered last August in her ransacked flat at Lady Margaret Road, Southall, west London. Her body had been mutilated. She had started working as a prosti-

tute, unknown to her mother and boyfriend, three years ago to pay her mortgage and raise money for fertility treatment.

Miss Crump had taken exams in psychiatric nursing and was working as a part-time receptionist at Wembley hospital, north west London.

Mrs Rhodes said: "My daughter was only trying to pay her bills. She only worked as a prostitute about once every two weeks."

"If we had known what she was doing we would have done anything to help her. She was a lovely girl."

Smith, of Hampton, west London, admitted paying Miss Crump for sex on the night she died, but consistently denied killing her. He refused to talk to reporters as he left the court carrying his possessions in a black binliner.

Mr Thwaites told the court there had been no scientific evidence against Smith. During the first eight months of the investigation police had suspected a former boyfriend of Miss Crump.

INDEPENDENT

24.7.93

Onslaught by Met chief on Sheehy



David Rose
Home Affairs Correspondent

BRITAIN'S top policeman has made a devastating attack on the Government's plans to reform the police, describing them as likely to 'undermine the office of constable'.

In an exclusive interview with *The Observer*, Paul Condon, Commissioner of the Metropolitan Police, said that his own position might become untenable if Sir Patrick Sheehy's report on police pay and conditions was enacted in its entirety. The report, published last month, proposes subjecting police to 'the market', using fixed-term contracts and performance-related pay.

Mr Condon said: 'I would find it very difficult to be a well paid Commissioner, presiding over a demoralised, badly paid

Metropolitan Police. There would be a feeling that the chief officers had benefited but the historic office of constable had been sold out.'

Mr Condon, 45, is seen as exemplifying the new breed of modernising, cost-conscious chief officers. Last week *The Observer* revealed that Home Secretary Michael Howard was considering a U-turn on Sheehy's most controversial recommendations—a development which Mr Condon's attack will encourage.

Mr Condon said that he supported some of the Sheehy proposals, such as flattening the rank structure and cutting the number of middle-ranking jobs. He agreed with its 'ambitions and principles'. But the inquiry had 'just not understood the motivation and nature of policing at street level', and in rela-

tion to sergeants and constables, 'they have put together a bad set of recommendations'.

It was right, that, means should be found to sack what he termed the lazy 'uniform carriers'. But imposing fixed-term contracts for all officers was 'using a sledgehammer to crack a nut', he said. Officers already serving face going on to contracts if they are promoted: this would 'freeze existing officers into place in an unacceptable way'.

He said: 'The office of constable is not about being any kind of worker. It's about the oath of allegiance, the use of discretion, and responsibility under the law. As Commissioner, I cannot say, "Officer, arrest that man". This is an office which has emerged from history: of the people, for the people, with a sense of vocation.

'They are not counting beans or watching cigarettes come off a production line. I'm not sure that saying, "Here's a 10-year term, and we might not renew it," carries on that historic office. I'm prepared to be a Commissioner presiding over modernisation. But I'm not prepared to be one who presides over the undermining of the office of constable.'

Mr Condon said he would like to reward the best officers more generously. But measuring performance under the rigid 'points matrix' proposed by Sheehy risked a situation where 'half of us would be working out how much the other half should be paid'.

He feared that Sheehy's 'draconian package' would damage other reforms. 'At the moment, I can put policemen under a lot of ethical pressure because

they're well paid. But I can remember the days when pay was low, and there were everyday temptations to corruption.'

Mr Condon added that the plan to make 60 the retirement age was wrong: 'The thought of a 58- or 59-year-old officer rolling around on the floor with a suspect is mad. Sheehy says they can have desk jobs: but there aren't enough.'

Cutting pay for entrants would reduce their quality, he said: 'If the notion is, with three million unemployed, you'll get enough policemen, I'm not interested. I don't want enough policemen, I want the best.'

He concluded: 'The proposals would affect the quality of recruits and undermine morale, dramatically affecting the nature of policing at street level.'

Police misery, page 2

Met suspends three after leaks inquiry

Kevin Toolis

THE top-security Paddington Green police station was suspended, one of whom has resigned, after a secret internal inquiry uncovered leaks of criminal intelligence material from Scotland Yard.

The inquiry was undertaken by Commander Eric Humphrey, head of the Criminal Investigation Bureau, the Metropolitan Police's internal investigation branch, into allegations that criminal intelligence was being sold to private detective agencies. It is understood the inquiry was conducted under the Official Secrets Act because of the sensitive nature of the material held.

The CIB, investigators are understood to have tapped confidential telephone lines within Scotland Yard, which holds information on major criminals and their associates. A sergeant at

the top-security Paddington Green police station was suspended, one of whom has resigned, after a secret internal inquiry uncovered leaks of criminal intelligence material from Scotland Yard.

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The CIB, investigators are understood to have tapped confidential telephone lines within Scotland Yard, which holds information on major criminals and their associates. A sergeant at

observer 25.7.93

Memo to Sheehy: You're joking

David Rose, Home Affairs Correspondent, finds every face turned against the pay-and-conditions report.

'I SPENT six months in the miners' strike in Nottinghamshire, six months without my son, who was six months old when it started. I believed in what we were doing, though my in-laws worked in the mines and it caused unbelievable conflict at home.'

'I knew the people on the picket lines were nice people, in desperate straits. But the Government hyped us to such a degree, told us they'd never let us down. I suffered because of them. And now they do this.'

The speaker is a Drug Squad detective in Northumberland, 13 years in the force. He believes Sir Patrick Sheehy's inquiry into police pay and conditions, an attempt to make the service conform to 'market' principles, will 'destroy a service that is the envy of the world'.

He added: 'We have been betrayed. I love my job; the job is my life. Because I love it, my life is in a state; my marriage is a mess. But if this is enacted, I am going to leave. And meanwhile, if they asked me to police a strike next week, I wouldn't bloody do it. I'd go sick.'

In a newspaper interview, BAT Industries chairman Sir Patrick claimed that only the

'Should the economy improve, the sound of feet marching out will be deafening.'

lazy or 'inefficient' had anything to fear. He suggested that the 21,000 officers (nearly half of all those in the country off-duty at the time) who packed a Police Federation rally at Wembley last week were an 'unrepresentative' minority.

But the impression from police canteens and social clubs is the unanimity of his critics. From the byways of rural Leicestershire to the conurbations of the North, the normal insistence that a reporter 'go through the Press Office' before a policeman could open his mouth has been cast aside. Senior officers seeing *The Observer* talking to their subordinates insisted on buying a drink and having their say. The police, perhaps for the first time in history, are speaking with one voice.

Sgt John McQuaid, 53, from Melton Mowbray, Leicestershire, said the proposal to lower

entrants' pay and impose fixed-term contracts would cause a drastic reduction in recruit quality. 'In years gone by, they had vans outside factories where people were being made redundant, they were so desperate for officers. Now we pick and choose.' He feared a return to the desperate conditions of his early service, nearly 30 years ago: 'Milk tokens for the kids; we couldn't buy butter in the supermarket.'

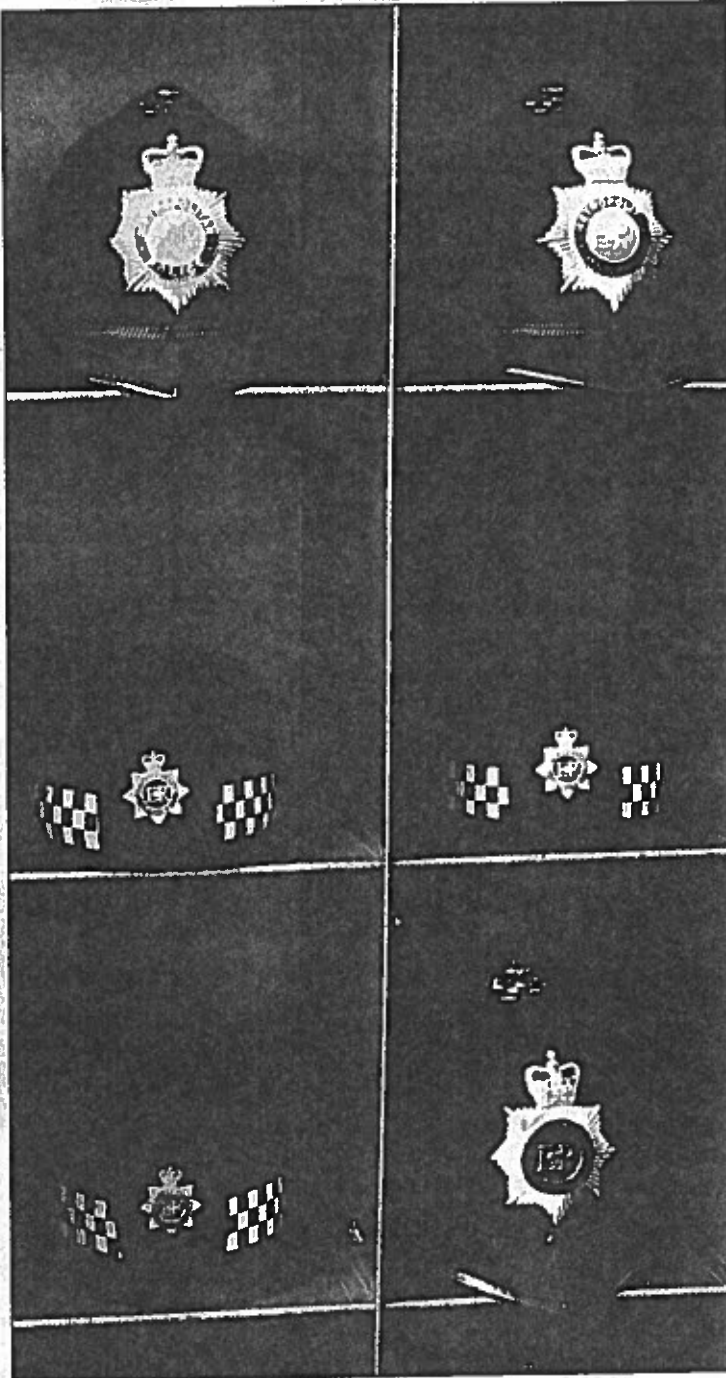
Since Lord Scarman's report on the Brixton riots criticised the immaturity of officers, the average age of entrants has risen. Last year in Leicestershire, it was 25. But the Sheehy Report says only officers with 40 years' service should get a full pension, and that they should not retire until 60; a huge disincentive to the graduate or older applicant. PC Rex Holt said: 'This report relies on high unemployment. Should the economy improve, not only will there be no recruits, the sound of feet marching out of this job will be deafening.'

It was a view borne out by a group of constables about to end their training at the northern region academy in Durham. They had battled to join the police, survivors of a rigorous selection process of tests and exercises which in the Seventies would have been unrecognisable. In Northumbria last year, only 29 of 3,000 applicants were successful; in South Yorkshire, 120 from 4,000.

The Durham trainees' qualifications and experience were as impressive as they were varied. Adrian, 25, from South Yorkshire, had left a promising career as an engineering manager, with highly developed computing skills. He said: 'When I phoned my father to tell him I'd been accepted, he cried, he was so proud. It was the best day of my life. Then, two-and-a-half months later, they bring out this report.'

'In engineering, you're only working for the top people, the shareholders. In the police, you're working for everybody. Market principles work where there's an end product. In this job, there's no product: in fact, the idea should be to avoid the product in court, because prevention is better than cure. It's as if the Government wants to punish us.'

Several recruits doubted they would have applied had they known the contents of the Sheehy Report. Under its



On the shelf: A policeman's lot is still not a happy one./Photograph by John Reardon.

terms, they would be safe from fixed-term contracts, if they stayed at PC level, but immediately lose their security on promotion.

Martin, 28, who waited 30 months for a vacancy in South Yorkshire, said: 'The thought that if I move up, they can turn round after five or 10 years and say, "That's it, thank you very much" is deeply unsettling.'

He foresaw deep divisions between pre-Sheehy and post-Sheehy entrants: 'It will undermine teamwork, the bedrock of the service, causing untold resentments. You need to know you can rely on the voice at the other end of your radio.'

The academy commandant, Ch Supt David Beal, said he felt a sense of despair: 'At a time

when the police have been thrusting forward to provide a better quality of service, Sheehy will create blue uniformed mercenaries, rushing from job to job. The authors of the report have no concept of what it's like to be a police officer.'

Other widely detested Sheehy proposals are 'performance-related pay', and salary differentials within the same rank according to posting. Melton Mowbray, where just 100 officers cover 40 per cent of Leicestershire, would rate as 'less demanding' than an inner-city post, and hence be at the lower end of the pay scale.

Ch Insp Mick Graham sees comparisons of this kind as invidious. 'In an inner city, if you get into trouble there's

another officer round the corner. Here, I'm asking my officers to stop motorists at night on deserted lanes and break up pub brawls where help might be 20 minutes away. It may be the country, but there are nightclubs, murders, the full gamut of crime. Every year officers are assaulted.'

'And on any shift there will be good thief-takers, highly-motivated traffic officers, and others who don't make many arrests but do a damn good job for the community. How do you measure their performance?' The report, he added, had 'rocked the foundations of the police service'.

PC Holt said Sir Patrick had failed to see what policing was about: 'You work on your own,

facing danger, with huge responsibility: your split-second decision can be argued over in court for days. It's not like manufacturing. This is not a competent report. It is motivated only by cost: employ young men on fixed contracts, who will be cheaper, then sack them.'

Sgt McQuaid said few officers would ever reach the proposed retirement age of 60. 'It's a joke. On my shift, at 53, I'm seen as Methuselah. At 60, a PC will be burnt out.'

Det Insp Jim Donaghue, 40, said Sir Patrick was selling his report on the claim that the service was stuffed with lazy officers. 'If one of my detectives were lazy, it would show up, because we've only got four of them, and it would be sorted out. The policeman is entitled to feel secure.'

Few constabularies are as dangerous as Northumbria, which includes Tyneside. In an average week, the local federation is notified of 40-60 serious assaults on officers. The bitterness there is intense.

A detective sergeant with 21 years' service recalled that his first pay cheque was a quarter of his previous factory salary. 'There wasn't any money to play with for a very long time.'

He regarded with contempt the Sheehy proposal to abolish overtime. He was already owed so many days in lieu he had lost count. But to be told to work

'You can't say to a victim, "It's two o'clock. I'm going off shift, stop crying".'

extra without reward, while at the same time facing a fixed-term contract, was different.

His colleague, a detective constable and veteran of undercover work, said that last year four men in balaclavas smashed his car to smithereens, outside his home. The sergeant said: 'You only get that aggravation if you're good at your job: you get it because you're good at your job. What does Sheehy say about that?'

He added: 'You can't turn off the level of assaults and rape. You can't say to a victim, "It's two o'clock. I'm going off shift, stop crying". If I was on a contract, would I be prepared to be a policeman 24 hours a day? Would I hell. If I'm on a lower salary, I can still get my head kicked in.'

Another detective said serious crime might go uninvestigated: 'Last year, 27 of us spent months getting a drug dealer put away for 10 years. But what if we earned more pay by catching 100 shoplifters. Is that what the public wants?'

Politically, Sheehy is stripping away the traditional Conservative bias among police. Like the Durham recruits and the officers in Melton, the Tyneside officers compared the proposals to the depredations made against the Health Service and the BBC, to privatisation and the emergence of a 'two-speed' society.

A sergeant said: 'We defeated the miners to keep them in power and now they're destroying our infrastructure, everything that made Britain great. To them, everything has a price tag. I have never known such insecurity, everyone is addressing their future, frightened to death that the service they joined is coming to an end. I'll never vote Tory again.'

Police claim that plans to link pay with performance will distort their work. But they have not grasped how the reform would operate

Case of the hostile cops

Patrick Sheehy

THE Police Federation and the Superintendents' Association have been highly critical of the reforms on pay and conditions suggested in our report. The Federation has placed a series of advertisements in national newspapers first asking people: "Do you believe the police should compete against crime... or against each other?" then using their former parliamentary adviser, Lord Callaghan, to attack the report. Last week saw a mass rally at Wembley, and more protests are planned.

It is important to put these criticisms into context. There are a number of recommendations in the report which have caused concern among police officers, notably proposals to bring pension arrangements more into line with those in other sectors and the use of fixed term appointments. The proposals need to be examined carefully; the Home Secretary has made clear his willingness to listen.

The cornerstone of the proposals, however, is a scheme to relate pay much more closely to the job police officers actually do, rather than their length of service. The report suggests this could be achieved by identifying the factors which should influence the rewards an officer receives: indicating how performance might be measured; and testing the application of the proposals in a police force.

The report identifies four principal factors which should influence officers' pay:

- The nature and level of responsibilities — jobs done by officers of the same rank vary widely.

- The circumstances of the role — some jobs expose officers to risk of injury, some require them to work long hours on a regular basis, others are unpopular and hard to fill.

- Experience and skills required — many jobs require additional skills and experience beyond initial training, including firearms handling, advanced driving, use of technology, financial management.

- Performance — some officers do a better job than others,

the good performers and, the poor performers know who they are; and so do their supervisors.

The report's fundamental premise is that each of these differences should be formally recognised in the pay scheme. This will make it more equitable and will encourage officers to give their best in the role best suited to their capabilities.

Police Federation spokesmen have challenged the practicality of measuring performance and claimed it would lead to serious distortion of officers' behaviour and priorities. There is a widespread presumption that measures would be restricted to numbers of arrests and tickets issued.

These are understandable concerns. But the temptation to measure only what is easy to measure as opposed to what is important is a common trap in evaluating staff performance in many types of occupation, not only policing. Setting objectives for individuals and assessing their achievements will affect their behaviour and priorities — that is the intention. The process will require skill and effort to develop the assessment systems, but these are essential aspects of good management.

The starting point for establishing individual performance objectives has to be the objectives of the force overall. The service has gone a long way towards articulating these in recent years. This is another point which the inquiry's critics have tended to overlook.



The Government's white paper will require this process to be taken a step further with the publication of local policing plans. These need to cascade down the force organisation to individual teams and officers, taking account of local circumstances and priorities. In this way, everybody in the force is working towards a common agenda and they all understand how they are expected to contribute.

The white paper suggests, for example, that key objectives for the next year might include these aims: to reduce levels of particular types of crime against persons by targeting operations on those crimes; to work with the local community in crime prevention; and to increase the proportion of policing time spent on patrol.

These are consistent objectives which have direct relevance for most officers in the force. For a patrol sergeant on an inner-city beat, for example, these objectives could be translated into individual requirements to develop links with the community by attending local consultative committee meetings every month; reduce street crimes by appointing a constable to lead the initiative, focus-

ing patrols on key areas at prime times and undertaking a publicity campaign; increase time on patrol by 10 per cent by reviewing rosters and sickness absence and ensuring administrative support is available.

Many good officers already regard such objectives as routine parts of their job. Others need more specific guidance. All deserve reassurance that they are doing what their managers consider to be important.

Some commentators have expressed concern that objectives will conflict with each other. This may well be the case, but it is better that such tensions, which exist anyway, are made explicit. Balancing such conflicting priorities is a fundamental management skill. It is not a problem which should be delegated to each individual officer to make a personal judgment about.

Naturally introducing such a system into the police service represents a tremendous challenge. At the same time we believe that the overall framework proposed provides a sound basis for improving the quality of policing into the next century. This has so far been borne out in practice.

As part of the development of

the inquiry's proposals, a small pilot exercise was conducted to test the practical application of the pay assessment factors in an area command. After an initial period of uncertainty about how the scheme might work, the area's management team very quickly came to grips with the practicalities. Within a matter of hours they began to appreciate the flexibility and opportunities which the proposals had to offer. Equally, the exercise reinforced what we already appreciated — that there would be a considerable learning curve involved in implementing the scheme. As more police managers go through such exercises, we are confident that they also will see the potential of the proposals.

The report represents a unique opportunity to improve the police service both for the public it serves and for the dedicated officers who work within it. It would be a tragedy if that opportunity was lost because people had been misled about the nature of the proposals.

Sir Patrick Sheehy, chairman of BAT Industries, headed the inquiry into police pay and conditions which reported earlier this month.

Tragic to miss chance to improve police, says Sheehy

Alan Travis
Home Affairs Editor

SIR Patrick Sheehy has warned that it would be a tragedy if the opportunity to improve the police service was lost because people had been misled about the nature of his plans to reform pay and conditions.

The chairman of the Government's inquiry into police

rewards and responsibilities, writing in today's Guardian, denies that the yardsticks to measure performance-related pay for the police will be restricted to the number of arrests made and tickets issued. He hints that his proposals on police pensions and fixed-term contracts may be dropped.

His intervention comes as Paul Condon, Commissioner of the Metropolitan Police, warned that he might find it too

difficult to remain in office if Sir Patrick's report was implemented as it stood.

The Home Secretary, Michael Howard, will meet chief constables tomorrow in an attempt to find some "common areas of agreement" over the three-week-old report, which has united the police service in opposition and provoked a 23,000-strong protest rally at Wembley.

Sir Patrick claims that a pilot

scheme in one force command area proved to the local police management team the "flexibility and opportunities" his proposals had to offer.

While he describes the plan to end the system of paying police officers by rank and length of service as the cornerstone of his report, Sir Patrick hints that he may be less firmly attached to his proposals on pensions and fixed-term contracts.

He concedes that the Police Federation and the Superintendents' Association have greeted his proposal with unequivocal hostility and says he recognises that a number of recommendations have caused concern among police officers.

"Proposals to bring pension arrangements more into line with those in other sectors and the use of fixed-term appointments need to be examined by the police service and discussed carefully," the Home Secretary has made clear his willingness to listen.

But he says the plan to end the tradition under which all police officers of the same rank are paid the same failed to recognise different

responsibilities. Some officers worked in squads dealing with fraud or drug investigations while others were engaged full-time in jailer duties or working as control room operators. The Metropolitan Police Com-

missioner said at the weekend that he believed the "Dracninn" Sheehy proposals would end the sense of vocation in the police force and undermine the historic office of constable.

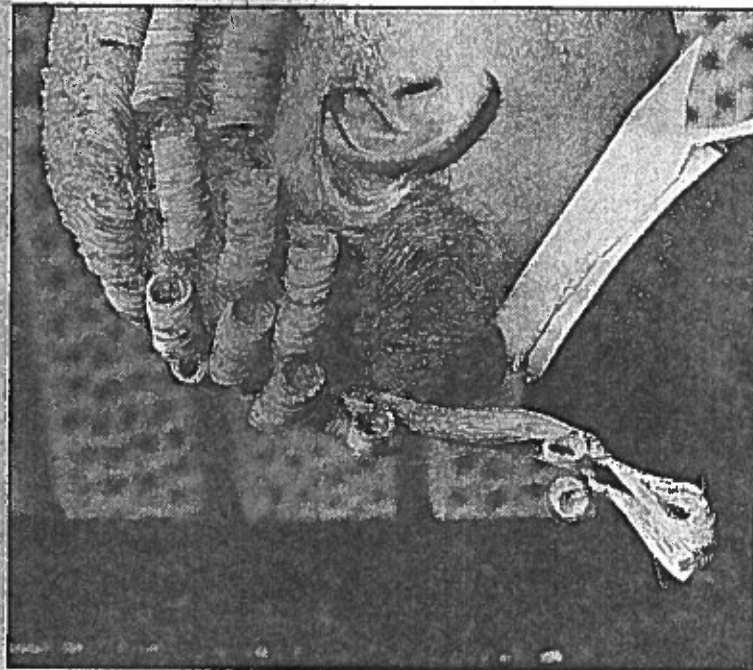
"I would find it very difficult to be a well paid commissioner, presiding over a demoralised, badly paid Metropolitan Police. There would be a feeling that the chief officers had benefited but the historic office of constable had been sold out... I'm prepared to be a commissioner presiding over modernisation. But I'm not prepared to be one who presides over the undermining of the office of constable," he told the Observer.

Sheehy defence, page 18

GUARDIAN 26.7.93

The case of a man who protested that his barrister started snoring in court raises disturbing questions about how the Bar Council deals with complaints

Time to give the Bar a wiggling?



Objection over-ruled... the legal service ombudsman wants to reform the Bar Council's complaints procedures
PHOTOGRAPH: JACKY CHAPMAN

GUARDIAN

27.7.93

Jolyon Jenkins

ROBERT is in prison, doing time for GBH. He claims he is not guilty, and has been given legal aid to appeal. But his case is interesting not so much because of him, but because of what it shows about the way the Bar Council deals with complaints against its members.

According to Robert, the barrister who represented him failed to ask the right questions in court, did not challenge prosecution witnesses properly, failed to turn up for a pre-trial conference in prison, arrived late in court for the trial — thereby delaying the start — and fell asleep during the judge's summing up.

Robert complained to the Bar Council's Professional Conduct Committee (PCC), the body that first examines complaints and passes them on to a tribunal if it sees them as particularly serious. It dismissed the first two complaints, and upheld the third and fourth. But on the fifth — the allegation that the barrister fell asleep — things seem to have gone badly awry.

The way Robert tells it, the barrister's courtroom demeanour sounds like a serious lapse of professional competence. "He was totally out of it, and after about 20 minutes he started snoring. That really got me, because everyone in the court started laughing — the jury, the people in the gallery, the judge, the usher. I could not believe what was happening. My freedom was in this man's hands, and he was asleep. Eventually the usher had to wake him up."

The PCC asked the barrister for his side of the story. He denied being asleep and wrote: "I recall that at some stage that afternoon my head was bowed down. I was not feeling well. I had some difficulty breathing. I am asthmatic. However, I was able to take notes which I used to prepare my complainant's appeal."

You might expect the PCC to try to adjudicate on such a serious charge. Instead it did a quite extraordinary thing. It told Robert that his complaint had been upheld. Simultaneously, it told the barrister that the complaint had been dismissed. To Robert it wrote: "The panel found a *prima facie* case of professional misconduct, and in accordance with the rules [the barrister] was admonished." To the barrister it wrote: "The panel expressed and expresses no view as to the validity of this complaint, since the panel is neither empowered, nor qualified to make findings of fact in the event of dispute."

The issue is complicated slightly

by the fact that in the letter to Robert, the PCC is dealing with three complaints together, including two for which the barrister was indeed admonished. But nowhere does it indicate that the complaint about sleeping was treated any differently from the other two. Indeed the anecdote appears, as established fact, in a dossier compiled by Justice about the shortcomings of barristers. Naturally, neither side has seen the other's correspondence. And since the results of the PCC's adjudications are never published, until now neither side has known what the other was told.

The Bar Council says it cannot comment on the discrepancy, because the files have been sent to the legal services ombudsman. The ombudsman has the power to tell the PCC to investigate the complaint again, this time fully.

That is what happened in another case, that of Mohammed, a former accountant in a bank. He was convicted of tipping off someone under investigation for alleged money laundering. The prosecution case against him rested on a disputed and unsigned confession. He feels that his barrister did not represent him adequately in court and his new solicitor, Jane Hickman, having read the trial transcripts, agrees. "My concerns range from the failure to examine documents that were crucial to the defence, through to the failure to put over the defence case properly in court, or to cross-examine the officers' properly. It was quite clear that the barrister did not really understand the relevant act. At one point in the transcript, the barrister actually asks the police officer what is the difference between a production order and a restraint order. It is really extraordinary to ask a witness to give evidence on what the law is. Eventually the judge had to intervene and read out the act."

MOHAMMED was convicted and sentenced to four years in prison. He immediately complained about the barrister to the Bar Council. Jane Hickman wrote to the PCC, detailing all the complaints, and offering to provide supporting evidence. There was then a long delay before the PCC wrote back. It stated that the material disclosed did not necessitate procedures which might lead to formal findings of professional misconduct. Nonetheless there was "cause for concern" and the barrister had been asked to "attend on a vice chairman of the PCC" for guidance on his future conduct.

As in Robert's case, in those parts of the complaint where there was a

disagreement between Mohammed's version of events and the barrister's, the PCC declined to adjudicate. In this case Jane Hickman was waiting with a dossier of supporting evidence — but the PCC did not ask to see it.

She took the matter to the legal services ombudsman, Michael Barnes. He discovered why the PCC had not taken up Ms Hickman's offer to provide additional evidence. It had "placed inordinate emphasis on two spelling mistakes" in Ms Hickman's letter. (It had ignored spelling mistakes in the barrister's letter). The ombudsman has told the Bar Council to go away and investigate the complaint thoroughly.

As things stand, it seems all a barrister need do to escape censure by the PCC is to deny the factual basis of charges made. The PCC will then refuse to make "a finding of fact" on the grounds that it is "neither empowered nor qualified" to do so. The only way the complainant will get the PCC to stir itself is to take the complaint to the ombudsman.

The root of the problem is that the Bar Council's complaints procedures are designed to allow the profession to discipline its members, not to provide the public with redress. They are essentially internal procedures. Even if the Bar's disciplinary tribunal, which handles the most serious complaints, disbars a barrister, it is hard for an uninformed member of the public to discover this. Notices are posted at the time in the Inns of Courts, and the Press Association news agency is told, but reprimands to barristers are not really news, and the press releases are seldom if ever published. The Bar's own magazine, Counsel, used to publish the tribunal's adjudications, but no longer does.

Michael Barnes, the legal services ombudsman, is starting to open up the system. Until this year, complainants were not even given a copy of the barrister's response to a complaint. Barnes has persuaded the Bar to change that. His next task is to get the PCC to award financial compensation. In his most recent report, he writes: "The Bar Council's procedures offer most complainants virtually no possibility of compensation or redress... the existence of the possibility of meaningful redress is something I regard as an essential characteristic of an effective complaints procedure." An even more effective procedure would be one where the disciplinary body made an effort to discover who was telling the truth.

Jolyon Jenkins is a reporter for Radio 4's File On 4 programme

Delegation warns Howard proposed changes could alienate officers

Police chiefs confident of compromise over Sheehy

Alan Trevis
Home Affairs Editor

CHIEF constables last night emerged from a meeting with Michael Howard, the Home Secretary, confident that compromise was possible over Sir Patrick Sheehy's report proposing performance-related pay and fixed-term contracts for the police.

John Burrow, president of the Association of Chief Police Officers, who led the delegation of chief constables, said after the hour-long meeting: "I think we can work through with

Home Office officials and come to an acceptable position on the Sheehy report."

He made clear the united opposition of all sections of the police service to Sheehy's principal recommendations, and warned Mr Howard that he ran the risk of alienating police officers if he pressed ahead with the proposals.

But he hinted that senior police officers and the Home Secretary are prepared to consider a form of performance-related pay which recognises the different jobs that officers of the same rank undertake. At present all officers of the same rank are paid the same.

Mr Burrow, Chief Constable of Essex, said there were ways of linking pay to performance which did not include the "somewhat rigid and mechanistic approach" proposed by Sir Patrick. Sir Patrick described performance-related pay as the cornerstone of his proposals in a Guardian article on Monday.

The chief constables, who could personally benefit from potential bonuses of up to 30 per cent from the Sheehy package, made clear to Mr Howard their strong opposition to fixed-term contracts and raising the qualifying pension age for operational officers.

Mr Howard said after the

meeting, called after the 23,000-strong police protest rally at Wembley Arena last week, that he had now met all the main police staff associations and listened with "great interest" to what they had to say.

"It is clear that changes will have to be made, and some tough decisions will have to be taken when the consultation period is over."

At the weekend Paul Condon, the Metropolitan Police Commissioner, warned Mr Howard that the "draconian" Sheehy recommendations could undermine the historic office of constable and could make his own position untenable.

Shortcomings of Sheehy

As the wife of a serving police constable I would like to reply to Sir Patrick Sheehy (July 26).

The problem of "performance-related pay" is but one of the report's shortcomings. There are a host of others: abolition of overtime payments, six days' notice of cancelled leave, the pension arrangements, which Sheehy lightly dismissed, and a gain in "flexibility" which he asserts will only be achieved by his proposals.

Overtime: Due to a series of unforeseeable events my husband has been forced to work 270 hours of overtime in the past five months. Overtime payments hardly compensate for the loss of family time. But it is something. Under the Sheehy proposals the constable will not know if he will be compensated for extra work as payments will be "at the discretion of the chief officer", provided there is any money in his "affordability-oriented" budget.

Cancelled leave: At present eight days' notice of cancelled leave incurs no compensation. Sheehy would like it reduced to six days. In order for my husband to be sure of attending his own son's baptism he took annual leave, which is more difficult to cancel.

Pensions: A police pension is paid for-out of the officer's pocket. It is not a perk like many civilian jobs. Bringing pensions "more into line with those in other sectors", means 40 years service for a pension at 60 as opposed to the current 30 years for one regardless of age. A 49-year-old policeman at a riot is still a reasonable proposition. Is a 69-year-old? But he will have been dismissed long before, in accordance with the proposal which allows realignment of the age profile of the force as a ground for dismissal.

Flexibility: Sheehy fails to see the flexibility offered by uniform pay; any constable can be required to perform any duty at any time. In one year my husband worked in five different departments. Most importantly, a policeman is always a policeman even when not formally on duty. How can this level of flexibility be achieved with fixed-term appointments and detailed job descriptions.

The Sheehy report is a crude cost-cutting exercise. If this country cannot afford the police service it has, something should change, but not at the expense of the individual, hard-pressed constable.

Regina Purman,
London, SE26.

SIR PATRICK SHEEHY claims police officers are being misled over the Sheehy Inquiry into the police. In recent days other inquiry members have claimed that officers have not read or understood the recommendations.

The reality is that officers have all too clearly understood the thrust and impact of the proposals and officers of all ranks now feel uncertain and apprehensive about the future.

It was appropriate that some examination of roles, responsibilities and rewards of the police should occur. No organisation is immune from periodic scrutiny. It was also recognised that some reforms were inevitable building upon changes already introduced by Home Office, police authorities and the police service.

The Sheehy Inquiry should have complemented and built upon those processes. Sadly, as police officers have realised, the report falls lamentably to do that.

The recommendations will adversely affect, in remuneration terms, virtually all officers whom the inquiry team was particularly seeking to help, ie, operational police officers, particularly federated ranks. Other recommendations will create institutional insecurity in the form of short term contracts and performance related pay. Overtime will be reduced or removed notwithstanding the demands from the public which will still have to be answered.

The package for recruits is so reduced as to make a traffic warden's salary attractive. Put simply, the inquiry team have failed to understand the ethos of policing, have sought to introduce "market forces" into a vocationally orientated service and have packaged a set of proposals that will demoralise and undermine the effectiveness of that service.

An opportunity has been missed to build upon the significant management changes of the last few years. Themes of value within the report, ie, flexibility etc, are overshadowed by the majority of their proposals which have only succeeded in enraging and infuriating officers.

Sadly the report is collapsing under the weight of its own inadequacy, but reform will continue in the police service, in spite of Sheehy, and not because of it and that is the scale of the missed opportunity.

J. Sharples,
Chief Constable,
Merseyside Police.

Taylor rallies to right of jury trial

Clare Dyer
Legal Correspondent

A PROPOSAL to abolish defendants' automatic right to trial by jury in many cases is expected to be dumped by the Government after opposition by Lord Taylor, the Lord Chief Justice.

Home Office sources said the judges' opposition would be likely to be the final nail in the coffin for the recommendation by the Royal Commission on Criminal Justice. The proposal has already drawn more controversy than any other of the 352 recommendations.

The likely alliance of the judiciary, constitutionalists, conservative lawyers and civil liberties groups would probably be seen as too powerful for ministers to take on, a source said.

In his first substantive reaction to the royal commission's report three weeks ago, Lord Taylor told a conference at the London School of Economics: "We must have regard to our history, our culture and the perception of many that trial by jury is a fundamental right."

In the wide band of cases where defendants can now

elect to be tried by magistrates or jury, the royal commission recommended magistrates should have the final say on where the case was tried. The risk to a defendant's reputation would be one factor in the decision.

But Lord Taylor said the proposal could be socially divisive, and attacked the suggestion that a defendant with a criminal record had a weaker claim to jury trial. "On the contrary, he or she may well feel specially vulnerable. 'Round up the usual suspects' may not be just an old joke."

Barbara Mills QC, Director of Public Prosecutions, took issue with those who defended jury trial because it dated from Magna Carta in 1215. "We don't usually go back to the 13th century to decide how we ought to run things," she said.

Eighty-two per cent of defendants who elected jury trial eventually pleaded guilty to some or all charges, and most received sentences magistrates would have had power to impose, she said. Meanwhile, witnesses were arranged and cases listed, at great inconvenience, for a trial which never took place.

The Home Office said yesterday that some of the less contentious proposals of the royal commission were being considered for inclusion in either the criminal justice bill or police bill expected in the autumn.

GUARDIAN 28.7.93

Corrupt police to be charged?



Operation Jackpot, Scotland Yard's marathon probe into drug-related corruption by detectives at Stoke Newington police station, has finally finished its enquiries.

The long-awaited dossier — which recommends that some officers face serious criminal charges — is expected to be sent this week to Barbara Mills, the Director of Public Prosecutions.

The report comes more than two years after an anti-corruption squad from the Yard's Complaints Investigation Bureau began probing claims that bent drugs squad detectives at the north London station sold and planted drugs, 'fitted up' suspects, and lied in court.

Five ex-Stoke Newington officers, all previously named by *Time Out*, receive regular mentions in the dossier, which has been compiled by Det Supt Ian Russell and covers 25 separate complaints of corruption. Three of the officers were suspended from duty last year, another is in jail and one has been moved to desk duties at another station after doubts were raised about his integrity.

Eight people have had their convictions quashed by the Court of Appeal as a result of the scandal.

Hackney Community Defence Association, the campaign group which has exposed the scandal, said: 'We have no faith in police investigations into police crime. A judicial inquiry into policing in Hackney is needed to allay the community's fears that our local police are indistinguishable from our local criminals.'

No decision on charging certain officers is expected until the autumn, after the Police Complaints Authority has approved Russell's report.

TIME OUT

28.7 - 4.8.93

Crime rise halted, but fewer arrests worry Met chief

THE METROPOLITAN Police yesterday claimed they had "applied the brake" to the rise in crime in London over the past five years, with the number of reported offences remaining static and slight falls in murders and burglaries.

But the force's arrest rate has fallen for the second year running, according to the annual report of the Commissioner, Paul Condon. He repeated warnings that Sir Patrick Sheehy's report on police pay and conditions could further demoralise his force.

The total number of offences reported to the police in London remained "relatively static" at 944,300, with slight falls in burglary, fraud and forgery. Murders were down from 165 to 172. Nationally, recorded crime rose by 9 per cent, with particularly sharp increases in the rural shires.

But sexual offences in the capital continued to rise, from 5,400 to 6,000 in the last year. The IRA's bombing campaign in England resulted in 121 terrorist incidents recorded nationally; double last year and the highest level since 1974, the year of the Birmingham pub bombings. Fifty-two of the bomb attacks were in London and resulted in four deaths and 174 people injured. Twenty-one tonnes of home-made explosive was recovered by the police in London last year.

Although armed officers have

become more visible on the streets of London in the past year, the number of policemen authorised to carry guns in the capital fell by 500 to 2,000. Police fired shots on six occasions. The commissioner's report also discloses that there were 32 attempts to break into the grounds and buildings of the four royal palaces in London. All the suspects were arrested before they posed a threat to the royal family.

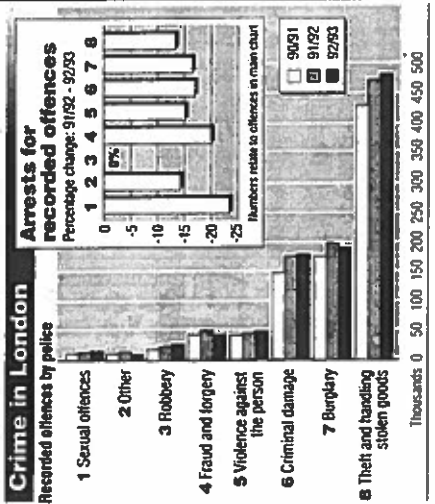
Mr Condon said he was concerned about the 15 per cent fall in arrests last year. He did not know "whether that was due to more 'ethical policing' — officers being more discriminating in arrests — or growing paperwork leading to increased use of informal cautions."

Mr Condon warned that the police faced a period of intense change and uncertainty.

"With or without the Sheehy inquiry, organisational change would be necessary to take us into the next decade."

While Mr Condon did not repeat his weekend warning that he would be unable to stay in office if the entire Sheehy report was implemented, he said: "It will be for each Chief Constable to examine his own conscience before he signs on to renew his fixed term contract."

"It is a difficult and unsettling time for many in the service. We will all be affected by change and some hard decisions must be made. I will not shrink that responsibility."



three minutes, and the number of reported burglaries between April 1992 and March 1993 was 191,600. However, the annual Metropolitan Police report released yesterday claimed that reported burglaries in London have dropped by 1 per cent.

The report claims that the drop is due partly to the work of Operation Bumblebee.

Bumblebee was originally set up in 1991 in north London and was launched London-wide in June this year with a series of raids after 18 months of planning.

At its launch, Paul Condon,

POLICE raided 447 addresses in London yesterday as part of Operation Bumblebee, which is aimed at reducing the number of burglaries.

About 1,500 officers took part in the early morning raids, in which 310 people were arrested. Of these, 56 have now been charged, five cautioned, and 14 bailed pending further inquiries.

Among the haul from the raids were shotguns, hand-

guns and a crossbow, as well as drugs, TV sets, computers, credit cards, video recorders, cameras, jewellery, stereos and CD players, car phones and mountain bikes.

One raid alone recovered property from at least 12 alleged burglaries, while another person was found in possession of 15 handbags, 24 credit cards and six driving licences.

Last year a burglary was committed in London every

Metropolitan Police Commissioner, said: "I want the burglar to start being frightened, rather than the law-abiding citizen." He considered burglary second only to terrorism as a priority.

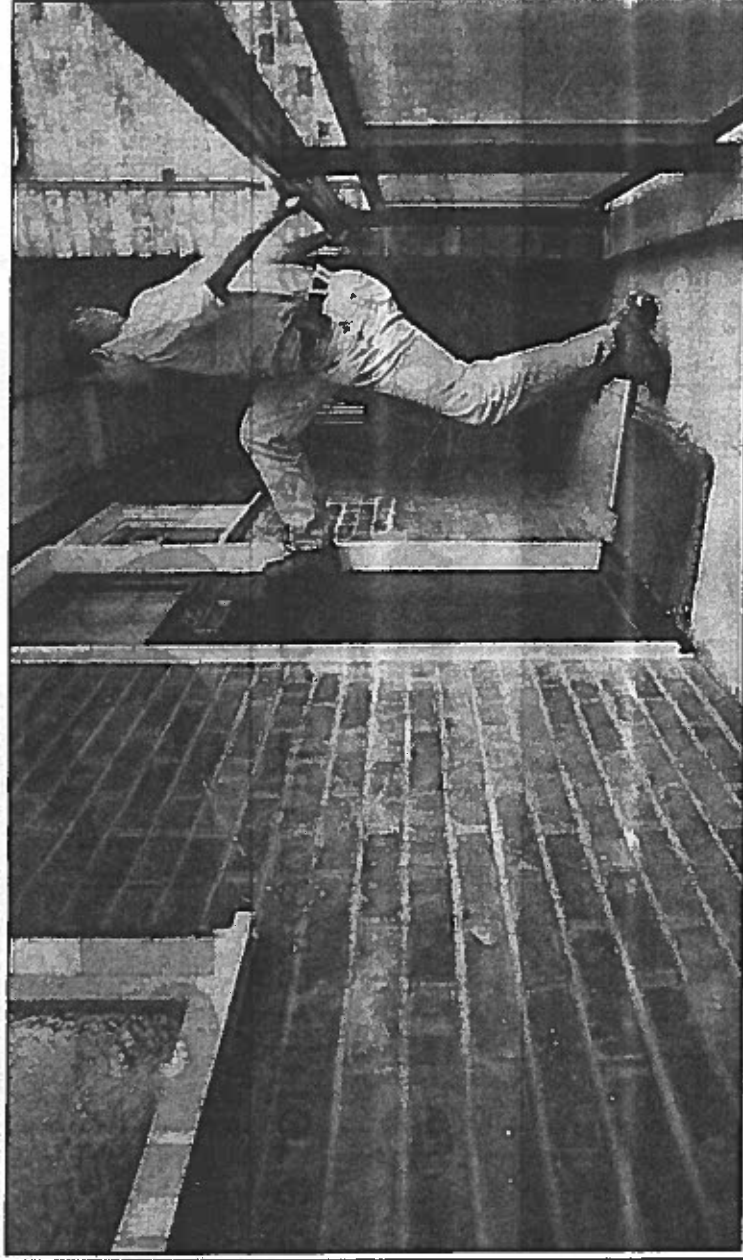
Operation Bumblebee consists of raids carried out simultaneously on houses of suspected burglars and fences, on the basis of information collected from surveillance and tip-offs.

As well as raids, the operation aimed at encouraging people to take more crime prevention measures, and not to buy what they think might be stolen goods.

But the scheme has a price: £500,000 has been diverted into it from other projects. There will be no new money forthcoming.

On BBC Radio, Mr Condon said: "We are doing our best to combat burglary, and the figures suggest we are making an impact. But by diverting more resources into combating burglary, I have to take them away from other areas."

Fears that a crackdown in London will mean that the problem will shift elsewhere may be groundless as burglars are known to operate locally.



Foot in the door... A detective from Kingston burglary squad executes some fancy footwork in yesterday's Operation Bumblebee

447 raids aim to give the burglars a nasty buzz

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MIXED FEELINGS OVER POLICE SHAKE-UP

POLICE chiefs and beat officers in Hackney have given mixed reactions to the proposed shake-up of the force in the early inquiry.

The far-reaching recommendations include abolishing the ranks of chief inspector and chief superintendent and imposing a performance-related pay structure. Thousands of officers oppose the findings - others see it as the only way forward. In this month's edition of *The Job* - the police's own magazine - senior and junior ranks from Hackney, Stoke Newington and City Road police stations gave their opinions.

Hackney's veteran Chief Supt Bernard Taffs - whose rank is under threat - has reservations about the Sheshy report.

He said: "My gut feeling is that this is a cost-cutting exercise and although it has got some beneficial effects you would really have to study it carefully and apply it in practice to make sure you get the beneficial effects."

Redundancies

"I am aged 51 with nearly 33 years' service and I will be looking to see how the organisation determines how it will handle redundancies."

"I am very interested to see what criteria they will use to determine who they will make redundant."

"I am concerned they will adopt an approach based on age which has been shown over the years not to be the best way of doing it."

Chief Insp Alec Ross, also of Hackney, sees the report as "very positive" and was disappointed with the reaction from the Police Federation.

He said: "I am not concerned at the recommendation that chief inspectors be made inspectors."

"Clearly, there is a role for people and someone will still be required to perform it."

"Whether that person is called chief inspector or inspector makes no difference to me."

He added: "If it is discovered that there is no role for chief inspectors, so be it. We will probably be a better, fitter organisation for the change."

Supt Doug West, at Stoke Newington, said: "Officers generally here have been trying to look for the good in the report."

Concerned

"They are concerned about performance-related pay because of the temptation to do those things that earn most pay, perhaps at the expense of things that enhance the quality of service, like the time spent with an elderly burglary victim, for example."

City Road Pc Graham Bell said: "I thought the summary was too good. It was too vague and it was full of too many ifs and buts."

"It was rubbish. Because of that, I really don't know how it will affect me."

Gloria leads fight to clear name of convicted killer



● Thanks for your support - Ransford Nedrick meets Gloria Van Coolen.

A PARTY was thrown at the Hoxton home of justice campaigner Gloria Van Coolen last weekend for a man who has spent eight years in prison for a murder he claims he did not commit.

Mrs Van Coolen, who runs Peoples Against Injustice and Disparity from her flat in Ralph Brook Court on the Haberdasher Estate, has been involved in highlighting the case of Ransford Nedrick.

He was convicted of killing a young boy in an arson attack on a house in the West Midlands in

1984. But he has always protested his innocence, claiming the confession on which he was convicted was made up by police.

He has been released on parole now that new evidence points to the convictions being unsafe and has been the subject of BBC's *Rough Justice* programme.

"This is a clear case of a miscarriage of justice," said Mrs Van Coolen.

"The evidence sent to the Home Secretary is sufficient for him to refer it to the Court of Appeal and it will be for them to decide if the verdict was safe."

Good Evans!

LONG-SERVING JOHN IS IN THE MEDALS

LONG-SERVING boyo in blue John Evans has spent the last 33 years stamping out crime on the streets of Stoke Newington. But he still has a soft spot for the land of his fathers.

"I love London, but I still go back to Wales. It's in my blood," says the Welsh-speaking Pc, who left his home town of Llandovery for the bright lights of London to pursue his dream of being a city copper.

"I've been called Taff and ad the mickie taken out of me for 30 years, but it's all good in and I don't mind."

Pc Evans, 57, joined the Met when Dixon of Dock Green wasn't a distant, nostalgic memory and a hard-hitting police series like *The Bill* as just a twinkle in a scriptwriter's eye.

And his decades of dedication duty were rewarded when he was presented with a long-ser-

vice medal. "Of course, things have changed, they can't stand still for 30 years," he says.

"It's more dangerous on the streets now, but I've always tried to get out there and keep contact with people."

Pc Evans's fondest memories are of driving Panda cars and patrolling his Hackney home beat.

But his current role as a neighbourhood watch liaison officer has given him the most satisfaction. "I love meeting people," he says.

"I've met some good neighbours and made some good friends. I hope I can carry on working with the community when I retire from the police."



● Pc John Evans.

CARING coppers who police two of Hackney's most crime-ridden estates are in the vanguard of a move to revive the East End's legendary community spirit.

The partners in crime prevention are organising a series of "getting to know you" activities in a bid to bring residents out from behind their burglar-proof barricades.

"If we can improve people's quality of life and help instill a sense of community pride, we might get more co-operation and less crime," said Sgt Mark Thompson, a copper with a social conscience, whose patch includes the Haggerston Estate.

"I wouldn't want to live on the estate the way it is. I realise it's a bit of a Utopian dream to want to return to the good old days when neighbours were always there for each other, but I genuinely believe there are people who want to be part of a community again."

Sgt Thompson and his colleagues from City Road police station will be out in force in Haggerston this Sunday at a crime prevention

Caring cops plan to revive East End community spirit

by JULIE COULSON

day complete with clowns, jugglers, stalls, stands and displays by police dogs and horses.

"It will be a fun day with a serious message, hopefully getting people out of their homes and talking to each other as well as giving them some important crime prevention advice," he explained.

In a separate initiative led by home beat bobby Pc Robin Redmond, residents on the Woodberry Down Estate have formed a social committee to plan events for the summer holiday period.

Conscious of the need to keep young people occupied, they have arranged football training for boys and girls, a fishing trip to Walthamstow Reservoir, a disco, a talent

contest and a visit to Scotland Yard with Pc Redmond. The summer fun culminates in a day of outdoor entertainment on the estate on Saturday, August 28.

"It is good to see tenants and residents getting together to initiate activities," said ward councillor Michael Diamond, commending Pc Redmond on his efforts.

"Crime on the Woodberry Down Estate is down 28 per cent compared to last year and we are determined to work together to ensure that the kids have plenty to do this summer and the community pulls together."

● Sunday's Haggerston Crime Prevention Day will be run from the estate's community centre in Haggerston Road. It starts at 11am.

● Anyone who wants to get involved in Woodberry Down's summer activities should contact Pc Redmond on 071-488 7285.

HACKNEY

GAZETTE

30.7.93

Resistance by police to reform surprises Sheehy

THE POLICE were far more resistant to change in pay and conditions than had been anticipated by the Sheehy inquiry, its chairman said yesterday.

In a robust defence of its recommendations, Sir Patrick Sheehy, chairman of BAT Industries, acknowledged he was surprised at the reaction to the report, published last month.

He was disappointed at attacks based on only superficial reading and at the failure of critics to suggest alternatives to its recommendations on performance-related pay, fixed-term contracts, bonuses for chief officers and extending the retirement age from 55 to 60.

It was clear the police were less willing to change than he had believed. "They all told us they wanted change and were willing to change ... but then they say they do not like our report but are not prepared to say what it is they want instead. I am

The inquiry chairman outlines his case for changing conditions to Terry Kirby

beginning to come to the conclusion that the police service is more resistant to change than we thought."

The Police Federation, which organised last week's anti-Sheehy rally, was largely supported by an older generation, more opposed to change, he suggested. Younger, ambitious officers, particularly those in the fast stream and in chief officer rank, would be more happy with the report.

He recognised the recommendations would be modified. "I see it as an enabling rather than a prescriptive report. It would be quite wrong ... for the recommendations to be implemented to the letter." But he added: "All the major recommendations, one would hope, would be en-

acted in order to give chief constables the discretion they need." It was correct, Sir Patrick said, for 30 per cent bonuses to be given to chief constables. Their present pay was low and under his report and the Home Office's own White Paper on police structural reforms, they would be given greater responsibilities. If the starting pay of £10,600 for non-graduate probationers failed to attract new recruits, it should be increased.

He stood firmly by the proposal to put officers on fixed-term contracts of 10 years followed by successive ones of five years; contracts gave protection not enjoyed in the private sector.

"Police are just ordinary persons with special powers. If we give them jobs for life, there is a

tendency to feel special ... which can affect their attitude to the public in a negative way."

On performance-related pay, Sir Patrick believed about 10 to 15 per cent would not qualify for an annual increase; those who topped the scale would still qualify for bonuses under local discretion. Rejecting the argument that officers would not be rewarded for diligent but unspectacular service, such as patrolling rural areas, he said: "We do not want individuals in one job for long periods. They should be able to move around to increase their earnings."

Michael Howard, the Home Secretary, has said he cannot respond to the report until consultation ends in the autumn.

Sir Patrick refused to speculate whether Kenneth Clarke, the previous Home Secretary who appointed him, would have been more supportive than Mr Howard.

INDEPENDENT

31. 7. 93

'The police killed my daughter. They went in with vengeance in their hearts'

Edward Pilkington examines the questions police will be called to answer after the death of overstay Joy Gardner

TWO years ago Joy Gardner, a Jamaican aged 40, was planning a life for herself and her British-born son. She had appealed on compassionate grounds for permission to remain in the country, having overstayed on a six-month visitor's permit issued in 1987. With high hopes, she had put her name down for a journalism course at Guildhall.

But on Sunday night the single mother lost not just her battle to stay in Britain, but her life. Scotland Yard has declined to discuss the events that led to Mrs Gardner's death at Whittington hospital, north London, four days after she fell into a coma when police officers attempted to deport her to remain in this country. The letters were virtually identical, except for the dates which were marked 26 and 27 July.

"The Secretary of State has carefully reconsidered the case in light of your representations

but is not prepared to rescind the deportation order or allow Mrs Gardner to remain any longer. Arrangements will shortly be made for her removal to Jamaica," they said. It was only later that day that Mr Dervish discovered that the arrangements that were "shortly" to be made had in fact been put into action two hours before he received the Home Office letters.

Estimates vary, but some time between 6.30 am and 8 am that day, two police cars turned into a newly-built housing association estate in Haringey, north London.

Five police officers, three from Scotland Yard's SO(3) unit specialising in deportations and two from local Haringey police station, walked up to the house. With them went an immigration official with a deportation order which they planned to use to put Mrs Gardner directly on a plane bound for Kingston, Jamaica.

The next piece of the puzzle is

a taped telephone conversation between Bernie Grant, Labour MP for Tottenham, and Chief Inspector Mark Sanger of Edmonton police. "There is a problem in Haringey we want to tell you about," Mr Grant was told. "Mrs Gardner became hysterical and violent and bit one of the police officers and had to be restrained. She suffered a heart attack and mouth-to-mouth resuscitation was given."

Myrna Simpson gives a different version of events. She claims her daughter agreed to let the police officers into her two-bedroom flat but they proceeded to cut the door chain.

"The police forced her to the ground and put handcuffs on her." When Joy Gardner arrived at hospital, already in a coma, she had bruises on her wrist, arm and neck, Mrs Simpson said.

Whether or not Mrs Gardner did resist at rest, debate is likely to focus on what methods police used to "restrain" her.

Under immigration law, people who oversay are guilty of a criminal offence. In such cases there is no limit on the number of immigration and police officers that can be deployed for their arrest.

Claude Moraes of the Joint Council for the Welfare of Immigrants condemned the use of large police swoops against single mothers.

"It's totally inappropriate. There should be guidelines to prevent deportations becoming part of the brutalising process black people suffer in this country."

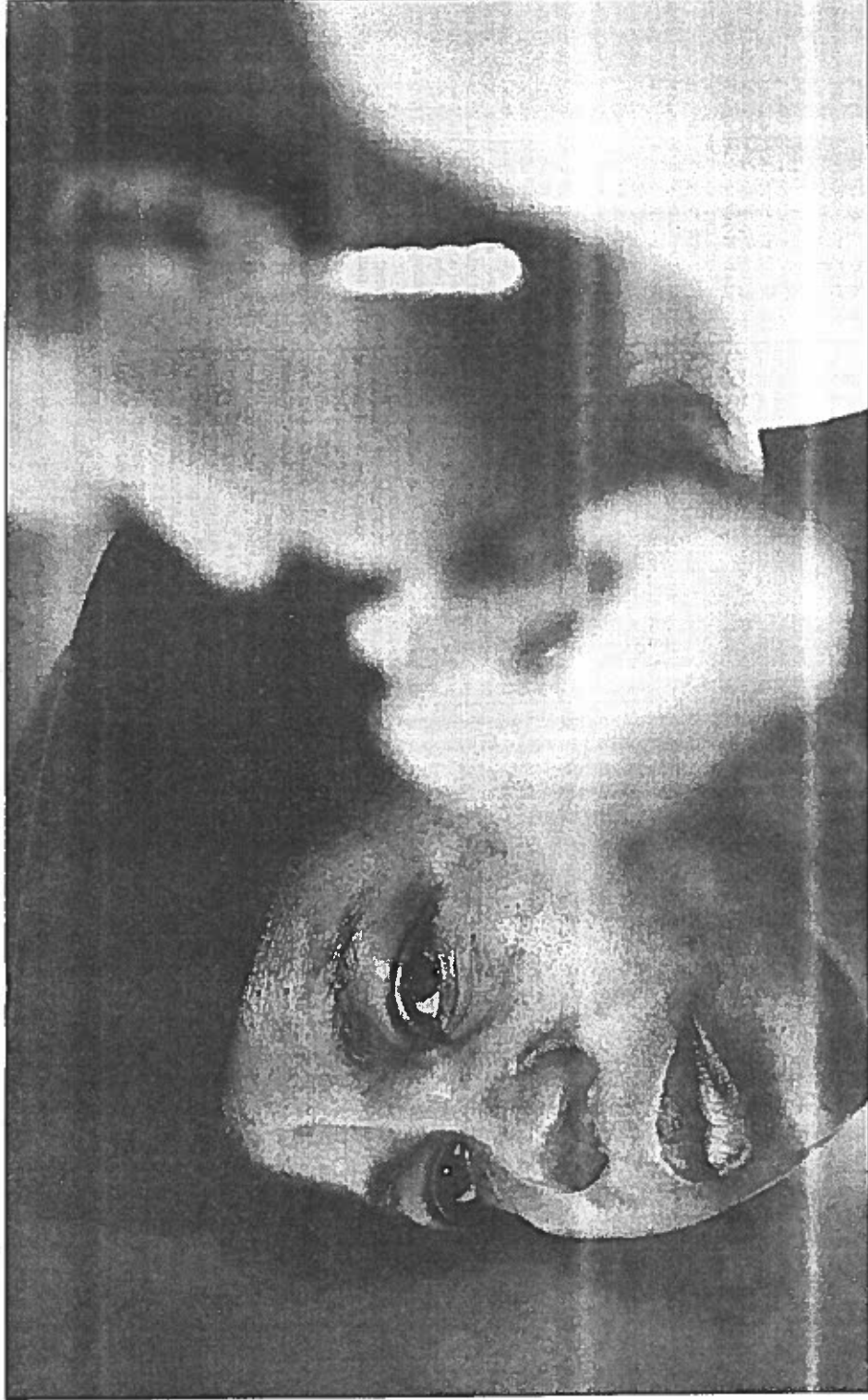
Mr Grant said this was not an isolated incident. He returned to the case of a single mother, Dorothy Nwokedi, who has made a statement from Nigeria where she was recently deported. She claims to have been arrested on July 9 in north London by eight officers who handcuffed her in a van, sat on her and attached tape to her legs and mouth.

One person may be able to fill many of the gaps in the jigsaw. Graham, Joy Gardner's son, who is being shielded from the media, was the only other person in the flat when police burst in. The boy, aged five, is thought to have witnessed the entire sequence of events.

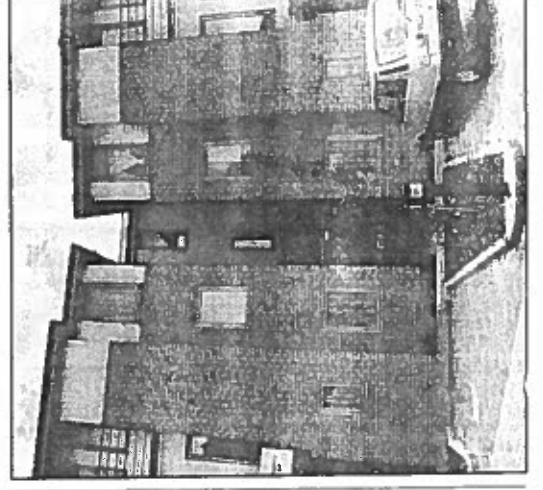
Many of the details of what happened on July 28 will have to wait for the findings of the inquest and the inquiry by the Police Complaints Authority.

But MP's and interest groups are baying for an independent investigation.

One person may be able to fill many of the gaps in the jigsaw.



Myrna Simpson, with her daughter Claudia, says of Joy's death: 'They had no need to treat her with such force.' Below, the estate where officers called to arrest her. PHOTOGRAPH BY DAVID SILLITOE



Police halt deportation unit amid anger at death

Edward Pilkington and Sally Wade

THE Commissioner of Metropolitan Police yesterday called a halt to the activities of Scotland Yard's specialist deportations unit and suspended three of its officers, amid rising tensions over the death of the Jamaican woman, Joy Gardner.

Paul Condon put a stop to the use of police officers in arrests of immigrants facing deportation until a review of "practices and procedures" had been conducted. There would be no further involvement until the lessons of Mrs Gardner's death had been learnt.

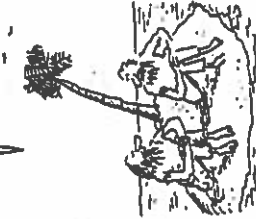
The decision to suspend Scotland Yard's deportation work casts a shadow over the Government's immigration policy. Last night, the Home Office said it was considering using Group 4 or other private security companies to fill the gap.

A spokeswoman said the suspension would not prevent the Home Office expelling illegal immigrants.

The three specialist officers involved in the arrest last Wednesday of Mrs Gardner in Harrogate, north London, — a female detective sergeant and two male police constables — have all been suspended. They were accompanied at the time by two local officers from Hornsey police station and an immigration official.

Mrs Gardner, aged 40, who entered Britain on a six months visitor's permit in 1987 and overstayed, went into a coma and died in hospital on Sunday.

Austin
GROUP 4 WERE SUPPOSED TO DEPORT ME TO IRELAND.



Relatives claimed she was killed as a result of the arrest officers' conduct. The incident is under investigation by James Conlan, assistant chief constable of Essex, on behalf of the Police Complaints Authority.

Further evidence on the causes of Mrs Gardner's death emerged at St Pancras coroner's court, which completed the initial post-mortem yesterday. According to the family's solicitors, it revealed "hypoxic brain damage".

The suspended officers belonged to a specialist unit of Scotland Yard known internally as the "extradition unit", or SO(3). Its 20 officers are deployed, at the request of the Home Office, to assist immigration officials in enforcing deportation orders in cases where "resistance or violence was expected", Mr Condon said.

Last year 851 people were deported, 282 of them for breaking conditions of their stay. In the past three months SO(3) officers have acted as escorts in 25 cases. He confirmed that the unit, set up in the early 1980s, was authorised to use restraining techniques banned in other areas of police work. These included handcuffs linked to a belt.

It has been claimed that the technique was used on Mrs Gardner, even though she was in her home at the time. Bernie Grant, Labour MP for Tottenham, claimed a belt and handcuffs had been applied to her. "I am totally opposed to the use of that equipment," he said.

Yesterday, however, Scotland Yard refused to comment.

The suspension of SO(3)'s deportation activities and removal from duty of some of its officers comes amid mounting fears that Mrs Gardner's death could unleash rioting in inner-city estates. Both Mr Condon and Mr Grant made appeals for calm as they emerged from an hour-long meeting at Scotland Yard.

Later at a demonstration outside Hornsey police station, Mr Grant addressed a crowd of about 200 chanting protesters, and appealed for calm in the community.

"It's very important that we realise we are winning this struggle," he said.

Shouting to be heard, he went on: "We are not going to rest until we get justice for Joy and justice for her family."

Race pledge tested, page 21
Leader comment, page 19



Bernie Grant (left), the Labour MP for Tottenham, who appealed for calm at a demonstration yesterday outside Hornsey police station over the death of Joy Gardner

'Deportation squad' inquiry tests race pledge

PHOTOGRAPH BY STEVEN SEWELL

Alan Travis on the suspension of a police unit dealing with deportees who might not go quietly

THE specialist Metropolitan Police unit which was suspended yesterday pending a full inquiry into the death of Joy Gardner after being served with a deportation order is made up of 20 officers under a detective chief inspector. Since it was established in the early 1980s it has been known within the force as the extradition squad.

The inquiry into the activities of the SO(3) squad will now provide an acid test of the

erring illegal immigration, passport frauds and extradition, it is used by the Home Office to pick up people who might offer "resistance or violence".

About 2,500 people were deported last year under immigration legislation and only a fraction went voluntarily. Although it is not known how often the "extradition squad" was used last year, it has been involved in about 20 "escorts" since May.

Immigration rights groups were already worried about the apparent lack of guidelines on the number of police and immigration officers used to arrest or detain people under immigration rules.

The British Council of Churches has also voiced concern this week about worsening reports of other recent deportations, and has called for a halt to all enforced deportations until a full inquiry has been carried out into the methods employed by the Home Office's Immigration Department.

Father Olu Abiola, president of the council of churches, pointed to the case of a Nigerian woman, Dorothy Nwokodi, and her four-year-old daughter, who were taken by eight police and immigration officers from their home in Finsbury Park, north London, at 6am on July 9. After she had returned to Nigeria, she alleged that she

was forcibly restrained when she started crying at Gatwick. One of the men sat on my back, another one sat on my legs while they tied my legs, knee and ankle, with a broad mouth with a scoldape. In the struggle my thumbs were broken, and I was bruised all over. I was put in the plane before the other passengers boarded the plane and put in a kind of cubicle."

She also said that the tape and handcuffs were removed about two hours after take-off, and one officer gave her a 120 pence because she had no cash. The council of churches also pointed to a report of a man

being placed on a flight to W Africa with his arms strapped to his sides. Mr Condon, who said SO(3) was the police unit with the power to use this "handcuff belt".

The commissioner's sw action is likely to strengthen the case for his serious building an anti-racist in the Metropolitan Police.

However, tension has already been heightened by last week's decision to drop charges against two teenagers accused of the murder of the black south London teenager Stephen Lawrence. It now appears that Mr Condon is emphatic that does not wish to see his repeat itself.

GUARDIAN 4.8.95

Deportation officers 'taped woman's mouth and sat on her'

Edward Pilkington
and Alan Travis

THE mother of the Jamaican woman who died while being restrained during the serving of a deportation order claimed last night that her daughter's mouth had been taped and she had been sat on.

Myrna Simpson claimed at a packed public meeting that her daughter, Joy Gardner, aged 40, was already dead when officers took her from her flat in Hornsey, north London, last Wednesday.

Mrs Simpson challenged the official statement which said her daughter died of kidney failure in hospital last Sunday. "She was dead on arrival at the hospital. She was not breathing. The ambulancemen could not revive her," she said.

"They taped her mouth. They taped her legs and they taped her feet. They sat on her stomach and damaged her kidneys, her liver and her brain," she claimed.

The Metropolitan Police yesterday came in for further criticism from Mrs Gardner's estranged husband, who accused the arresting officers of being "brutal murderers".

Joseph Gardner, aged 60, who married Joy in September 1990, said he was sickened by news of her death.

Mr Gardner, of Walthamstow, east London, said he had not seen his wife since November 1990, and assumed she had returned to Jamaica until he heard press reports of her critical condition in hospital after police and immigration officers tried to arrest her.

Mrs Gardner entered the country on a six months' visitors permit in 1987 and was not heard of until five days after the marriage, when her husband applied for leave for her to remain here. She was arrested the following month but released pending a judicial review of the case. The review was turned down in April 1991.

Mrs Gardner's body is shortly to be handed over to her family, who intend to arrange a private post-mortem.

It became clear yesterday that a full inquest into her death is unlikely before next year. The delay is likely to fuel demands for an independent inquiry. The immigration minister, Charles Wardle, yesterday rejected requests for such a review.

GUARDIAN

5. 8. 93

Post mortem inquiry sought into claims that adhesive gag was used

Row grows on deportation arrest death

By Neil Darbyshire, Crime Correspondent

TWO independent post mortem examinations on Mrs Joy Gardner were called for yesterday to establish whether she died from suffocation after having tape stuck over her mouth during an attempt to deport her to Jamaica. Fresh allegations of brutality in the treatment of Mrs Gardner, 40, have aggravated an already tense situation within the black community in the north London area where she lived.

Police are particularly concerned that a planned march on Hornsey police station by Mrs Gardner's supporters tomorrow could be exploited by violent elements.

Relatives say the original assertion that she died from renal failure after collapsing at her home is false and that the cause of death was asphyxiation and consequent oxygen starvation to the brain brought on by the alleged gagging.

They have commissioned a second pathological examination of the body, which they hope will back up their claim.

The three defectives from Scotland Yard's aliens and deportation unit who were suspended from duty after the incident have called for their own independent post mortem examination, to be held on Monday. Their representatives said yesterday that they had conducted the attempted deportation according to recommended guidelines and were anxious not to be made scapegoats.

Mrs Gardner collapsed at her flat in Hornsey, north London, after struggling with five police officers who forced their way in to enforce a deportation warrant at 7.40am on Wednesday of last week. She was given mouth-to-mouth resuscitation and put on a life support machine in hospital, but died four days later without regaining consciousness.

The Police Complaints Authority is now investigating the circumstances of her death. It will also examine normal police procedures for restraining deportees who refuse to co-operate. Mrs Gardner became violent, threatening one officer with a broken bottle, biting another and throwing crockery.

Scotland Yard has not denied that its officers used the 4in-wide tape, part of the restraining equipment available to officers of the aliens unit. The tape is also used as a defence against being bit-



Joy Gardner: bit officer and threw crockery

ten by a suspect with hepatitis, the HIV virus or Aids.

But there are many less forceful subjugation techniques and the use of tape in this and other cases will be a vital issue in the Police Complaints Authority inquiry being carried out by Mr James Conlan, assistant chief constable of Essex, under the supervision of Mr William McCall, former head of the Institution of Professional Civil Servants.

Supporters of the Gardner family, led by Mr Bernie Grant, Labour MP for Tottenham, have demanded a public inquiry, so far resisted by the Home Office.

The Police Complaints Authority is keen that there should be no delay and is confident that investigations will be completed well inside the 120-day maximum target recommended by the Association of Chief Police Officers. Although there are only five witnesses to the struggle — two policewomen and three policemen — the widening of the inquiry to examine procedures means many more interviewees.

They will include the immigration officer who was present when the police forced entry to the flat, but who left before the struggle began, to look after Mrs Gardner's five-year-old son.

Details emerged yesterday

of another case in which officers from the same deportation squad allegedly threatened to use tape to stop a woman shouting.

Mrs Dorothy Nwokedi, a Nigerian who was sent back to Lagos with her four-year-old daughter last month, said she was handcuffed, bound and threatened with a gag.

Both her thumbs were broken when she was seized in Finsbury Park, north London, at dawn and taken to Gatwick by about eight immigration officials.

"When I started crying they forcibly put me down," she said. "One of the men sat on my back, another one sat on my legs, while they tied my legs — knees to ankle — with a broad Sellotape."

"In the struggle my thumbs were broken and I was bruised all over."

● Peter Pallot, Health Services Staff, writes: A victim of asphyxiation could die of kidney failure, although this was unlikely, a consultant in London said last night.

In a healthy person, asphyxiation would first lead to severe brain damage and heart failure as these two organs were most dependent on a supply of oxygenated blood. After that other key organs — the kidneys and liver — would cease.

If the asphyxia victim had an existing kidney complaint, renal failure could be induced before the other organs failed completely, although this might not be noticeable immediately because the body could exist without clear renal function for a day or so.

The mystery was why renal failure was given as the cause of Mrs Gardner's death when renal function would be checked as routine on admission to intensive care. The consultant said: "I do not believe she died of renal failure. It might have been renal failure brought on by an event such as heart failure. When you die, everything packs up."

Key figures — P2

DAILY TELEGRAPH

6.8.93

AWARD-WINNING COP ON THE RIGHT TRACK



● Friendly neighbourhood cop, Pc Robin Redmond, with two members of his fan club, Doreen Spicer and Fred Wood, who are residents of the New River Lodge old folk's home in Newton Close, Woodberry Down.

TUBE driver-turned-cop, Pc Robin Redmond, is on track to receive a top award for community policing.

The caring copper, who swapped Underground stations for police stations, came second in the *Evening Standard* competition to find the best community policeman in London.

Metropolitan Police Commissioner, Paul Condon, will present him with his honour at a special ceremony.

Hundreds of officers were nominated by the public, but it was the Stoke Newington-based bobby's own superior officers who put him forward.

The 33-year-old father-of-six is a firm favourite with the folk on the beat he patrols in Woodberry Down.

Pc Redmond joined the police four years ago after driving Tube trains for 10 years and has been a home-beat bobby for the past two years.

He has thrown himself into community work, getting involved with the Woodberry Down Over 60s Project as well as organising activities for the two youth clubs at Parkside and Woodberry Down Primary Schools.

He also helps co-ordinate the neighbourhood

by **RUSS
LAWRENCE**

watch scheme for the Woodberry Down Estate - one of the biggest in the country - as well as being a trustee of the Hackney Youth Orchestra.

And he regularly pops in to the classrooms to meet the kids at St Thomas Abney and Woodberry Down primary schools.

"I've wanted to be a policeman since I was three," said Pc Redmond.

Stoke Newington's top cop, Chief Supt Niall Mulvihill, said the award was richly deserved.

"He has helped make his part of London a safer place where community spirit is now thriving again," he added.

I SAY, I SAY

A regular feature in which guest writers have their say



This week's contributor is Betty Blomfield, chair of the Hackney Lay Visitors Panel

THE Hackney Lay Visitors Panel was established in 1988.

The panel comprises 24 members of the public who volunteered to be a lay visitor and were subsequently appointed by the Home Office and given the responsibility to visit people being held in custody at our local police stations to ensure that these detainees are properly treated while they are being detained.

As we interview the detainees, they are given every opportunity, if they so wish, to complain about their treatment either when they were arrested or during the

detention.

If such a complaint is made, it can be made out of earshot of the police. Despite the opportunity - and contrary to what some people may believe - the number of complaints reported to the lay visitors by detainees is very low indeed.

In fact, the vast majority of people in custody tell us they are being treated well and have no complaints.

I can give an absolute assurance that members of the Hackney Lay Visitors Panel are very dedicated and take their job seriously. Therefore, we have never ignored - and

never would - any complaint made to us by a detainee.

We would obviously ask for an investigation immediately. It is also important to point out the following facts:-

- The three local police stations are visited regularly without prior notice being given to the police that a visit is to be made.

- Lay visitors are a completely impartial body of people who neither work for nor with the police.

- We are generally well received by the police when we make our visits and there is no indication at all that our presence is resented.

Inquiry ordered after Asian dies in random check by police on taxi drivers

THE Police Complaints Authority has been called for the second time in five days to investigate the death of a black person after an Asian taxi driver collapsed and died yesterday as officers were inspecting his cab, *writes Edward Pilkington.*

With tension running high over the death of the Jamaican deportee, Joy Gardner, police asked the authority to investigate within an hour of the death of Mohammed Nazir in Slough, Berkshire. He was dead on arrival at Wexham Park hospital.

Mr Nazir, aged 57, collapsed in a council depot in Slough after he was stopped along with four other taxi drivers in a random check by the police, social security and Department of Trade officials.

A Home Office pathologist, Dr Iain West, carried out a post-mortem examination, sources close to the investigation said. He identified the cause of death as heart disease and also found evidence of previous heart attacks.

Tony Williams, of the complaints authority, who is to supervise an investigation by Hampshire police into Mr Nazir's death, said there had been no struggle and Mr Nazir had not been in custody. "This man was not under arrest — he was under police supervision."

However, a fellow taxi driver, Manjit Aujla, who was present at the inspection, accused the police of ignoring pleas from Mr Nazir that he had chest pains and needed to go home for his tablets.

He called the police "inhuman, badly behaved and unsympathetic".

He added: "They said he would have to wait his turn. They did not believe him, they thought he was pretending. One of the policemen said that if he had that sort of pain, he should not be driving."

The police are alleged to have told Mr Aujla that he could take Mr Nazir to the hospital. "I said it was up to them. I don't know what happened then, but I know they checked his car before he was taken for any sort of treatment."

GUARDIAN

7-8-93

Joy Gardner 'was dead on arrival'

Lawrence Donegan
and Edward Pilkington

CAMPAIGNERS supporting the family of Joy Gardner, the Jamaican woman who died after being arrested last week, claimed last night she was dead on arrival at Whittington hospital, north London, even though she was kept on a life support machine for four days.

A report from the London Ambulance Service suggests it may have taken paramedics up to 36 minutes after she collapsed during her attempted arrest to revive her heart beat.

Sharon Lawrence, of the Joy Gardner campaign, said: "You cannot be lifeless for so long and live. She was effectively dead when she arrived at hospital."

According to the Ambulance Service, the arresting officers called for help at 8.04am on July 28. Paramedics from Tottenham station reached Mrs Gardner's home in Hornsey by 8.15am. "There was no heart beat and no sign of any activity from the heart," a spokesman said. It took them until 8.40am to revive her pulse.

The paramedics' report supports evidence from a heart specialist. Dr Royden Davies has told a Police Complaints Authority investigation she may have collapsed because "she was in some way deprived of oxygen".

Mrs Gardner, aged 40, went into a coma after police officers restrained her using a leather belt and handcuffs and mouth gag while attempting to enforce a deportation order. She died four days later.

In a statement to the PCA inquiry, Dr Davies identified three possible reasons for her lapsing into a coma: the gag covered both her nose and

mouth, depriving her of oxygen; she swallowed her tongue after the gag was put on; or the officers restrained her with such force she was unable to breathe.

An initial post mortem carried out by Home Office pathologists concluded she died of kidney failure. She had suffered hypoxic brain damage — lack of oxygen to the brain — can occur after heart attacks, but this her relatives ruled out.

Dr Davies said in his statement: "The only other plausible explanation for the cardio-respiratory arrest was that Mrs Gardner was in some way deprived of air containing oxygen during a time when she was struggling."

"... With a rapid heart rate and with muscular activity from struggling, if Mrs Gardner were deprived of oxygen, her own blood would ... give up its oxygen very rapidly."

Mrs Gardner's family believe a post mortem carried out yesterday will support their claim she suffocated because of being restrained. The result will be made public today.

The findings of separate post mortem conducted on behalf of three officers involved will not be made public.

The officers, a woman sergeant and two male constables, have been suspended from duty, and Metropolitan police involvement in enforced deportations put on hold.

Mrs Gardner entered Britain on a six-month visitors permit in 1987. She was arrested in 1990, one month after marrying, but was released pending judicial review. This was turned down in April 1991.

● Dr Stephen Shaw, director of the Prison Reform Trust, called yesterday for the use of bodybelts to restrain prisoners to be reviewed.

Leader comment, page 17

GUARDIAN 10.8.93

Police chiefs' attacks on Sheehy grow

MORE chief constables yesterday joined colleagues in attacking the Sheehy report on policing. The chief constables of Derbyshire, Avon and Somerset, and Dyfed-Powys said they would have to consider their position if Sir Patrick Sheehy's report was implemented in full.

Their comments follow the stand taken by Sir Hugh Annesley, Chief Constable of the Royal Ulster Constabulary, and Paul Condon, the Metropolitan Police Commissioner, who have said they would not willingly preside over a force run under the Sheehy model.

The chief officers' key concerns are the proposals for fixed-term appointments, starting salaries, performance-related pay for junior ranks, sick leave for officers injured on duty, and increasing retirement age to 60 and pension qualifications to 40 years' service.

John Newing, chief constable of Derbyshire, said yesterday: "I would find it hard to be a chief officer in a police organisation which imposed those kinds of conditions."

David Shattock, chief constable of Avon and Somerset, said: "If Sheehy were implemented in full ... it would take away the whole ethic of British policing. We would get the wrong people at the starting pay that is proposed and I wouldn't want to lead that sort of organisation."

Ray White, chief constable of Dyfed-Powys, said: "I would have to consider my position if Sheehy was implemented in its present form."

He also feared that proposals for short-term contracts, cash-limited budgets, and Home Secretary appointees for police authorities would put "far too much control" in the hands of central government.

David Owen, chief constable

of North Wales, joined the chorus of criticism, saying: "I share the concern of my colleagues that Sheehy would lead to substantial demoralisation of the service."

The chief constables of Northumbria, Greater Manchester and Durham have also voiced serious reservations about the report's proposals, while John Over, chief constable of Gwent, said yesterday: "I don't want to become a Victorian mill-owner."

He argued that performance-related pay for junior ranks would be an "administrative nightmare" and, if it was based on how much work an officer produced, "there lies corruption and injustice".

Mr Over, who is retiring in December after 42 years, said: "I believe that within 10 years the police will be a law-enforcement agency and not a service, and I wouldn't want to be part of that."

Earlier this week, a leaked internal memorandum revealed that Sir Hugh Annesley had told his force: "I will not willingly preside over a force whose morale would be so adversely affected if these recommendations were introduced in their proposed form."

His blunt response echoed that of Mr Condon, who said last month that his position could become untenable if the entire report was enacted.

Brian Johnson, the chief constable of Lancashire, has been holding consultations with other members of the Association of Chief Police Officers to ensure a "proper response" is prepared to the report's recommendations.

Michael Howard, the Home Secretary, who has said the report's recommendations are not set in stone, is not expected to set out his proposals until consultations are over next month.

GUARDIAN 13.8.93

BRAVE PCs ARE HONoured

TWO brave police officers who tackled a dangerous knifeman have been honoured for their courage.

Rookie Pc Ian Slaney was stabbed in the hand and back as he tried to search David Moss in St John's churchyard, Hackney, two years ago.

But Moss, a paranoid schizophrenic, pulled out a deadly curved Kukri knife - used by the Gurkha regiment - and attacked the teenage constable mercilessly while shouting: "Right, that's it. I'm going to kill you."

Pc Slaney, who was on his first lone patrol, tried to protect himself and struggled to disarm his extremely powerful attacker, but his greater body weight pulled them both to the ground.

Moss broke free, got to his feet and as Pc Slaney tried to get up, he was again stabbed repeatedly. The constable ran to the nearby police station, radioing for assistance as he did so before collapsing.

Colleague Pc Eileen Fischer took the distress call and knew they were looking for a crazed knifeman.

As they reached a road junction, the man ran across in front of the vehicle still holding the knife.

Fully aware of what had just happened, Pc Fischer went up to Moss and took the knife out of his hand without a struggle and arrested him.

As a result of his injuries, Pc Slaney

was off duty for two-and-a-half months.

Now aged 21, he has been awarded the Commissioner's Commendation for courage and tenacity. Pc Fischer, 42, received the same commendation for bravery.

Pc Slaney was also praised by the trial judge in September, 1992, when Moss was sentenced to an indefinite term at Rampton mental hospital.

At the time, Pc Slaney said: "You could say I stopped the right person, but the wrong person that day."

"He was armed with a knife and out to do something that day and I may well have prevented him harming a civilian."



● Pc Ian Slaney - on his first lone patrol



● Pc Eileen Fischer - arrested knifeman

Top-ranking Yardie killer jailed for double shooting

A TOP-RANKING Yardie was jailed for life at the Old Bailey on Wednesday for the merciless shooting of two unarmed men in front of 200 party-goers.

Scar-faced killer Leroy Lesley, 26, was found guilty of murdering 25-year-old Andre Blackman and seriously wounding Jeff Dixon, also 25, at a farewell party for a friend returning to Jamaica.

The party was at Roots Pool community centre in Millers Terrace, Dalston, last November.

Unknown to the jury, Lesley had convictions for dealing in cocaine and heroin, unlawful wounding and having a loaded gun in a public place.

Outside the court, senior detectives re-

vealed that Lesley was a member of the Raima Rats Possee - a Yardie gang originating in Kingston, Jamaica - and was in Britain as an illegal immigrant.

The jury acquitted his heavily-pregnant co-defendant, Linneth Lewis, of the same charges.

The married mother-of-five, from Row-hill Road, Lower Clapton, was accused of murder and wounding with intent on the basis of joint enterprise for allegedly handing him the gun from her handbag.

The jury was told that Lesley, of Homsey Road, Homsey, had clashed with Blackman at the bar. He left, collected the 13-shot automatic pistol and gunned both Blackman and Dixon down.

Lewis said she had nothing to do with the killing and did not have a handbag with her that night in which a gun could have been concealed.

HACKNEY GAZETTE

13.8.93

Police told Sheehy plans would destroy the force

Duncan Campbell
Crime Correspondent

THE police force would be destroyed if the recommendations of the Sheehy Report were put into effect, a rally of police officers was told by the chairman elect of the Police Federation last night.

Speaking in Harrogate, Dick Coyles said it was a "dangerous, reckless adventure" which would drive dedicated officers from the force and replace them with "short-term, short-expectation" people.

The attack is the latest broadside against the report and further evidence that the police are determined to win the propaganda war against its proposals in advance of further talks with the Home Secretary.

Mr Coyles did not mince his words as he attacked many of the report's central recommendations. "There was a famous slogan coined by Winston Churchill, which Sheehy's claim reminds me of: 'Give us the tools and we will finish the

job', he said. "Sheehy says: 'Give us the tools and we'll bugger the job'."

The Chancellor of the Exchequer, Kenneth Clarke, who as Home Secretary initiated the inquiry, was singled out for the most damaging attacks.

Mr Coyles suggested there had been a hidden agenda in setting up the inquiry. It was produced by a team that had "no knowledge of and no real interest in the police service".

He warned the Prime Minister of the political damage that would be done if the recommendations were adopted, saying that Mr Clarke had dug the Government into a "dreadful hole" and advising him to put the report at the bottom of the hole and give every cabinet member a shovel to help fill it in.

"Michael Howard [the current Home Secretary] must understand that the dangerous, reckless adventure on which Mr Clarke embarked, like Toad of Toad Hall, has resulted in a shambolic misconception of what the police is all about," said Mr Coyles, who takes over

from Alan Eastwood as federation chairman next month.

The proposals would change the type of person recruited to the force, he said. "They will not be committed to a vocation. They will be short-term, short-expectation men and women, while the type of person who has contributed so much to the British police service in the past will look elsewhere for job satisfaction."

The attack comes days after a group of chief constables lined up to criticise the report by Sir Patrick Sheehy, and what may concern Mr Howard is the way the force has presented a united front against its proposals. However, the campaign shows little sign of abating and another federation rally is planned next week in Newport as part of a series of regional rallies.

The Sheehy proposals which have attracted the fiercest criticisms concern the introduction of fixed-term contracts, the reduction of the starting salary, the raising of the retirement age to 60 and the notion of performance-related pay.

GUARDIAN

17.8.93

BEAT BOBBY'S AWARD FOR BRAVERY

Drugs case dropped against mum cleared of murder

A MOTHER of five, cleared at the Old Bailey 24 hours earlier of being an accomplice to a Yardie murderer, walked free from another court last Thursday after five-year-old drugs charges against her were dropped.

Linneth Lewis, from Rowhill Road, Lower Clapton, pleaded not guilty at Snaresbrook Crown Court to two charges of possession of cannabis and cocaine with intent to supply on November 26, 1987.

A warrant for her arrest was issued in September, 1988, after she failed to appear for her trial. Nearly five years later the Crown Prosecution Service decided to offer no evidence against her because of the staleness of the case.

Lewis, who appeared at Snaresbrook in the name of Angela Brown, had spent the last seven months in custody awaiting her murder trial at the Old Bailey, along with 26-year-old Leroy Lesley - described by senior police officers

as a "top-ranking Yardie." Lesley was jailed for life last week for the murder of Andre Blackman, 25, and for seriously wounding another man at the Roots Pool community centre in Millers Terrace, Dalston, on November 30 last year.

Lesley had clashed with Mr Blackman at the bar before returning with an automatic pistol and gunning him down at close range.

He also shot Jeff Dixon, 25, a friend of the dying man, in the stomach and another reveller, Janet Sinclair, was hit in the thigh. Both Mr Dixon and Ms Sinclair survived the shooting.

Lewis, who is heavily pregnant, was cleared of murder and wounding with intent on the basis of joint enterprise. It had been alleged that she handed Lesley the gun from her handbag.

She told the jury she had nothing to do with the killing and did not have a handbag with her that night in which a gun could be concealed.

BEAT bobby Paul Danks has been commended for his courage in attempting to arrest a violent man for robbery.

The officer was on plain-clothes duty patrolling the streets of Stoke Newington on Hallowe'en night in 1991 when he spotted a large, boisterous group of young men starting to jostle, punch and kick a man.

Pc Danks could see they were robbing him and he shouted to them that he was a police officer. He then arrested one youth who had taken the property.



● Pc Paul Danks.

Immediately, he was surrounded and attacked by a large group of men who were intent on rescuing their friend.

His radio was punched from his hand and eventually his prisoner broke free. Pc Danks was kicked and punched repeatedly and dragged along the ground until he lost consciousness.

As a result of his injuries, he was off duty for more than a month.

Pc Danks, now 32 and based at Hackney police station, was handed his award by Deputy Assistant Commissioner Michael Taylor.

Pc Danks, a member of the City Road Pistol Club, is one of 46 police officers serving in east London stations to be honoured this year for their conduct.

Yardie killer's 'protege' guilty of party shooting

A YOUNG man who police say was an "associate" of Yardie murderer Leroy Lesley is facing a long prison sentence after being found guilty of a shooting at an all-night party in Dalston.

Dermott Brown, 21, of Laurel Street, Dalston, was convicted at the Old Bailey on Friday of two robberies, having a firearm with intent to endanger life, having a firearm with intent to rob and assault causing actual bodily harm.

Two days earlier Lesley, 26, was jailed for life for murdering unnamed Andre Blackman, 25, at a party in Roots Pool community centre in Millers Terrace, Dalston, on November 30 last year.

Outside the court Det Sgt Peter Myers said it was clear that Brown, who was nicknamed "Killer" on the streets, was an "associate" of Lesley. "You might call him a protege," added Det Sgt Myers.

The jury had heard that Brown pulled out a pistol and fired several bullets into a crowd of revellers at an all-night party in Ashwin Street on April 17 this year in revenge for being thrown out of the party moments earlier.

Mr Peter Clarke, prosecuting, said it was "sheer luck" no one was injured. One terrified victim, Gordon Browne, 28, heard a bullet "whistle past his chest."

Brown and his accomplices, who have not been caught, pistol-whipped another of the party-goers and stripped others of their valuables.

Brown denied the charges, claiming he was at another party that night. The jury took more than six hours to reach its majority verdicts. He was remanded in custody.

The judge, Miss Recorder Ann Curnow, QC, adjourned sentence until tomorrow (Friday) for a probation officers' report - but she said that Brown, who has no previous convictions, was facing a "substantial sentence."

HACKNEY GAZETTE

20.8.93

The thin blue picket line

When they eventually came out with their report they were amazed that all these discon-

H

Sharpley, Chief Constable of Merseyside, warned that every time a Chief Constable might have to consider resignation if Sheehy were implemented.

Richard Wells, Chief Constable of South Yorkshire told the Wembley crowd "my officers, like others all over the United Kingdom, now feel disgraced and sad for their involvement in the failure of this service" (A cynic might say that the failure of this service might have been predicted).

Sheehy supporters might ponder if this will mean yet further delays, the reduction of which is a source of controversy in the report. The report has, if nothing else, achieved remarkable solidarity among the different levels of the police.

Butcher believes that performance-related pay, whereby teams of officers are rewarded on the basis of the job they do on the place they do it, the way they do it and the experience they bring to it, would be virtually impossible.

"In Norwich, we had a disturbance in a night club and 100 officers involved. Do they all get rewarded? Or you have a small burglary squad, they do a good job. Great, you think it, they

But Howard also knows that he cannot be seen to have caved into the pressure from Wembley and all the bobbies in their Solidarmose T-shirts, he knows that the Telegraph readers at his conference, the ones who see the police as irritating chap-tries who stop them for speeding in Berkshire and Sussex, who give them grief over their shotgun licences and who tell the wife that there is nothing

Why had they not brought in the changes themselves instead of waiting for his suggestions and then rubbishing them?

"They had complained about not being able to get rid of "uniform carriers" who do not pull their weight but they could have acted on this themselves. Why did it need Sheehy to put a rocket in the Panda car and get it moving?"

The police will say they are not dealing with these; that more officers *are* being moved onto the streets, that there is a "measurable" presence being introduced to get rid of lazy and incompetent officers; that burglars are now being targeted as never before. The Federation's advertising campaign will seek to persuade the public that resistance to Sheehy is altruism not self-interest, that it is the key to the current battle as a member of the public on Panopoma remarked: "we have heard a lot about police pay and condition but not a lot about how this will affect the people they are supposed to serve."

PC 49, or Archibald Berkeley Witherby to give him his full title, of radio and comic fame, embodied the notion of the old-fashioned copper, fair and honest to a fault. Forty years ago, in the 1954 *On the Beat* with PC 49 annual he tells his young readers: "Crime Marches On and so must I, or I'll get a rocket from Sergeant Wright for idling and Gossiping."

Would PC 49 have been at T-shirt wearing a "Say No To Whorey! No doubt he would. But he would have pondered on the irony that the very people used by the Government to help crush the trade union movement in the eighties should now be the last body of organised labour to be able to cause pain in the hearts of that same Government? Now that would be a subject for some idle gossip.

Public urged 'back police over Sheehy'

Duncan Campbell
Crime Correspondent

VIGILANTISM is now regarded as something to "cheer about rather than condemn" because of public disillusion with the criminal justice system, the leader-elect of the police staff association claimed last night.

Richard Coyles, who takes over as national chairman of the Police Federation next month, was appealing to people to back the police campaign against recommendations in the Sheehy report. The service was in peril and public help was needed to save it, he said.

The appeal was made at a police rally in Newport, Gwent — the third large rally organised by the federation in its efforts to influence the Government over the Sheehy report. Many officers are opposed to a number of its recommendations, including reduced starting salaries, fixed term contracts and performance-related pay.

Mr Coyles said: "The public no longer believes that the

criminal justice system offers protection to law-abiding citizens, because not only does it fail to convict so many of the guilty, it also regards punishment as an outmoded concept.

"The public is less concerned about whether prisoners have it good or bad than whether enough of them are sent to prison as they should be.

"In many areas the public has become so disillusioned that incidents in which people take the law into their own hands and deal out their own version of punishment and revenge are coming to be regarded as something to cheer about rather than condemn."

People were frustrated and angry about the criminal justice system. If the Sheehy recommendations were implemented, the system would be further weakened, he claimed.

Mr Coyles also attacked plans to centralise control of the police, contained in the Government's white paper.

Michael Howard, the Home Secretary, is not expected to make public his final plans until the end of October.

GUARDIAN

26.8.93

Party gunman jailed for eight years

THE young protégé of a Yardie killer was jailed for eight years at the Old Bailey last week for a terrifying shooting at an all-night warehouse party in Ashwin Street, Dalston.

Dermot Brown, 21, of Laurel Street, Dalston, pulled out a gun and fired repeatedly into the crowd after bouncers had tried to eject him from the party on April 17 this year.

Six months earlier, Leroy Lesley - whom police officers regarded as a "top-ranking Yardie" - had gun-

ned down Andre Blackman during a party at Roots Hall community centre, in Millers Terrace, Dalston.

Lesley was jailed for life two weeks ago. Brown was described outside the court as a "young protégé" of Lesley's by Det Sgt Peter Myers, of Stoke Newington police station.

During the shooting, Brown pistol-whipped one

victim while his gang, who have not been caught, stripped guests of their valuables. "It was sheer luck no-one was injured," said prosecutor Mr Peter Clarke.

Brown denied any involvement in the attack, but was found guilty of having a firearm with intent to endanger life, two robberies, having a firearm with intent to rob and assault

causing actual bodily harm.

The judge, Recorder Miss Ann Curnow QC, recommended that Brown, a Jamaican national, who is in Britain on a work/study visa until February, 1995, be deported when released.

Brown's solicitor said afterwards that he would be appealing against the convictions.

MURDER CHASE COPS COMMENDED



● Sgt John Gough.



● Pc Alan Phillips.

COURAGEOUS coppers from Hackney who risked their lives in a high-speed pursuit of a shotgun-wielding murderer have been hailed as heroes.

Sgt John Gough and Pc Alan Phillips joined 11 other officers in a 20-mile car chase across London after Theodore Aymer hijacked a minicab after shooting 17-year-old Alexander Hanshaw at point-blank range in the Horn of Plenty pub in Mile End four years ago.

The cab was eventually brought to a standstill after being forced off the road by an armoured Landrover.

Sgt Gough and Pc Phillips, both of whom are based at Hackney police station, were commended for their bravery by Deputy Assistant Commissioner Michael Taylor.

Immigration meeting

SPEAKERS from the Hackney Community Defence Association, the Kurdistan Solidarity Committee and the Joy Gardner Family Campaign will share the platform at a public meeting in Stoke Newington on Sunday.

They will give their views on Britain's immigration laws and issue a clarion call to all those who feel threatened by them.

"The threat of deportation and the immigration laws themselves threaten the future of thousands of people in Hackney," said a spokesman for the organisers of the meeting. "Immigration laws help incite xenophobia and enable racists to make immigrant workers into a scapegoat for economic and social crises."

The meeting will take place at the Halkevi Community Centre, Stoke Newington High Street, and will start at 3pm.

SAFETY FIRST

EAST LONDON'S top cops and council leaders got together last Friday to discuss how to improve security in the area.

The conference, the first of its kind, was organised by the Metropolitan Police's Deputy Assistant Commissioner Michael Taylor, who said: "Areas of discussion where a joint approach is important include racial incidents, traffic matters, youth initiatives, social services and environmental issues."

Representatives of the boroughs of Hackney, Tower Hamlets, Newham, Barking and Dagenham and Havering attended.

HACKNEY GAZETTE

27.8.93

Is there a political motive behind Hackney police's "Provocation" tactics?

POLICE OFFICERS, sjeir with details of 23 from Hackney, Stoke, locals who allege police Newington and City malpractice in their Road police stations are being charged with assault against police officers.

The African-Caribbean youth of the area. It is alleged that there has been a series of provocative beatings and arrests.

The Hackney Community Defence Association claims it has a dossier

then charged with assaulting some police officers.

Five of these cases allegedly involve men arrested at police stations after they had gone to express their dismay over the behaviour of police officers.

These incidents coincide with last month's conclusion of the Operation Jackpot inquiry in-

to corruption at Stoke Newington police station, the results of which have not yet been made public. Local people feel that the treatment meted out to some African-Caribbean men may be related to a craving for revenge on the part of some policemen who feel humiliated by

Vendetta

the inquiry.

Other observers claim that the vendetta against African-Caribbean citizens may be related to police anger over the recent Sheehy report. Some claim that maverick junior officers may be using such tactics to demonstrate the need for a greater allocation of public resources to "combatting crime in the

inner cities." Thus far, locals have remained calm. "People have been showing remarkable restraint but there are limits to what some of the younger members of the local community can put up with," a spokesperson for the HCDA told *the Caribbean Times*. "The attacks reported to us have involved the hospitalisation of several people, and we are worried that one day we may have a corpse on our hands, like the tragedy of Joy Gardner. This must be avoided at all costs and calls for responsibility on all sides."

Chief Superintendent Bernard Taffs of the Hackney Police was not available for comment at the time of going to press.

CARLISBEAN

TIMES

31.8.93

Police woo trade unions over Sheehy

Duncan Campbell
Crime Correspondent

THE Police Federation is making an unprecedented appeal to the trade union movement for support in its campaign against the Sheehy report, claiming that the proposals would emasculate the federation and be a threat to democracy.

A half-page advertisement from the federation, which represents rank and file officers, appears in *New Times*, the paper of the Democratic Left, formerly the Communist Party, for next week's TUC conference. It says the police are unable to take industrial action and calls the Sheehy report a blueprint for disaster.

Mike Power, editor of *New Times*, said: "This is an incredible shift in attitude by the police towards trade unionists, particularly compared to the brutality faced by the miners during the strike in 1984/85."

"Police attitudes are changing as they face mounting political attack from the Government. Some of us on the left are also changing and becoming more open and pluralistic. We welcome this opportunity to develop greater understanding."

The appeal is the latest move in the high-profile battle the police are waging against the report. The Home Secretary, Michael Howard, has said he will listen to responses until the end of this month, after which he will decide which of the recommendations to adopt.

The police object particularly to proposals for a lower starting salary, performance-related pay, fixed-term contracts for all ranks and retirement at 60 instead of 55. The federation is also unhappy that in negotiations over pay and conditions it would be reduced, as its adver-

tisement puts it, to the status of a consultative body.

Other advertisements are to appear in the *Spectator*, *Tribune* and *New Statesman* and in the brochures of the party conferences, where fringe meetings will also be organised.

Dick Coyles, who takes over from Alan Eastwood as federation chairman next week, is urging "total rejection" of the report and is campaigning against it in trade union style. Mr Eastwood is seeking to become a Conservative MP.

Police authorities are recommending compromise. In a statement today, Jim Jennings, chairman of the official side of the Police Negotiating Board, which advises the Home Secretary on pay and conditions, says these "need modernising but not at the expense of a demoralised police service".

The police authorities propose fixed-term contracts for senior ranks only, rejection of the proposed retirement age of 60, an appraisal system to reward officers, a slimmer rank structure, abolition of the housing allowance for recruits and lower overtime payments.

They are fighting the Government's decision to impose its appointees on police authorities.

● John Prescott, Labour's transport spokesman and a strong defender of the party's links with the unions, is rated the shadow cabinet's most effective campaigner by trade union leaders, with a score of almost seven out of ten in the *New Statesman's* annual survey of general secretaries and TUC general council members, writes Seumas Milne.

That has taken him from eighth to first place in the past year. Gordon Brown and Tony Blair have respectively slipped to fourth and sixth place from first and third. John Smith's rating is down 20 per cent.

GUARDIAN

3.9.93

I SAY, I SAY

A regular feature in which guest writers have their say



This week's contributor is former Hackney Council leader Andrew Puddephatt who is general secretary of Liberty

HACKNEY can be a hard place to live. It has never been an area of great wealth and in the last few years the effects of recession and the withdrawal of government investment have wreaked havoc upon our community.

Like many other so-called "inner-city" areas, we live with poverty, crime and racism. But Hackney is also characterised by a culture of resistance.

This culture has a long history. In the 18th century, Hackney was home to groups of Dissenters (including Joseph Priestley) who established their own schools. Mary Wollstonecraft lived and worked here for a while.

Throughout the 19th century, a powerful Labour and trades union movement

developed. In the 20th century, Hackney people helped keep fascism from our streets, not just in the 1930s, but in 1962 when Mosley attempted a comeback in Ridley Road Market, and in more recent years.

This tradition of dissent and resistance is one we can all be proud of. As anybody who has been on the local council can tell you, Hackney people are quick to complain, to lobby, to challenge decisions and, if necessary, demonstrate to make sure their voices are heard.

Alongside this culture of resistance is a tradition of diversity. Hackney, since the industrialisation of the 19th century, has always been a mixed community. It is an area where successive waves of immigrants

have settled, initially from elsewhere in England and from Scotland or Ireland.

Later, immigrants came from central and eastern Europe, from the Indian sub-continent, from China, Africa, the West Indies, Cyprus, Turkey and Kurdistan. In fact, there are no majority communities in Hackney - we are all minorities here.

Growing out of these two traditions of resistance and diversity has come a equality, the recognition that every human being is born with a set of rights that cannot be taken away.

It is this history - of diversity, resistance and equality - that, for me, makes Hackney more than a bad news story in the national press.

HACKNEY GAZETTE

3.9.93

Blacks think police racist, survey finds

Duncan Campbell
Crime Correspondent

FOUR out of five Afro-Caribbeans believe that the junior ranks of the police are prejudiced against them, according to a survey for a BBC programme. Half of those interviewed said they had either no or very little trust in the police.

The findings will come as a blow to senior ranks of the police who believed that anti-racist initiatives within the service were beginning to bear fruit. Paul Condon, the Commissioner of the Metropolitan Police, has made fighting racism in the service one of his priorities.

Last night's BBC2 programme, All Black, commissioned the Harris poll after the death of Joy Gardner, who died following attempts to deport her by police and immigration staff. Thirty areas with large Afro-Caribbean populations were surveyed.

Eighty-one per cent of those surveyed believed there was prejudice among junior ranks of the police, 78 per cent among middle ranks and 74 per cent among top ranks. This accords with anecdotal evidence that

the anti-racism initiatives published by senior officers are not filtering down to officers on the beat. Most metropolitan forces are seeking to counter this by recruiting more black officers.

The survey found that the police were seen by 85 per cent as treating black people "very unfairly". Another 34 per cent thought they were treated "quite unfairly". The only hopeful sign for the police was that people were less critical of their local force.

Only 10 per cent said they trusted police "a great deal", compared with 27 per cent who said they trusted them "not very much" and 23 per cent who had no trust at all.

Of Afro-Caribbean men interviewed, 70 per cent said they had been stopped by police. In London, this has been one of the main causes of tension, with many black men complaining they are routinely pulled in if they are driving new or high performance cars.

The producer of the programme, Charles Bruce, said: "Seventy per cent of black people believe they are treated unfairly by the police. This flies in the face of the many initiatives designed to improve community relations after the inner-city riots of the 1980s."

GUARDIAN

4.9.95

Police may be prosecuted over shooting

A MAN shot by police who thought he was about to carry out an armed raid on a pub is planning to start his own legal proceedings.

As he walked free from the Old Bailey last week, Lee St Rose said: "I can't really say anything because we might be pursuing a civil case against the police."

The prosecution offered no evidence against St Rose and his co-accused, Michael Hamill, a Hackney Council painter and decorator, after a re-trial was unable to reach a decision on a charge of conspiracy to rob.

Armed police officers had ambushed Hamill, 35, of Parnell Road, Bow, and St Rose, 41, of Blair Street, Poplar, outside the King's Arms in Bow Road on September 10 last year. It was alleged that they were planning to rob Thomas Walsh, the pub's manager, who was collecting more than £3,000 from the bank next door.

As the suspects' car drove off, St Rose was shot in the left arm by Po John Benson, who had accidentally shot himself in the thigh as an open door of his Range Rover hit a park bench.

Hamill was arrested at the scene and St Rose later that same day at the pub he then managed, the Flying Scud, in Hackney Road, Bethnal Green.

Hamill said they went to the King's Arms to speak to a man about some money which had been stolen from the Flying Scud. Mr Trevor Burke, defending St Rose,

DUO CLEARED OF PUB ROBBERY PLOT AFTER TWO-TRIAL DEADLOCK

claimed that Po Benson fired back after he thought he had been shot by St Rose.

Hamill and St Rose were cleared of possessing a prohibited weapon with intent after Mr Burke told the court that the stun gun St Rose was said to be carrying during the incident was at his pub all the time.

But the jury were deadlocked on a charge of conspiracy to rob and were discharged after more than four hours' deliberation - as were another jury. Hamill and St Rose, now unemployed, denied all the charges.

Prosecutor Mr Peter Walsh told the court: "It is the practice that if two juries in succession fail to reach a verdict then that is the end of the matter unless there are exceptional circumstances. There are none, and following that practice the Crown offers no evidence."

After the judge had entered not guilty verdicts, Hamill said outside court: "We are both very relieved that our innocence has been finally proved."

Police can call special line for an interpreter

TONGUE-TIED coppers across east London can now converse in any one of 140 languages at the touch of a button.

Language Line, which operates from an office in Victoria Park Square, Bethnal Green, is a 24-hour, 365-day-a-year service providing down-the-line interpreters.

Officers needing instant help in a foreign language dial a switchboard and are connected to the relevant interpreter, who then sets up a conference line.

The service has been extended to cover the whole of east London following a successful 12-month trial in the Metropolitan Police's Limehouse division, in which a high proportion of residents come from ethnic minorities.

Hackney police will be able to use the facility for six months, after which it could go London-wide.

No wonder there is talk of vigilante groups

READING letters week after week complaining about noise, anti-social tenants, squatters etc., it is sad that so many of them (including myself) have to have their name and address withheld for fear of reprisals.

When are the council and the police going to take these people's complaints seriously? I cannot comment on the mobile patrol as I've never bothered with it as it's been a waste of time for so many others I know.

What I can say is that when the council and the police know when a flat is being used for drug dealing and three years on business is still booming, you finally realise what an incompetent council we have and a police force who are, apparently, not bothered.

No wonder there is talk of vigilante groups forming in Hackney. Once an abhorrent thought, it now fills one's heart with hope and delight that justice will at last be meted out. - NAME AND ADDRESS SUPPLIED.



EIGHT-YEAR-OLD Samantha Hayes and Po Alan Kendall, from Hackney police station, tried a hands-on approach to puppeteering when Punch and Judy man Uncle Arnold brought his show to the 11th Hackney Wick Festival on Saturday. Hundreds of people turned up for the afternoon

That's the way to do it!

of music, fun and rides, held on the Trowbridge Estate, Eastway.

Uncle Arnold's traditional show was one of the day's most popular attractions, alongside a selec-

tion of fairground rides, a bouncy castle and arts and crafts stalls.

Live music was provided by the Unity Band, Common Law Story Tellers, Arona Rage, Paul Mece and

Ginger Williams. A disco by Crem de la Crem also kept the crowds on their toes.

Hackney Community College's mobile advice centre was also on hand to dish out the latest information on college vacancies and training opportunities in the borough.

HACKNEY GAZETTE

10.9.93

Police hurt in Asian protest

Lawrence Donegan
and John Ezard

SIX people needed hospital treatment last night after a vigil in east London by about 600 people in protest against the attack on an Asian student, Quaddus Ali, ended in violence.

Scotland Yard said 10 people were arrested. Five police officers and one civilian were treated at hospital, while 20 other officers received minor injuries.

Eyewitnesses said police were attacked with stones and banners while attempting to arrest a demonstrator.

Brian Williamson, the manager of a grocer's store opposite the Royal London hospital,

scene of the vigil, said until then the protest had been peaceful. "That all changed when the police moved in."

Kevin Blowe, who was at the vigil for the Newham Monitoring Project, said police overreacted to a few young Asians flicking rolled-up Anti-Nazi League stickers at them and made an arrest. "A lot of people were leaving the vigil because they were bored, when three officers went to arrest one of the young men. The crowd grabbed the lad back, then other police moved in."

Humaiun Kobir, aged 15, who was among the demonstrators, said: "Once the police arrested someone everyone just rushed in and started beating the police up. There were about 10 officers and they were all get-

ting beaten up. That's when the riot police came."

A police officer said: "They promised us there would be no violence and it would just be a peaceful vigil. For that reason we only had eight to 10 officers at the scene to start with."

Mr Ali, aged 17, from Stepney, was with three friends when he was set upon by a group of eight whites, including a number of skinheads. He still critical but stable last night, a hospital spokesman said. The attack has prompted renewed calls for legislation to deal with racially motivated violence. There were 4,140 racial incidents in London in 1992. The largest group of victims were Asians.

Picture, page 6

GUARDIAN

11.9.93

PC in cell murder case denies attack

Duncan Campbell
Crime Correspondent

A POLICE officer at the centre of a murder investigation yesterday denied attacking a man found dead in a police cell.

He said he was unable to remember asking his wife to remove blood from his shirt the day after the incident.

The officer accepted that in the past he had assaulted two women with whom he had had relationships, and had received psychiatric treatment.

PC Paul Giles told an Old Bailey jury he had arrested Patrick Quinn in Shepherds Bush, west London, on December 23, 1990 for drunkenness, and taken him to Hammersmith police station. Shortly afterwards Mr Quinn, aged 56, was found dead in a cell.

His cellmate, Malcolm Kennedy, 46, a restaurateur from Stoke Newington, north London, who had also been arrested for drunkenness, is pleading not guilty to Mr Quinn's murder. The trial is Mr Kennedy's second for the murder. His conviction at the first was quashed by the Appeal Court earlier this year and a retrial ordered.

Mr Kennedy claims Mr Quinn was attacked by a police officer. Yesterday Mr Giles told Timothy Langdale, QC, prosecuting, that he neither assaulted nor attacked Mr Quinn. "I strenuously deny any allegations that are put to me in that respect." He had merely put Mr Quinn in the cell and left him lying on a mattress. Later he saw him bleeding profusely.

"At the time it appeared his eye was on his cheek. Also in the cell was Mr Kennedy. I was in shock at seeing such a horrific sight. I remember seeing Mr Kennedy smiling."

Mr Giles agreed he had once

smashed his way with a hammer into the house of a woman friend. "There was some trouble in the relationship because she was ignoring me. I could not cope with it at the time, so I smashed the window of the kitchen door with a hammer and let myself in. The woman was in the house."

Under cross-examination by Michael Mansfield QC, Mr Giles denied he had a capacity for violence, but agreed he had assaulted two women. "I assaulted those women," he said. "I have not assaulted other people."

He said he had received psychiatric help after smashing his way into the woman's home, but was not currently on medication. The woman was now his girlfriend. He added that he had slapped a former fiancée on the back of the head with the palm of his hand once after he had been drinking.

He said his wife had wanted to wreck his career, and suggestions that he had assaulted her were untrue.

"You're telling a pack of lies," said Mr Mansfield.

Mr Giles said he was telling the truth. "I totally reject ever assaulting my wife, whatever she says. I told my bosses she was going to make allegations of assault against me."

Asked if he had asked his wife to wash a shirt which had spots of blood around the breast pocket the morning after the murder, he said he could not remember doing so. He could not recall telling her the blood spots were the result of him trying to revive the dead man.

He denied telling friends when he was in the RAF how to hit people in the face while carrying a lighted cigarette.

Asked if he had punched an RAF colleague in the face, he said: "That is a goddam lie."

The case continues on Monday.

GUARDIAN

11.9.93

Police station cleared of organised drug-dealing

Duncan Campbell
Crime Correspondent

AN INVESTIGATION into what senior Scotland Yard officers have described as the most serious allegations of police corruption for 20 years is likely to lead to the prosecution of a small number of officers and the dismissal of others. But it will clear the police station investigated of organised involvement in drug-dealing.

The Crown Prosecution Service and the Police Complaints Authority are still considering the report on Operation Jackpot, which completed inquiries in July into allegations that officers at Stoke Newington police station in north London took drugs from dealers — including crack cocaine — and resold them.

The inquiry also looked at a large number of complaints that evidence in drugs cases had been fabricated and planted. One officer has already been jailed for dishonesty, three have been suspended and eight transferred to other stations.

Neither the prosecution service nor the complaints authority will comment until their findings are made known, probably at the end of October. But the Guardian understands they are looking at evidence of serious misconduct in the case of one officer.

Two or possibly three others could face charges of conspiracy to pervert the course of justice, or perjury. Others are likely to face disciplinary proceedings and, if the case is proved against them, be required to leave the service.

The prosecution service is considering the likelihood of a successful prosecution against police officers when the main witnesses they would call have convictions for drug offences.

The Director of Public Prosecutions, Barbara Mills, has taken a personal interest in the inquiry, and will be aware of expectations that action be taken against those officers who are widely regarded in Stoke Newington and Hackney as having fabricated evidence against defendants, for the most part black.

The inquiry, led by Detective Superintendent Ian Russell, of

Scotland Yard's Complaints Investigation Bureau, has not found evidence that there was organised recycling of drugs or that the problem was widespread.

It is believed that one officer will be named as having a relationship with a known crack dealer and that a small group of other officers will be named as having behaved dishonestly.

Allegations that some may have kept money and drugs seized from drug dealers have been aired. But the vast majority of officers investigated are likely to be cleared.

Sandringham Road in Stoke Newington has been one of the main drug dealing areas in the capital, and residents have expressed dismay that dealers appeared to be able to peddle drugs with impunity.

The decisions by the prosecution service and complaints authority are unlikely to satisfy all sides: Hackney Community Defence Association, which has represented a number of those who made allegations against the police, has named 13 officers it believes are dishonest.

"We are looking into the pos-

sibility of challenging the DPP with a judicial review if they make a decision not to prosecute," said Graham Smith, of the association, last night. "We anticipated all along that there would not be many charges."

Stoke Newington police have complained, for their part, at the length of the inquiry, which began in 1991, and say that suspicions have hampered their work against drug dealers. They now have to use videotapes to

secure convictions because jurors are so sceptical about the words of Stoke Newington officers. (Some of those arrested in the area now reportedly ask to be taken to Stoke Newington police station because they believe this will assist their chances of an acquittal.)

The police also believe that the prosecution service has unnecessarily dropped cases because suspended or transferred officers were involved.

GUARDIAN 16.9.93

Police urged to keep closer watch on suicide risks

POLICE watchdogs want prisoner custody procedures reviewed after a man tried to hang himself in a cell at Stoke Newington police station by tying his belt and shoe laces together.

Cops managed to cut him down from the makeshift noose and resuscitate him after finding him unconscious during a routine check.

The man, who had been arrested on theft charges, later claimed he had tried to kill himself because he had broken up with his girlfriend.

Details of the suicide attempt were revealed to Hackney's Police Community Consultative Group at

Robbery suspect tried to hang himself in station cell

by RUSS LAWRENCE

its meeting last week. Chair of the consultative group, Betty Blomfield, expressed her concern in her other role as chair of Hackney's Home Office-appointed Lay Visi-

ors Panel - a watchdog group which checks on the welfare of detainees held in Hackney's police cells.

She said she had always been under the impression police removed everything which could be considered harmful to a prisoner, such as any sharp implements, cigarette

lighters and belts, ties and shoe laces.

"I think police should review its policy on detainees because they are responsible for the health and welfare of people held in custody," she said.

Stoke Newington's top cop,

Chief Supt Niall Mulvihill, said strict guidelines concerning prisoner custody procedures had been followed in this case, but nobody could predict the unforeseen.

"It is down to the judgement of the custody officer to decide if someone is emotionally disturbed or considered a potential suicide risk - in which case clothing would be removed," he said.

"This prisoner was quite normal when arrested, showing no signs of being emotionally unstable.

"Surely nobody is suggesting that every normal person we arrest must have their laces, belt and tie removed - that would be adding insult to injury," he added.

TOP OF THE TABLE

But Hackney Council would prefer to be bottom as complaints to the Ombudsman soar past 300

HACKNEY Council has topped the complaints league table in London for the second year running.

Local government watchdog the Ombudsman logged 332 moans against the authority in 1992-93.

Hackney was the only borough to break the 300 barrier in registered complaints. Its nearest rival was Southwark Council, which received 263.

And out of 17 complaints investigated in Hackney, maladministration causing injustice was found in 15 of them - the highest ratio in London in successive years.

by NIGEL MORRIS

Tory leader Cllr Joe Lobenstein labelled the findings an "abusive disgrace."

He said: "There is only one way of solving this problem and that is to vote Labour out next May."

"It is an innate sign of despair on the part of people in the borough that so many complain to the Ombudsman as compared to other London boroughs."

Hackney Council's chief executive, Jerry White, admitted he was "disappointed" and that further improvement was necessary.

Problem area

In 1990-91, the authority received 207 complaints with 10 cases of maladministration causing injustice proved. This rocketed to 271 complaints in 1991-92 with 15 cases of maladministration.

Dr David Yardley's annual report published on Wednesday showed council housing repairs is still a problem area.

Complaints were settled locally in 104 cases. No maladministration was found in 107 cases while 105 complaints were outside the Ombudsman's jurisdiction.

Mr White said: "I am very disappointed that the number of cases which required formal investigation is the same as the 1992 figure."

"While I am far from complacent about the number of Hackney complaints against a 30 per cent London-wide increase in the total number of complaints, the Hackney increase was 22 per cent."

He added: "We are taking people's complaints seriously and every investigation case and all significant local settlement cases are individually reported to councillors."

"Further improvement is necessary. Action is being taken and I expect to see much better figures next year."

Neighbouring Tower Hamlets Council logged 199 complaints in 1992-93, compared to 160 the previous year.

Tower Hamlets Council leader Peter Hughes said: "The high number of complaints to the Ombudsman is a sign that Tower Hamlets is rightly encouraging people to be demanding citizens."



● PC Clive Ingram.

PAT ON THE BACK FOR POLICE WHO STOPPED FIFTH-FLOOR PLUNGE

QUICK-THINKING coppers who stopped a woman from throwing herself off a fifth-floor balcony have been rewarded for their tenacity.

Pcs Clive Ingram and Kevin Sheppard held on to the struggling woman as she tried to jump from her flat at Banister House, Homerton, last October.

The bobbies, who are based at Hackney police station, received Royal Humane Society testimonials from the Met Police's Deputy Assistant Commissioner Michael Taylor.



● PC Kevin Sheppard.

CRIMEFIGHTERS SET FOR ROUND TWO

HACKNEY'S community crimebusters go into action at an all-day conference at the Town Hall on Sunday.

Police, councillors and tenants will unveil new plans to crack down on burglary, drugs, mugging and vehicle crime.

They will also look at how to improve neighbourhood watch schemes and the general climate for law and order.

About 100 people, representing about 10,000 Hackney residents, are expected at the meeting - the

second in the Hackney Crime Prevention Panel's bid to reduce crime in the borough.

Six committees were set up in June at the HCCP's first meeting to come up with practical ways of stopping crime. Each committee has five members and is chaired by a senior councillor, supported by a senior police officer and three representatives from residents' groups.

A third and final meeting is planned for November 13 when the agreed action plans will be implemented around the borough.

Council leader Cllr John McCafferty said: "The solid good sense and positive input of the June conference put us well on the track to getting effective community action on burglary, mugging, vehicle crime and drugs planned for 1994."

Iain Turpie, HCCP's secretary, said: "We have complete serious backing from the local police who have grasped the real potential the conferences have to get something really done with community backing about reducing crime in the borough."

MUSLIM LEADER CALLS ON POLICE TO STAMP OUT RACISM

COMMUNITY leaders called for a crackdown on racial abuse this week as an uneasy calm settled over the East End following running street battles between police and protesters.

"The unnecessary violence against the police on duty is deplorable, but police failure to make any impact on the racially motivated youth of east London is equally deplorable," said former Hackney mayor Cllr Shuja Shaikh.

He was speaking after an anti-racist demonstration outside the Royal London Hospital in Whitechapel erupted into violence as members of the Bengali community sought an outlet for their anger.

"Racists in east London have murdered Muslims at the rate of more

than one a year in the last 12 years," continued Cllr Shaikh, who is chair of the British Muslim Council. "It is high time the government brought in legislation to make it a new statutory offence to commit acts of racial violence."

Violence flared on Wednesday night last week after 17-year-old student Qudus Ali was attacked and left for dead by a gang of whites in Commercial Road, Stepney.

He is in a stable condition at the Royal London after being taken off a life support machine.

Court 'games' obstruct justice, says police chief

Vivek Chaudhary

CCOURT proceedings have become like a game and legal technicalities get in the way of establishing the truth, the Chief Constable of Thames Valley Police said yesterday in a stinging attack on the criminal justice system.

Charles Pollard, who has been Chief Constable for two years, told his police authority: "The central core of the system is the courts and the way they operate.

"They set the standard and culture for all the agencies concerned with maintaining law and order.

"Yet court proceedings have become far too much like a

game. The objective should be to get at the truth yet, far too often, rituals and technicalities get in the way."

Mr Pollard was referring to a recent case at Reading crown court in which the prosecution offered no evidence against three animal rights activists to protect sensitive police records.

Police claimed that the records had no relevance to the case but the judge ruled they should be disclosed. The defendants were formally found not guilty.

The case, said Mr Pollard, was symptomatic of a malaise within the criminal justice system. "Far from providing a process of analysis to sift facts and ascertain what happened, court proceedings provide an area for

adversarial virtuosity with the truth often becoming clouded by a variety of irrelevant smoke screens.

"It makes the job of the judges and magistrates very difficult indeed. What is needed is new vision for the trial system."

Mr Pollard called for the recommendations of the Royal Commission on Criminal Justice to provide the basis of this "new vision." Implementation was a matter of urgency.

Last month Albert Pacey, who retired as Chief Constable of Gloucestershire, said the criminal justice system was archaic and inadequate and that the police were "totally fed up" with the way crime was dealt with.

GUARDIAN 18.9.93

Anarchy fear as police rail at paperwork

Duncan Campbell
Crime Correspondent

AROUND 45 tons of paperwork in one case may have to be handed over by police because of new rules on disclosure of information, a police conference heard yesterday.

The cost of paper alone in another case had now reached £2 million, the Police Superintendents' Association conference in Torquay was told.

As a result of such cases, and the Government's failure to address problems of crime and punishment, there was a risk of "anarchy". The conference passed a unanimous vote of no-confidence in the criminal justice system after a day-long debate.

Chief Supt Brian Ridley of the Metropolitan Police told the conference that defendants' demands for access to unused material had led to the abandonment of major cases and to hundreds of officers spending weeks producing paperwork.

"In one on-going case [involving child-murder] we have only disclosed one third of the unused material so far, 15½ tons of paper," he said. "In another [fraud case] there is over one million pages of unused material, and in addition to the defence solicitors there are eight other agencies asking for full disclosure. The cost of paper alone will be just under £2 million. To read one copy of the unused bundle at 500 pages a day every day of the year would take a lawyer 5.4 years — and they bill the Legal Aid fund for it."

In the first case it was possible the defendant would require all the paperwork, amounting to 45 tons, he said.

The process of printing out and preparing such material had absorbed the equivalent of about 180 constables, and if this was reflected nationally it

would mean the police service had lost 900 officers, he said.

Mr Ridley, who co-ordinated the service's evidence to the royal commission on the criminal justice system, said he would shortly be presenting evidence of 15 major criminal cases abandoned because of defendants' moves to obtain the identity of informants. There had been 70 such cases at crown courts in England and Wales since January last year.

He said it was a sad reflection on our system that there was so little apparent concern about miscarriages of justice occurring week in and week out when the top tier of professional criminals were demonstrating that the current law was impotent to deal with them.

Chief Supt Brian Mackenzie of Durham constabulary, who called the criminal justice system a national disgrace, told delegates that Parliament was "totally out of tune" with the people it purported to represent. The legal professional was perpetuating a system which did not seek to establish the truth, he said, and the courts were inconsistent in sentencing those convicted of serious and numerous offences.

"The police are fed up to the back teeth with being made the scapegoat for failings outside our control," he said. "Law-abiding people are tired of being bullied, burgled, beaten, battered and, yes, butchered in their own homes."

He added: "One thing is certain, if the rule of law fails, then anarchy prevails."

The theme was echoed by other superintendents gathered for possibly the last time as an association; the rank of chief superintendent could be discontinued if the Sheehy reforms are implemented and their association could be subsumed into the Association of Chief Police Officers.

GUARDIAN 22.9.93

Howard race to top caught in speed trap

Michael White sees Home Secretary keep his nerve at hostile police conference

WESTMINSTER'S keen band of Michael Howard-watchers have not been surprised to see the new Home Secretary adopt a populist line over crime, prisons and the police, though MPs who still see him as the right's best bet to resist the Kenneth Clarke bandwagon were disappointed to learn that he no longer favours hanging.

Yesterday's drubbing at the hands of yet another police conference might have cracked the nerve of a less resilient politician. It may cost Mr Howard, a sensitive private figure, some sleep as he prepares for next month's vital speech to a disaffected Conservative conference.

But he will bounce back, as he always has during a ministerial career which saw him survive close association with water privatisation, the poll tax and his Cambridge chum and erstwhile flatmate, Norman Lamont. The Home Secretary is nothing if not ambitious; the stakes are high and he is pragmatic.

Since succeeding Mr Clarke at the Home Office during the post-Lamont reshuffle he has abandoned — as soft — proposals to make prison cells more humane, urged people not to become vigilantes and promised more special constables and parish policing.

Notwithstanding yesterday's unexpected announcement of new disciplinary procedures it is a safe bet that he does not feel as attached to millionaire businessman, Sir Patrick Sheehy's market-oriented approach to

police pay and career structure as Mr Clarke was in hand-picking the Sheehy panel. The hostility he faced last night is not something he will be eager to repeat.

Nor can the party faithful be relied on to support even a rightwing Home Secretary in the present mood of public anger over rising crime and falling conviction rates.

Traditionally Tory turf, it is now an open goal for Labour's Tony Blair to restore the connection between individual responsibility and wider social ills. Mr Howard's inheritance is to promise more of the same which his predecessors promised for 14 years.

Grandson of East European Jewish refugees, the son of Llanelli drapers, Michael Howard became a QC, not via the criminal bar but as an employment and planning specialist. Unlike Mr Lamont, elected in 1972 but in cabinet only six months ahead of him, he became an MP in 1983 — and was the first of his year to do enter the Cabinet, as Employment Secretary in 1990.

Sharp and effective in parliamentary debate and Whitehall infighting, the 52-year-old MP for Folkestone and Hythe is a lucid television and platform performer, but one who suffers from lacking a common touch or giving the impression he has deeply-held beliefs.

"He could have argued the case against water privatisation or poll tax," some MPs complain. In short he is not greatly trusted, even on the Euro-sceptical right.

Mr Howard's most likely pinnacle is the chancellorship, but in the present Tory turmoil anything is possible. For the time being he is exonerated from being on the "bastards" list, and predicts that John Major will be prime minister for a long time.

Police dazed by mugging from minister

Duncan Campbell on the short, sharp shock treatment handed out to superintendents

DURING the last war, the Palace Hotel in Torquay was requisitioned for the use of wounded RAF pilots. Yesterday it was a home for wounded superintendents suffering from what they felt was a severe kicking in their consultation processes from the Home Secretary.

The police service is suspicious enough at the best of times about silken-tongued silks and Michael Howard's surprise announcement of new disciplinary procedures, which will remove a police officer's right to silence and legal representation, will merely confirm their beliefs that barristers come somewhere between joyriders and bail bandits in the rogues' gallery.

"We are very, very angry that the announcement was made in this way," said Chief Supt Vernon Jones of the Metropolitan police.

He said it would have a serious effect on police morale which was already feeling battered and confused.

Out on the balcony of the hotel there was a whiff of gunpowder amidst the Hamlet cigar smoke.

"Is this a diversionary tactic?" asked Chief Supt Jimmy Johnstone of the Lothian and Borders police, in Torquay as a

guest from across the border. "Or is this kicking the police while they're down?"

Supt Glyn Lewis of North Wales constabulary was also dismayed by the Home Secretary's announcement: "We are very disappointed. We thought we were still in the consultation process."

A trio of North Yorkshire officers on the balcony above the hotel's nine-hole golf course felt that the Home Secretary's decision augured ill for the future and the likely direction he will take over the Sheehy report and the White Paper on police reform.

"Our concern extends to the White Paper, where there is a constitutional shift in the line of control of the police," said Chief Supt Tony Fitzpatrick. "Who knows what would happen with an extreme left or extreme right government in 20 years' time?"

Visiting superintendents from the Royal Ulster Constabulary were sympathetic. Bill Davidson said that the Home Secretary was taking away a basic right when he ended a police officer's right to silence in a procedure over which he could lose his job. His colleague, Anne Donald, agreed, saying that what England and Wales got today her force would have imposed on it tomorrow.

Torquay's best-known hotel, Fawley Towers, doesn't actually exist, of course. But there was a feeling among the sober-suited and blue-blazered superintendents yesterday that if Mr Howard was not exactly the Minister of Silly Walks, he had still managed to put his foot very firmly in it.

GUARDIAN

23.9.93

Howard tries to soothe irate police

Duncan Campbell
and Eriend Clouston

THE Home Secretary, Michael Howard, yesterday sought to defuse the simmering row between himself and the police service by inviting police leaders from all 52 forces in the United Kingdom to meet him for a discussion of the Sheehy report on police roles and responsibilities.

His invitation came as the Police Federation, which represents rank and file officers, attacked his new disciplinary proposals as resembling a "drumhead court martial".

Mr Howard had announced new procedures for dismissing officers at the Police Superintendents' Association conference in Torquay on Wednesday. He also said that he would announce at the end of October which parts of the Sheehy report he will implement.

Chief Superintendent David Golding, president of the superintendents' association, said: "We must seriously question the value of the meeting if all he is going to say is 'I hear what you say but I have nothing to say until the end of October'."

Mr Golding said it was likely that they would also tell Mr Howard of their dismay at his unexpected announcement on discipline changes. Yesterday

delegates at the superintendents' conference passed, with only one dissenting vote, a motion calling on the association's executive committee to seek an early meeting with Mr Howard to make clear the strength of members' feelings.

The national chairman of the Police Federation, Dick Coyles, said last night that the new procedures amounted to a complete abolition of almost every legal safeguard to protect officers from the risk of wrongful dismissal.

Speaking at a federation branch meeting in Plymouth, he said: "To devise a system which enshrines the instant judgment of a drumhead court martial is a travesty of justice. We cannot meekly accept this decision. It puts every officer at the mercy of the malicious pointed finger, gossip, rumour, tittle-tattle and conspiracy."

The federation has said it would seek to challenge the change in the courts after it had become law.

Delegates at the Scottish National Party conference in Dunoon yesterday joined in the criticism of the Sheehy Report. A motion declaring that "the quality of Scotland's police service would be greatly reduced should these proposals be implemented" was carried unanimously.

Leader comment, page 25

GUARDIAN

24.9.93

'Listen to white voters'

HACKNEY North MP Diane Abbott has called on politicians to listen to the voters who handed the fascist British National Party a council seat.

In a statement to the Gazette, she says: "It is not enough to condemn the BNP... white voters in the East End were trying to tell us something."

Last week the BNP candidate Derek Beackon took the Millwall seat on Tower Hamlets Council by seven votes amid scenes of street fighting and "Sieg Heil" salutes. Two days later, violence erupted in Brick Lane between BNP members and the Anti-Nazi League.

The victory sparked instant condemnation from Hackney councillors. Tory leader Joe Lobenstein said: "Being a refugee from Nazi oppression, you can understand how I feel now that Hitler's disciples have gained a foothold on our own doorstep."

On Wednesday, during a full council meeting, Cllr Lobenstein asked council leader John McCafferty to denounce the BNP as the "equivalent of the pre-war German Nazi Party."

But Diane Abbott warned politicians of all parties that "unless the issue is argued through, it is all too easy for embittered white voters to see the black community as the source of their problems."

She also blamed Thatcherism and the Canary Wharf development for fuelling the anger that led to the BNP vote. "It is typical of the Tories that they put the profits of their property speculator friends above the needs of ordinary people and their families living in the East End," she commented.

by NIGEL MORRIS

Alf Lomas, Euro MP for London North East, also blamed the Liberal-run Tower Hamlets Council for letting the BNP in. "The Liberals have played the racist card at local elections for years. Racists are now benefiting from these policies," he said.

Hackney's Liberal Democrat leader, Cllr Colin Beadle, said he would back any expulsion if his Party's internal inquiry proves that councillors in Tower Hamlets were guilty of running a racist campaign.

He said: "We have to stand up to fascism, but at the same time not take our eye off the ball and not fall out. All Parties must be united in addressing this problem."

A leading church figure, the Bishop of Stepney, the Rt Rev Richard Chartres, said: "The politics of violence, hate and division also wastes young lives and makes no contribution to solving the real problems that we face."

Courageous cops



●Pc Darren Townsend.



●Pc Christopher Tweedale.

BRAVE bobbies who confronted a drunken woman wielding a steak knife have been commended for their courage.

The woman lashed out at City Road coppers Christopher Tweedale and Darren Townsend as they tried to arrest her after being called to a disturbance in Hoxton Street, Hoxton, last November.

She later admitted to having a pathological hatred of the police and attempting to kill both officers.

Pcs Tweedale, 25, and Townsend, 24, received their bravery commendations from Deputy Assistant Commissioner Michael Taylor.

THIRD TRIAL FOR MAN ACCUSED OF POLICE CELL MURDER

ALLEGED police cell killer Malcolm Kennedy faces another retrial after dramatic new evidence has come to light.

Kennedy, 47, is said to have kicked 53-year-old Patrick Quinn to death as they shared a cell at Hammersmith police station in December, 1990.

But Kennedy and his defence barrister, Mr Michael Mansfield, QC, claim that a police officer is the real killer.

Kennedy, formerly of Church Walk, Stoke Newington, was convicted two years ago, but a retrial was ordered after a hearing at the Court of Appeal.

On the fourth day of last week's retrial, Mr Mansfield asked for a second retrial to allow the defence time to study new evidence.

Kennedy, now living in Streatham, denies the murder of Mr Quinn.

HACKNEY GAZETTE

24.9.93

Police corruption fears return to haunt the Met after 20 years

Commissioner acknowledges impossibility of total purge

Duncan Campbell
Crime Correspondent

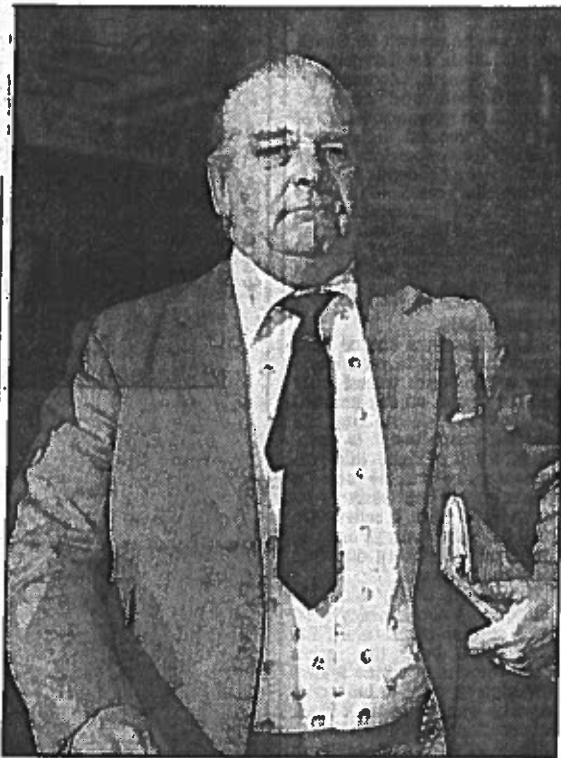
"CORRUPTION in a police force is like a sin in society at large. You will never wholly eradicate it for it is embedded in the greed and selfishness of human nature."

So wrote Sir David McNee, the former Metropolitan commissioner in his autobiography 10 years ago. Yesterday Paul Condon, the present commissioner, echoed his words. In 10 years time, doubtless his successor will be required to do the same. But this week's allegations have come at a time when the Met hoped that such charges were mainly associated with the dark era which rocked Scotland Yard in the seventies.

In November 1988 the Times published serious allegations about three detectives and a south London criminal which led to the prosecution of the officers and a general realisation that all was not well in the Met. It also led to the suggestion that corrupt officers operated a "firm within a firm" which could provide everything for the criminal from bail and information to advice and a way of recycling stolen goods.

When Sir Robert Mark took over as commissioner in 1972, he found a detective branch which he felt to be deeply corrupt. His aim was to run a service which "caught more criminals than it employs" and to "make virtue fashionable."

In the course of what Sir Robert portrayed as a cleansing of the Augean stables, 478 officers resigned, many in anticipation of criminal proceedings. More public humiliation for the police came in the form of a series of high profile trials of senior officers from the Obscene Publications and Drugs Squads where substantial payments were being made rou-



Commander Ken Drury ... jailed for eight years in 1977

tinely for protection from prosecution.

The highest head to roll was that of Commander Ken Drury, who was exposed by the Sunday People in 1972 while holidaying in Cyprus with a Soho pornographer called Jimmy Humphreys. He was finally arrested in 1978, along with 11 other officers, including another former commander. Mr Drury was jailed for eight years in 1977.

No sooner had the drugs and vice cases been aired than the Met was subject to further scrutiny in August 1978 with Operation Countryman, set up originally to inquire into corruption in the City of London police but soon extended to the Met itself and examining improper relationships with armed robbers. Only two prosecutions resulted and the outside investigating officers from Dorset

police complained of obstruction from their Metropolitan brethren.

New systems for payments to and for the running of informers were believed to have dealt with some of the main forms of corruption but in 1991 fresh allegations surfaced suggesting that officers at Stoke Newington police station in north London had been corruptly involved with drugs.

One of the officers has already been jailed on another matter. These allegations led to Operation Jackpot, the investigation whose findings will be announced next month.

James Morton, editor of the New Law Journal, says of police corruption in his book, Bent Coppers, published last week: "The attitude seems to be, 'Well, it did happen once but that was a long time ago and, anyway, the bloke resigned.'"

Credibility of intelligence service faces new challenge

NOTHING could be more damaging to the National Criminal Intelligence Service, which started operating officially on April 1 last year, than a suggestion that there was a corrupt officer in its midst, writes Duncan Campbell.

The service, which employs 440 police, Customs officers and civilians, was set up as an elite intelligence-gathering exercise which many saw as a blueprint for a future British FBI.

Its brief was to gather and analyse intelligence about serious crime, excluding terrorism, and criminals of national and international interest, taking over the functions of existing police intelligence teams.

It took pride in having recruited some of the best detective brains from the police and Customs and was soon announcing details of big targeting operations aimed at career criminals from its headquarters in Vauxhall, south London. It has five regional offices.

But 18 months later, NCIS still has to persuade doubters that it is giving value for its £25 million a year budget.

Despite claims to have contributed to the arrest of more than 330 top criminals, some forces have complained that the intelligence gathered has not always been properly passed on and some Metropolitan Police squads are privately dismissive of the strength of the information provided.

The organisation's first director, Tony Mullett, the former Chief Constable of West Mercia, was taken ill after a West African police conference and announced his retirement on health and personal grounds after less than a year in charge.

The new director, Albert Pacey, the former Chief Constable of Gloucestershire, took over last month and was seen as a sign that the Home Office wanted a conservative in the job.

Police corruption inquiry launched

Duncan Campbell
Crime Correspondent

SCOTLAND YARD has launched an inquiry into allegations of corruption involving detectives said to have sold sensitive information to drugs dealers. Three officers have been arrested.

The Commissioner of the Metropolitan Police, Paul Condon, said yesterday that fellow-officers felt "tarnished" by the allegations but said it would be naive to imagine that corruption could ever be completely

eradicated. He promised a "robust" investigation.

The allegations that criminals had been able to buy intelligence and to purchase bail from police officers were made in the BBC's Panorama programme on Monday night.

The programme suggested that a man called Kevin Cressey was offered police surveillance logs linking him to drugs for £30,000; that a police officer suggested staging a bogus burglary at Surbiton police station to hide the disappearance of the documents; that sensitive information from the National Criminal Intelligence Service is sold to criminals; that a criminal was able to buy bail for £18,000.

The most damaging allegation for the police is that a big international investigation was compromised, a charge which could damage relations with foreign police forces.

Panorama had monitored the relationship between a detective and one of Britain's top 200 criminals for five months.

Two officers, one a detective sergeant in the National Criminal Intelligence Service, were arrested on Monday. A third officer, Detective Constable John Donald, of the South East Regional Crime Squad drugs branch, was arrested yesterday in Croydon, south London.

The programme suggested a number of other officers were involved in corruption. Last night a Scotland Yard spokesman confirmed that the inquiry, led by Detective Chief Superintendent Ian Blair of the Complaints Investigation Bureau and supervised by the Police Complaints Authority, was looking at the information provided by the BBC. It is understood police were alerted two days before the programme.

The arrest of an NCIS officer, Detective Sergeant Tom Bradley, has already had a damaging effect on morale in the service which was formed only 18 months ago and which relies on the complete trust of those with whom it deals. NCIS is still trying to establish itself as the main intelligence-gathering arm of the police.

Yesterday, Mr Condon admitted his disappointment at the allegations but added: "It is a healthy sign that we are shocked and horrified because it shows we still demand high standards from our police service."

He said the vast majority of policemen were honest and hard-working and "would feel tarnished by allegations of that nature".

Corruption fears return, page 2;
Pass Notes, Q2

GUARDIAN

29.9.93



Man sought after 'Panorama' allegations
is third detective to be questioned

Policeman named in TV programme is arrested

A REGIONAL crime squad detective alleged to be at the centre of a major corruption inquiry involving his links with a suspected drugs trafficker was arrested yesterday afternoon after being on the run since Monday night, when two of his colleagues were detained.

Scotland Yard had issued an alert for Detective Constable John Donald, a Metropolitan Police officer attached to the drugs wing of the south-east Regional Crime Squad who was named in a BBC *Panorama* programme on Monday night as receiving and soliciting large sums of money from a suspected drugs dealer. He was detained in the Croydon area yesterday afternoon and was being questioned last night.

Two other Metropolitan Police detectives were arrested at about the same time as the programme was being aired. Both have been released on bail.

A few days previously, *Panorama* had notified Scotland Yard of the result of its five-month investigation, during which two hours of meetings between the officer and the alleged trafficker were taped.

The affair overshadowed yesterday's launch by Paul Condon, the Metropolitan Police Commissioner, of the force's Policing Charter, which sets out performance targets.

Asked about the inquiry, Mr Condon said: "Corruption ... is one of those things that are never going to go away. The fact that we are shocked and horrified is a healthy sign that we demand high standards [from the police], and so we should."

It would be naïve to expect corruption ever to be completely eradicated, he said, but the vast majority of policemen were honest and felt "tarnished" by such allegations. The force would take "robust action" to deal with corrup-

TERRY KIRBY
Crime Correspondent

tion: "We must be absolutely ruthless in seeking out corruption and dealing with those found guilty."

The programme alleged that the detective offered to sell the trafficker surveillance logs for £30,000, received £18,000 for helping the man get bail, offered and obtained a police file in return for £1,000 and demanded a £10,000 fee for telling him that the police knew about a planned major cocaine trafficking deal. It was suggested that a number of other officers were involved in corrupt practices.

The inquiry into the allegations is being conducted by a senior officer of the complaints investigation bureau and supervised by John Cartwright, deputy chairman of the Police Complaints Authority.

The charter launched yesterday set out seven performance targets. These include answering 999 calls within 15 seconds 80 per cent of the time; arriving at urgent incidents within 12 minutes 75 per cent of the time; and to assist callers at police stations without delay 75 per cent of the time. Results will be published initially for the force as a whole and eventually for local stations.

Mr Condon said: "This is an important step towards a new accountability to our public. We are telling the people of London what they have a right to expect from us and the standards they can judge us against."

■ A pamphlet published yesterday by the Hackney Community Defence Association and Hackney Trade Union Support Unit in east London claims working-class communities "live in fear of police crime". It calls for a separation between the uniformed and detective branches of the police.

Police 'may claim right to strike'

Duncan Campbell
Crime Correspondent

CALLS for the police to have a right to strike and work to rule will be inevitable if the Sheehy report on the roles and responsibilities of officers is implemented, Dick Coyles, the chairman of the Police Federation, said yesterday.

He said the service would become a shambles if the views of the police were not heeded.

Mr Coyles was firing the last shots in the war of words over the Sheehy report as the federation presented its official response to the report to Michael Howard, the Home Secretary. Today is the final day of consultations on the report's findings, and Mr Howard has indicated that he will announce which proposals he intends to adopt towards the end of next month.

"If the Sheehy report is accepted and implemented, the resulting inflexibility, divisiveness and substantial drop in remuneration will lead to an irreversible decline in policing standards, combined with a collapse in our members' morale," said Mr Coyles.

The proposals for performance-related pay, whereby an officer is rewarded according to performance, experience, role and location, would lead to a total shambles, he said. Almost every study showed that it failed to achieve cost and efficiency savings.

While he opposed the right to strike, he said it would be naive

to imagine that federation members would not call for such rights if Sheehy recommendations were introduced without reference to the needs and concerns of officers. If the Government expected the police to cover for firefighters and prison officers on strike, it should treat the police decently.

The federation and the Policy Studies Institute said yesterday they were setting up a joint independent committee of inquiry into the role and responsibilities of the police, because the Sheehy report, Royal Commission on Criminal Justice and white paper on police reform failed to address fundamental questions.

It will include senior police officers and legal experts and is expected to sit for 18 months.

The Police Superintendents Association is handing in its final response to the Home Secretary this morning. It states that a police service based on the Sheehy report would be a "disgrace, a disaster and a betrayal of the public".

The superintendents are broadly in agreement with their federation colleagues, although they differ from them by rejecting the proposal to abolish the ranks of chief inspector, chief superintendent and deputy chief constable.

Mr Howard has given no public hint on what measures he favours from the report. It is understood that he is unlikely to proceed with the proposal to raise the retirement age to 60 from 55 or for fixed-term contracts for junior officers.

GUARDIAN

30.9.93

We are party of law and order, says Blair

Nicki Kneeling

TONY Blair positioned Labour to take the Tories' high ground yesterday when he told delegates: "Labour is the party of law and order in Britain today. Tough on crime and tough on the causes of crime."

The shadow home secretary underlined his commitment by telling delegates that the place for those whose behaviour put them outside society was out of society "until they learn to behave like human beings within our society."

The only solution to crime "lies in strong communities prepared to act to protect their citizens". While he paid tribute to the 18,000 police injured last year while on duty, he said fighting crime could not be their sole responsibility.

Labour was the party of strong communities — of schools, businesses, voluntary organisations, local authorities, local people, and the police "prepared and organised to stand up and resist those committing crimes to put the law-abiding majority back in control of their own destiny."

He pledged that Labour would implement immediately the Government's report on crime prevention, which had urged that local partnerships be set up by local authorities, but which had been shelved.

He criticised the white paper which paves the way for merging police forces, and the Sheehy Report, which recommends short-term contracts and performance-related pay. But he did not elaborate on whether Labour would be prepared to support any part of it.

"The Labour Party does not believe in a centralised, commercialised police force driven by the determination of the Tories to cut costs, but in a local police service in partnership with local communities, driven by the determination of the people to cut crime," he said.

The Government should not be fighting the police authorities and the police service, but fighting crime. It was an extraordinary sense of priorities, but it was really about shifting the blame after 14 years in government during which crime had doubled and the criminal justice system had been destroyed. "Fourteen years of the Tory lie that they are the party of law and order."

There was no market forces solution to crime. "You cannot privatise your way to a safer Britain."

Mr Blair said no one but a fool would excuse crime on the basis of social conditions, but no one but a Tory could deny the impact of the conditions in which people lived on the character they developed.

When a culture was allowed

to grow outside society's mainstream — alienated with no hope, a culture of broken homes, truancy, poor education, drugs, no jobs, or dead end jobs — when we sow the seeds of such a culture, we should not be surprised at the harvest we reap.

"That is why rebuilding Britain is not just in the interests of the poor, the unemployed and the dispossessed. It is in the interests of us all... Anyone can see that Tories' denial of community leads to injustice."

Opening a wide-ranging debate that included Northern Ireland, party funding, racism, heritage, criminal justice, and electoral reform, Mr Blair promised reform of race and sex equality laws, the extension of witness protection throughout the country, ending court delays, and a programme of punishment and rehabilitation to divert as many as possible from a life of crime.

Garry Brooks (Leigh) introduced an emergency motion calling on the Home Secretary, Michael Howard, to reject Sheehy's proposals on policing reform and drop the Government's white paper on police authorities.

Labour home affairs spokesman Alun Michael said the Government had failed to tackle rising crime and was now trying to divert attention away from the problem by attacking the police.

GUARDIAN

1.10.93

ANARCHY WARNING OVER

A STOKE NEWINGTON community group fears that proposals to shake up the police force would end in "absolute anarchy ruling on the streets."

Recommendations within the controversial Sheehy Report include plans to axe middle management posts and cut overtime.

Stoke Newington East Sector Police/Community Working Group chiefs warned the government and police chiefs that the Army would be the only option left if a riot erupted.

Their fears are highlighted in a letter, copies of which have been sent to the Prime Minister, Metropolitan Police Commissioner Paul Condon and the Home Secretary, Michael Howard.

Group chair Heather Whitelaw says that the Stoke Newington East Sector, which has 212 officers, needs a further 28 to be fully staffed.

by NIGEL MORRIS

"We fear that if the recommendations of this report are implemented and a serious riot situation should occur, manpower levels would be so seriously depleted as to risk loss of life or limb within the community," says Mrs Whitelaw.

"The only option that I can see left open would be to call in the military force. As has been seen in the past, this inevitably exacerbates the situation."

She adds: "I am aware that the Sheehy Report is only a list of recommendations, set out to attempt to streamline the police."

"However, I ask you to seriously think of the concern that you would be creating if you were to implement its findings."

POLICE SHAKE-UP

'Lock up young offenders' says police officer

A HACKNEY police officer has supported calls to lock up young offenders after a court allowed a Homerton schoolboy to remain free, despite facing 13 court appearances in one year for alleged car crimes.

"The worst punishment this boy has been given so far is 16 hours at an attendance centre," said Sgt Dave Grant, of Hackney police station in Lower Clapton Road.

Speaking in the week in which it was reported that the Home Secretary wants to change the law to allow child

offenders to face custodial sentences, Sgt Grant said persistent juvenile offenders should lose their freedom for six weeks for each offence.

"Although reported crime in the borough dropped last year, it's very demoralising for police officers to see kids like this get away with their crimes. They're laughing at us, the courts and the public because they know they can get away with it," he said. Sgt Grant estimates 50 to 60 per cent of Hackney's burglaries are carried out by juveniles.

ANTI-NAZI STALLS CLOSED DOWN

ANTI-RACISTS who set up stalls in two Hackney markets on Sunday were told by police to pack up or face arrest.

Members of the Anti-Nazi League this week accused cops of harassment and denying free speech. The police say they were responding to complaints from Hackney Council's market inspectors.

The ANL were ordered to close down the stalls in Hoxton Street and Well Street markets where they had been handing out leaflets.

"We've set up in both markets several times before this year and have never had any problems, so why all of a sudden

now?" asked Matt Fook, of the Hackney branch of the ANL.

Inspector Peter Radburn, from City Road police, explained the stalls were unlicensed and had been causing an obstruction.

A council spokesperson welcomed people handing out anti-racist leaflets in the borough's markets as long as they did not obstruct shoppers or traders or set up unlicensed stalls.

"Indeed, many Labour councillors and Hackney MPs joined anti-racist leafleting in Well Street only a couple of weeks ago," she added.

HACKNEY GAZETTE

1.10.93

Tories attack on law front

Alan Travis
Home Affairs Editor

AN END TO the right to jury trial for 35,000 defendants a year and a limit to the historic right to silence of the accused will form the centrepieces of the law and order package to be unveiled at the Conservative Party conference next week.

John Major and Michael Howard, the Home Secretary, met yesterday in Downing Street to complete the details of the most stringent law and order package for a decade, which they hope will trigger the Tories' recovery in the opinion polls.

Law and order is to be given top billing at the Blackpool conference, where the shattered public confidence in the criminal justice system is reflected in the 244 resolutions tabled by constituency parties demanding action. Mr Major is expected to devote a third of his conference speech on Friday to the issue.

According to recent opinion polls, Labour is breathing down the neck of the Conservatives on law and order, with the Government's approval rating on the issue slumping in the past 18 months from plus 14 per cent to plus 2 per cent. This was underlined by Tony Blair, the shadow home secretary, who claimed on Thursday that Labour was now the party of law and order.

In an attempt to rescue the position, Mr Howard will ignore the recommendations of the two-year Royal Commission on Criminal Justice and announce on Wednesday that he is to amend the defendant's right to silence to allow the judge or prosecution to instruct a jury that a refusal to answer police questions implies guilt.

Although this move will be welcomed by the police and most judges, who believe the right is abused by professional criminals, it will be strongly resisted by barristers and solicitors who argue that it will lead to more miscarriages of justice.

The traditional caution to the suspect that they have "a right to remain silent but anything you may say will be taken down and used in evidence" is to be amended. In future it will read: "You have the right to remain silent but if you fail to answer a relevant question... a court or jury may conclude that your silence supports the evidence against you."

The Royal Commission, which reported in July, concluded that while this may lead to more convictions of the guilty it was outweighed by the risk to the innocent.

The Home Secretary will announce his intention to implement many other recommendations of Lord Runciman's Royal Commission, however, including rules to enforce the earlier disclosure of the defence case to prevent last-minute alibi ambushes in court.

Mr Howard will also unveil proposals to end the backlog of court cases, including ending the traditional right of a defendant to insist on a jury trial for certain offences. More than 35,000 cases a year are heard in the crown courts because the defence has insisted on a jury trial against the decision of the magistrates. More than four-fifths end up pleading guilty.

The Home Secretary will announce plans to cut police paperwork and to introduce a national DNA database of suspects.

Mr Howard will also give the go-ahead for an independent commission to examine alleged miscarriages of justice. The Royal Commission was set up in the aftermath of the final acquittal of the Birmingham Six.

The package is likely to draw fierce criticism from MPs, the legal establishment and penal reformers. Last night Harry Fletcher, assistant general secretary of the National Association of Probation Officers, said: "Home Office ministers are turning the clock back to the 1930s. Common sense and good practice are being jettisoned for political expediency."

Harsher system, page 4; 500 prisoners freed, page 7; Leader comment, page 20

Criminals face a harsher system

Alan Travis
Home Affairs Editor

THE criminal justice proposals to be unveiled by Michael Howard, the Home Secretary, will be supplemented by further measures to flesh out the law and order "crackdown" in legislation at the end of November.

Mr Howard and his criminal justice minister, David Maclean, have instructed their officials to produce workable draft clauses to the bill.

Proposals that have been considered include:

Cautioning: An end to the system of repeat cautioning of juvenile offenders in the face of a rapid growth of its use by police. There is likely to be a restriction of two cautions for an offender.

Cautioning could be put on a statutory basis, and national guidelines introduced to end the sharp variation in its use by different police forces.

Secure training units: Officials have been asked to examine reducing the minimum age for these new "borstals" for persistent juvenile offenders to the age of 10. The Home Office has published plans for five, each with up to 40 offenders aged 12 to 16, at a cost of £50 million. The Treasury has suggested basing them in old army camps to reduce costs.

Ministers are also considering shifting emphasis away from education to a more austere "short, sharp, shock" environment.

Bail: Officials are consider-

ing reversing the fundamental principle that bail should be granted unless the police believe there is a possibility of the accused absconding or interfering with witnesses.

Electronic tagging: Back on the agenda after being shelved last year after disastrous trials in three cities. It was also considered to be too expensive to cover the whole country.

Tags fitted to an accused person's ankles or wrists to monitor curfew orders were used as an alternative to prison for those awaiting trial. The tag emits an electronic signal which alerts the authorities if they stray more than 100 metres from home.

Penalties for parents: Parents of persistent juvenile offenders could face a court sanction, such as unpaid work for the community.

Serious juvenile crime: Widening the scope of the 1933 Children and Young Persons Act which deals with the detention of juveniles who have committed crimes warranting a sentence of at least 14 years if they were adults. Plans to reduce the age limit from 14 to 10 for these sentences. Reducing the age of criminal responsibility to eight in line with the Scottish legal system has also been considered.

Prisons: More "austere" regimes with shelving of plans for in-cell television and recreational trips for low-security prisoners. Tighter rules on home leave.

Leader comment, page 20

GUARDIAN

2.10.93

Condon backs Howard's plans to limit right to silence

Met chief defends right to trial by jury

Alan Travis and Clare Dyer

THE Commissioner of the Metropolitan Police yesterday joined the Lord Chief Justice in warning the Home Secretary, Michael Howard, not to press ahead with plans to abolish the right of trial by jury.

Although Paul Condon, the commissioner, supported Mr Howard's expected announcement on Wednesday to limit the historic right to silence, he warned that it was "dabbling with the foundations of the legal system" to consider changing the "sacred" right to a jury trial.

The Home Secretary is expected to embrace this recommendation of the Royal Commission on Criminal Justice which could affect 35,000 middle-ranking cases. It has been backed by Barbara Mills, the Director of Public Prosecutions.

The Lord Chief Justice, Lord Taylor, said at the Bar conference in London over the weekend: "I would be totally opposed to an abolition of the right to jury trial in either way offences." The problem of "cracked trials" — those aborted at the last minute when the defendant pleads guilty after electing jury trial — could be dealt with by better pre-trial hearings.

He blamed late pleas on law-

yers failing to get to grips with cases, and called for higher fees for pre-trial reviews and more intervention by judges.

His plea was echoed by Mr Justice Hidden, presiding judge on the South Eastern circuit. Speaking at a conference session on the royal commission report, he said the only valid argument he could see for removing the right was cost.

"Reducing costs is a laudable object . . . but it is no justification whatever for removing the right to trial by jury for offences considered serious enough to justify that right for a respectable length of time."

The move is expected to exacerbate further the crisis in the crown courts. A claim by Sir Nicholas Lyell, the Attorney-General, that the collapse in the number of cases in the upper courts is due to the police being instructed to drop cases "against the elderly, the frail and the injured on public interest grounds" was disputed.

Labour challenged Sir Nicholas to admit that Treasury cost-cutting did lay behind the increasing number of empty courts.

The shadow attorney-general, John Morris, said the number of cases the Crown Prosecution Service had instructed the police to drop had risen by 78 per cent in the past five years. Just over half were dropped because of insufficient evidence but 32 per cent were also halted

on public interest grounds. "I always thought that the public interest was fairly narrow grounds to drop cases such as someone dying of cancer and were used only in exceptional circumstances. I cannot believe that 32 per cent of the people charged are all frail, elderly or injured."

"The real reason for the fall in crown court cases is, I fear, money. I would need considerable persuasion that the combination in the rise in cautioning and an increase in cases dropped has not behind it the dead hand of the Treasury."

The challenge was made yesterday as it was disclosed that the Lord Chancellor's Department has axed the budget for part-time judges, recorders and assistants forcing courts to close and thousands of trials to be delayed and creating an artificial backlog.

The situation has become so acute that many part-time judges, the next generation of the judiciary, are unable to fulfill their 20 days statutory duty each year they need for promotion to the next level.

The decline in the number of cases going to jury trial has accelerated to the point where it is no longer considered exceptional for 24 courts to be empty on any one day on the South East Circuit. In Kent four courts have been closed leading to the listing of cases being deferred by up to three months.

GUARDIAN 4.10.93

Howard declares crime crackdown

Alan Travis, Patrick Wintour and Clare Dyer

THE MOST coercive law and order package for a decade was unveiled by the Home Secretary yesterday, as the Government prepared to announce today a review of homelessness legislation — designed to reduce single parents' access to council housing and so reassert family values.

The review, to be announced by Sir George Young, the Housing Minister, is seen as integral to the mounting Tory drive to bolster traditional parental values, which ministers have made clear they see as one of the chief ways of reducing crime.

Coupled with yesterday's social security package and today's announcement, the 27 law and order measures signalled a sharp move to the right which was welcomed emotionally at the Tory conference by most representatives and underpinned by the enthusiastic greeting given to Lady Thatcher last night.

In what he described as only the first instalment, Michael Howard announced the toughest package of criminal justice measures — including the abolition of the right to silence — since Sir Leon Brittan's introduction of longer sentences for violent offenders in 1983.

As Mr Howard announced a string of new offences, new powers for the police, and the building of six more private prisons, the Home Office made clear that the promised independent tribunal into alleged miscarriages of justice will be delayed for at least a year.

Mr Howard's measures have not won the wholehearted support of all his cabinet colleagues. Lord Mackay, The Lord Chancellor, is concerned about the implications for court

budgets and spiralling legal aid costs. Restrictions on the use of cautioning will mean more offenders reaching court, more money for part-time judges, and increased costs for the Crown Prosecution Service.

However, party managers hope that the criminal justice package — to be incorporated in legislation in the next session of Parliament — will trigger a Conservative recovery in the opinion polls.

At the centre of the package is the limit on the right to silence, which includes allowing judges to instruct juries that they should infer that a defendant who fails to offer the police an explanation is guilty.

The right to silence has already been removed in Northern Ireland, where a further two of the measures, including a new offence of possessing anything that gives reasonable suspicion of being connected with terrorist activities, have also been tested. The "secure training units" for 12- to 15-year-olds will be based on an Ulster experiment.

The cautioning system pioneered as part of a programme of alternatives to custody is to be overhauled with second and third cautions banned. There will be tougher bail laws and longer sentences for juveniles.

The decision to limit the right to silence flies in the face of the conclusions of Lord Runciman's two-year Royal Commission on Criminal Justice. Last night Lord Runciman said he feared it would lead to more miscarriages of justice: "The fear must be that some vulnerable suspects will incriminate themselves as a result of the Turn to page 24, column 3

Conservative Conference, pages 6 and 7; Hugo Young, and Ministers snap the parent trap, page 22; Leader comment, page 23

Lawyers react with anger to proposed reforms

continued from page 1
guard." Michael Kalisher QC, immediate past chairman of the Criminal Bar Association, said: "It would be a pity to deprive defendants of their right to elect trial in cases of dishonesty."

He said that magistrates sent to higher courts many cases they thought beyond their sentencing powers — six months for one offence and 12 months total — where the eventual sentence did fall within their remit.

Labour, which is launching its own campaign this week on drug abuse among young people and crime in an attempt to capitalise on its recent high profile on crime policy, is likely to welcome the commission's proposal for an independent tribunal.

But Labour will oppose the introduction of plea bargaining.

Tony Blair, the party's home affairs spokesman, conceded yesterday that the left had in the past not taken seriously enough individuals' personal responsibility for offences they committed.

He said on BBC television: "The left got itself into the position where it believed you had to choose between personal and social responsibility, could see the link between social conditions and crime, and therefore did not take sufficiently seriously the belief in personal responsibility as well."

"I think there was certainly a tendency for the left to underestimate the importance of emphasising the whole time that you don't excuse crime by the causes of crime."

GUARDIAN

7.10.93

Right to silence abolished in crackdown on crime

Alan Tait
Home Affairs Editor

ABOLITION of the right to silence for the accused will form the centrepiece of the Government's new law and order proposals to be introduced next month, the Home Secretary told the conference yesterday.

Mr Michael Howard said his package of measures — in which he claimed 27 new announcements — constituted "only the first instalment of the most comprehensive programme of action against crime" by any Home Secretary. It included new powers to end repeated cautions of offenders and to cut police paperwork, plans to build four more private prisons over the next five years, more help for victims and tougher bail laws.

But the promised new independent review body to investigate alleged miscarriages of justice will not be in the new Criminal Justice Bill, Home Office sources indicated.

Mr Howard said his package would correct the 30-year imbalance in favour of the criminal and against the protection of the public.

The decision to abolish the right to silence goes against a central recommendation of the Royal Commission on Criminal Justice last July.

The Home Secretary, however, did accept the royal commission's recommendations on greater help for victims after the conference heard an impassioned plea from a rape victim concerning her treatment by the courts.

He also embraced its suggestions for a new national DNA data-base to help the police and to abolish mandatory warnings made by judges to juries in rape trials about the truthfulness of alleged women victims.

The abolition of the right to silence, coupled with two new offences of gathering information for terrorist purposes and possessing anything which gives rise to reasonable suspicion that it is to be used in terrorism, import three legal powers used in Northern Ireland.

The Home Secretary will make a further announcement on other key royal commission recommendations, including

the use of formalised plea bargaining and the right to insist on jury trial, over the next few weeks.

Mr Howard told the conference that the right to silence was a complete misnomer: "What is at stake is not the right to refuse to answer questions, but, if a suspect does remain silent, should the prosecution and the judge or magistrate be allowed to comment on it? Should they have the right to take it into account in deciding guilt or innocence?"

The so-called right to silence is ruthlessly exploited by terrorists. What fools they must think we are. It's time to call a halt to this charade. The so-called right to silence will be abolished. The innocent have nothing to hide and that is exactly the point the prosecution will be able to make in future."

Mr Howard also gave the go-ahead for 20 pilot schemes for parish constables and new

court orders to evict squatters within 24 hours. He also said he will publish a report later this month on cutting police paperwork.

The Criminal Justice Bill will also create a new offence of disobeying police directions to trespassers to leave private land. This is aimed at hush-abuse. An offence of intimidating witnesses will be introduced which will also cover

retribution after a trial is over. The system of repeated cautioning of offenders by the police, which has led to much criticism, will be overhauled. That this should not be used in very serious offences save in exceptional circumstances. They will also say that a second or subsequent caution is not to be used in the vast majority of cases.

As previously announced, it will in future be a crime in itself to commit an offence while

on bail and the rest of the bail laws are to be toughened up. The police are to be given an immediate power to arrest anybody who breaches bail — there were 42,000 such cases last year — and anyone who has been convicted of murder or rape will automatically be refused bail. People on bail will also be disqualified from serving on juries.

The Court of Appeal's power to review lenient sentences will be extended to indecent assault and child cruelty. Four additional prisons are to be built on top of those planned in South Wales and Liverpool. No decisions have yet been taken on what short-term measures will be adopted to cope with the immediate surge in the prison population. Mr Howard said he would not flinch from sending more people to prison and the criminal justice system would no longer be judged by falling prison numbers.

Crimewatch... Michael Howard, with prime ministerial support, pledges to uphold law and order

Thumbs down from Leeds 'Toytown'

Martin Wainwright goes off to court to sample people's views on Howard's latest proposals

MICHAEL Howard stood up yesterday to a lorry was a "pop at a toy town" — Leeds' £28 million new magistrates court, believed locally to be designed by the late Knut Hamsun. By the time he had finished, the pop in the canteen was not the only thing that was fizzing.

"Scandalous!" said Bradford solicitor Stephen Couch, emerging from the neighbouring crown court. "The right to silence is one of the last remaining bastions guarding the rights of the accused. Why, it goes back to the 13th century... A man should never be called upon to become his own accuser."

His remedy for car crime was also Howardian: how could you impress on a "twoccer" (someone who takes without consent) the scale of their victims' grief? "Let it happen to them. Then they'll stop."

Stephen Williamson QC, sitting as a recorder yesterday, vented severe doubts last weekend at a Bar conference about tampering with

him equally unimpressed: "Some need it, maybe. Some don't," he said. "For me, it was just a crime school. They taught a whole lot of tricks in there."

Philip, aged 19, said: "It was the same for me. In the secure youth unit. If I've not over-bothered about the right to keep silent: 'If I've done it, I always admit it. That way, you're likely to be treated leniently.'"

His remedy for car crime was also Howardian: how could you impress on a "twoccer" (someone who takes without consent) the scale of their victims' grief? "Let it happen to them. Then they'll stop."

the right to silence. His views were under discussion in the courts' press room.

"He made an impressive point about defendants who had been legally advised to say nothing at police stations," said Owen Dudgeon of the Yorkshire Post.

"What is a judge to say to a jury then? Especially when people are seen at the station by solicitor's clerks, rather than solicitors. As he said: 'If they want to make changes like this, they should provide the money for a proper duty solicitor system.'"

Two disgruntled crown witnesses had spent a morning doing nothing about it. "Let it happen to them. Then they'll stop."

Stephen Williamson QC, sitting as a recorder yesterday, vented severe doubts last weekend at a Bar conference about tampering with

Claire Dyer
Legal Correspondent

REACTION to the Home Secretary's law and order package was polarised yesterday. Police gave it an unreserved welcome while law reserves, prisoners' rights and civil liberties groups voiced dismay at the abolition of the historic right to silence and plans to lock up more offenders.

Hampshire Chief Constable John Hoddinott, chairman of the crime committee of the Association of Chief Police Officers, said: "I particularly welcome the prosecution right to comment on a defendant's silence, more use of DNA, changes in the presumption of bail for certain offenders and a reduction in the burden of paperwork on the police."

The chairman of the Police Federation, Richard Coyles, agreed: "My message to the Home Secretary is what you will help tremendously in the fight against crime." But plans to allow judge or

prosecution to comment on an accused's silence in the police station were condemned by the Law Society as "unnecessary and undesirable". Its president, Roger Pannone, said: "The right to silence is not an old-fashioned and outmoded tradition. It is one of the cornerstones of our justice system."

Robert Seabrook, vice-chairman of the Bar, attacked the move as "misguided", adding: "It's contrary to the Royal Commission's carefully researched advice and evidence on the matter. There's no evidence on increasing convictions of the guilty, and some evidence that it does offer some protection for the innocent and vulnerable."

Professor Mike McConville, director of the Legal Research Institute at Warwick University, who researched the right to silence for the Royal Commission on Criminal Justice, said only 3 or 4 per cent of suspects refused to answer some or all of police questions and half of those were convicted. Many suspects needed the right to silence because of "naïveté and

dangerous" police questioning techniques and because most were advised, if at all, by unqualified clerks rather than lawyers.

Paul Bealting, a Labour law spokesman, said: "The fundamental premise of British law is that no citizen is required to prove his or her own innocence. It is for the state to prove guilt. These basic rights must not be swept away amidst the self-induced hysteria of a Conservative conference."

The shadow home secretary, Tony Blair, said Mr Howard's speech confused "brow beating" language with firmness of action. He added: "There was nothing on crime prevention nothing to do with the fact that only one in 30 crimes ends in conviction, and nothing to do with the causes of crime."

Harry Fletcher, assistant general secretary of the National Association of Probation Officers, called the package "a recipe for disaster". He said: "Proposals for locking up more juveniles and restricting cautioning reverse 30 years of progress on youth crime."



Uniform support... Police surround the three retired detectives as they follow their lawyers out of the Old Bailey after yesterday's ruling that charges be dropped

PHOTOGRAPH: GRAHAM TURNER

'Six' police trial collapses

Ruling puts in doubt high profile cases

John Mullin, Louise Jury and Sally Wain

A NUMBER of prominent prosecutions could be in doubt following yesterday's decision by a judge that charges against three retired West Midlands detectives in connection with the Birmingham Six case should be dropped, lawyers suggested last night.

Mr Justice Garland said at the Old Bailey that the "volume and intensity" of media comment following the acquittal of the six Irishmen more than two years ago made it impossible for the officers accused of fabricating evidence in their case to have a fair trial.

After three days' legal argument, he accepted the defence submission that a trial would represent an abuse of the legal process, agreeing that the case of the Birmingham Six had become "a synonym for forced confession".

There were calls for a public inquiry into the affair last night. The three former officers left the Old Bailey refusing to comment until the judge had given the reasons for his decisions next week.

Retired detective superintendent George Read, sergeant Colin Morris and constable Terence Woodwiss had denied charges of perjury and conspiracy to pervert the course of justice. They were accused of fabricating interviews with Richard McIlkenny shortly

after the men were arrested in November 1974, hours after bombs ripped through two Birmingham city centre pubs killing 21 people.

Inspector Stuart Harris, spokesman for West Midlands police federation, said publicly for the first time that officers believed the six men were indeed guilty. Of those policemen involved in the original inquiry but not charged, he said: "The officers feel their names have been tarnished even if they were not prosecuted. They feel the right people were convicted in the '74 bombings. It's all been a political whitewash."

Sisters Lisa and Michelle Taylor were acquitted on appeal in June of the murder of Allison Shaughnessy partly because the Court of Appeal accepted media exposure during their trial had made it impossible for a jury not to be swayed. Yesterday's judgment was seen as another warning to press and television.

Defence barristers in a number of forthcoming trials may be encouraged to argue media

coverage has 'prejudice' their clients' chances.

Trials where this might be claimed include the prosecution of Kevin and Ian Maxwell, who face conspiracy to defraud charges arising out of the collapse of their late father's empire, and that of Asil Nadir, should he ever return from northern Cyprus to face £30 million theft charges related to the collapse of Polly Peck International.

Lord Williams of Mostyn, a former chairman of the Bar Council, was disappointed at Mr Justice Garland's decision. He said last night: "I think defence barristers will try to claim media exposure makes a fair trial impossible."

"It is a gambit they will be encouraged to try in the aftermath of the Taylor decision and now this ruling, but I believe a jury is well able to come to its verdict solely on the evidence in court. Six men have suffered imprisonment wrongly for 16 years and the responsibility for it is never going to be examined in a public court."

Billy Power, one of the Six, who was at the Old Bailey yesterday, said: "It seems there is one law for the ordinary citizen and another where the police officer is concerned."

Paddy Hill, also in court, said: "There was more publicity before our trial in 1975 than there was before this one, yet they went ahead."

Dick Spring, Irish foreign minister, said the decision to drop charges was "quite extraordinary in relation to the information that was there" and said the issue might be raised with the British government.

The men said they would be considering a civil action for malicious wounding and false imprisonment.

It was the second time in five months that police officers prosecuted after the Court of Appeal had quashed convictions arising from celebrated bombing cases had walked free from the Old Bailey.

Three retired Surrey detectives were acquitted by a jury of conspiracy to pervert the course of justice arising out of

the conviction of the Guildford Four, who served 15 years in jail for pub bombings in late 1974 which killed seven people.

The Birmingham Six, who have each received £200,000 interim compensation, believe there has been a whispering campaign against them. Paddy Hill claimed in a recent interview that one cabinet minister had said in an off-the-record briefing that the men had been acquitted merely on a technicality.

Chris Mullin, the Labour MP who campaigned for the release of the Six, and wrote a book about the case, called for a public inquiry. "The Birmingham bombings case has brought the British legal system into disrepute around the world. It means we shall never know who was responsible for the huge quantity of fraud and perjury that resulted in the conviction of six innocent men for the Birmingham pub bombings."

Law package to aid prosecutions

Alan Travis and Clare Dyer

THE second instalment of the Government's coercive law and order package will tip the balance of the criminal justice system even further in favour of the police and the prosecution, the Attorney-General has indicated.

It will include the introduction of formal "plea bargaining" into British courts for the first time, the abolition of the ban on police questioning suspects after they have been charged, and new rules allowing the prosecution greater freedom to withhold documents from defence lawyers.

The new measures come on top of the package unveiled by Michael Howard, the Home Sec-

retary, on Wednesday, which he described as the first instalment. Together they will form the basis of the criminal justice bill to be published next month, which will form the flagship of the coming year's parliamentary programme.

But the plans have already run into trouble. Sir Nicholas Lyell, the Attorney-General, has told the Society of Conservative Lawyers that there is already a case before the European Court at Strasbourg which could declare the Government's plans to abolish the right of silence a contravention of human rights.

There is also an intense Whitehall battle going on over a proposal to abolish the right to insist on jury trial in certain cases, with the Lord Chief Justice and Home Office officials ranged against the Home Sec-

tary, the Treasury and the Director of Public Prosecutions.

Many of the measures stem from the two-year Royal Commission on Criminal Justice, set up in the aftermath of the Birmingham Six case. The Attorney-General said he welcomed the safeguards it put forward for the defence but confirmed the Government would resist a statutory requirement for the corroboration of confessions. He said recent decisions in the Judith Ward and Guinness cases had left the prosecution facing an "over-cumbersome" task.

The measures include:
□ Sentence canvassing: the judge indicates how much the defendant can expect off the maximum sentence if pleading guilty before a full court hearing. This would be conducted in open court but with media

reporting banned. Sir Nicholas said there was "nothing sinister" in this. He does not rule out US-style plea bargaining, with prosecution and defence negotiating charge and sentence.

□ Police questioning: ban lifted on questioning after charge to allow police to explore other avenues of investigation.

□ Curbs on prosecution disclosure: The Home Secretary wants to bring this in as a "matter of urgency". Officials are hurriedly trying to "detach" this measure from other interlocking royal commission proposals on defence disclosure and pre-trial hearings.

□ Serious fraud cases: more serious fraud cases to be settled without jury trial and daily media scrutiny. Instead prosecutors and regulatory bodies to impose fines under judge's supervision.

□ Review of the rules of evidence, which the Attorney-General describes as "artificial and an impediment to justice". Likely to include changes to hearsay evidence.

The Attorney-General also filled in some of the details of the Home Secretary's general announcement on the abolition of the right to silence, saying that although the precise form of the legislation had not been finalised it would be along the lines used in Northern Ireland since 1968. He detailed how it would work.

Sir Nicholas acknowledged that recent years "have been and remain a bruising time for criminal justice", but he believed the law and order package would start to restore public confidence in the system.

Tilting scales, page 5

'Appalling vista' of dual acquittal leaves unanswered questions and shadow over police after 19 years of legal arguments

John Mullin and Sally Weale

IN HIS 95th year, the former Master of the Rolls once more stepped into the Birmingham Six controversy yesterday. This time, Lord Denning, from his home in Whitchurch, Hampshire, cut to the heart of the matter.

He professed his delight at Mr Justice Garland's decision, and turned the clock back to 1980. He had then dismissed the men's civil action against the police and Home Office, claiming such a widespread conspiracy would have required a too "appalling vista" to contemplate.

Yesterday, he said: "The appalling vista is that the Birmingham Six have been acquitted and the police have been acquitted. What is the public to think of our system of law? It raises a big question mark about the whole case."

Just as in the Guildford Four case, three police officers accused in the Court of Appeal when the murder convictions were quashed, have walked free. The outcomes appear mutually inconclusive.

From the beginning, the Birmingham Six alleged police brutality: guns in the mouth, cigarette burns to the arms, punching, kicking, food deprivation and threats against the men's families.

The story was rejected in the courts. Four of the six had signed confessions. The other two had made verbal admissions, police alleged.

Eighteen members of the West Midlands serious crime squad, disbanded in disgrace 14 years later, gave evidence backing the confessions at the Lancaster trial in 1975.

According to Mr Justice Bridge, the trial judges, if the six men are telling the truth, the police have been involved in a conspiracy unprecedented in the annals of British history.

One appeal was refused; another failed. The subsequent civil action against the police and Home Office, presided over by Lord Denning, was categorically dismissed six years after the bombings.

In his summing-up, the then Master of the Rolls, said: "If the six men win, it will mean the police were guilty of perjury, that they were guilty of violence and threats, that the confessions were involuntary and were improperly admitted in evidence and that the confessions were erroneous."

That was such an "appalling vista" that the action must be permitted to go no further.

When the case against the Six began to crumble, only three officers began to find themselves facing criminal action. There were to be no charges relating to assault. Instead, Detective Superintendent George Reade, Detective Sergeant Colin Morris and Detective Constable Terence Woodwiss faced charges of perjury and conspiracy to pervert the course of justice. The case against Detective Constable Rex Langford was dropped at committal.

The Director of Public Prosecutions effectively called a halt following a single discovery 18 years after the bombings. A recently developed forensic test had highlighted incompatibilities with the officers' sworn testimony concerning one interview.

Electro-static deposition analysis (Esda), a technique which identifies from the imprint on a page what has been written on the sheet above, indicated officers must have lied about the circumstances of two interviews with Richard McKenny, one of the four who confessed.

They had told the Lancaster trial they had recorded the interviews contemporaneously. Mr McKenny had always maintained the first of the interviews had never taken place.

Dr David Baxendale, from the Home Office forensic laboratory in Birmingham, carried out the Esda tests for Devon and Cornwall police. The force, under Chief Constable John Evans, had been asked to re-investigate the convictions for the DPP ahead of the men's scheduled second appeal.

The ballpoint pen used in the first six pages was different to the one used for the following three. Police claimed it had been taken from the Morecambe police station.

The second interview of 19 pages, in which Mr McKenny was alleged to have confessed, was also written at different times. The pages were taken from four different pads. There were other anomalies. Some of the notes appeared to have been made up in 1975. Michael Mansfield, QC, representing the men, named 16 officers as being involved in the "web of deceit."

There could be, according to evidence presented at the Court of Appeal more than two years ago, no innocent explanation. The officers concerned, when interviewed under caution, never attempted to give one.

The Director of Public Prosecutions had already conceded the remnants of the discredited forensic evidence against the men. It had purported to show three of them might have been in contact with explosives. Now the DPP came to the same conclusion about the confessions.

It took more than two years for the case against the officers to come to court. Illness and delays in obtaining favoured counsel were among the reasons cited.

Last night Ron Hadfield, West Midlands Chief Constable, said he would have preferred his three former officers to get a full trial. He accepted Mr Justice Garland's argument that it would have been impossible to ensure a fair hearing given the publicity surrounding the case.

"There has been a shadow over the force since 1974. That increased with the appeal and it increased again in 1991. That shadow is still there," he said.

The West Midlands branch of the Police Federation, which paid the legal costs of two of the defendants, said it was confident the men would have been acquitted. Branch spokesman Inspector Stuart Harris said there would now inevitably be allegations of a "whitewash" or "cover-up".

The West Midlands police reopened their inquiries into the bombings after the Six were released. One forensic expert they commissioned suggested he had found evidence that some of the men had handled explosives after all.

Those findings would have been presented had the trial of the officers gone ahead. The inquiry is due to be completed in a few weeks and a report will be sent to the Director of Public Prosecutions. The indications are only that the new evidence is "sensational".

Ruling casts doubts on other high profile cases

Duncan Campbell looks at the implications of the judgment for other miscarriage inquiries

THE collapse of the case against the West Midlands officers yesterday raises questions about investigations being conducted into the behaviour of police in other miscarriage of justice cases. It would also seem to extend the ruling in the case of the Taylor sisters regarding press coverage.

Over the last four years there has been a series of high profile miscarriage of justice cases where there has been evidence of, at worst, a possible conspiracy to pervert the course of justice and malpractice, and, at best, breaches of regulations and negligence. Few of these cases have led to prosecutions and most have not been reinvestigated.

"It's ridiculous," said Judith Ward, who was wrongly convicted of the 1974 M62 bombing in which 12 people died. "Ordinary people get prosecuted but it doesn't seem to happen to police or forensic people."

Ms Ward, who has just published an account of the 17 years she served for the crimes she did not commit, said that despite adverse comments about the behaviour of the prosecuting team and forensic scientists in her case, nothing had happened since her successful appeal in June last year.

"There has been absolutely zilch," she said. "For all I know, they've probably given them all commendations."

The case of the Cardiff Three,

Steve Miller, Tony Paris and Yusuf Abdullahi, who were cleared of the murder of Lynette White at the appeal court in December 1992, has not resulted in re-investigation or prosecution, despite highly critical remarks at the appeal by the Lord Chief Justice, according to campaigners.

The conduct of the police and prosecution in the case of Stefan Kiszko, who was wrongly convicted in 1976 of the murder of a schoolgirl, Lesley Molseed, has been investigated by Lancashire police and a report has been with the Director of Public Prosecutions for months.

Yesterday Mr Kiszko's lawyer, Campbell Malone, said that he was waiting "with some impatience" for the result of that inquiry which was to examine why evidence which might have cleared Mr Kiszko had not been made available at the original trial. Mr Kiszko was freed by the appeal court in February 1992 after 16 years in jail.

There are three outstanding prosecutions resulting from well-publicised miscarriage of justice cases which are due to come to court. They cannot be named because to do so would raise the possibility of the cases being abandoned on the grounds of adverse publicity.

A separate issue is the effect on a trial of adverse press coverage. One of the grounds for the successful appeal of Michelle and Lisa Taylor was that sensationalist and inaccurate

press coverage had made a fair trial impossible. They had been convicted of the murder of Allison Shaughnessy, wife of Michelle's lover.

This issue was addressed yesterday by Edmund Lawson, QC, for one of the officers, who argued in court that it had been difficult to pick up a paper in the past two years where miscarriage of justice was mentioned without finding reference to the Birmingham Six case. He said that on BBC news reports of the Home Secretary's law reform proposals, a comment had linked false confessions with the Birmingham Six. A fax of the comment was shown to the judge.

"Once there has been a saturation level of publicity in trenchant terms, it takes little to re-trigger those memories."

While the Taylor sisters were victims of coverage during their trial, the latest case seems to indicate that coverage of alleged malpractice that leads to an eventual trial, will in future be enough for the trial to be abandoned.

Since most serious miscarriage of justice cases are either widely covered on appeal or are exposed by the media in the first place, this would seem to leave the door open for anyone charged as a result of such a case to claim they could not have a fair trial.

This could extend to any case where there had been dubious coverage before the trial.

Complaints made by the Taylor sisters about the police conduct in their case are now being investigated by the Police Complaints Authority.

The men who went to jail

Hugh Callaghan: Aged 62. Now living with his wife, Eileen, in north London. Only one of the six to have written his story so far: *Cruel Fate*. One daughter, Geraldine, aged 34. She lost her husband in car crash 18 months ago. Two grandchildren.

Unemployed labourer at time of arrest, when he suffered from ulcers. Friends believe he has adjusted well to life outside. **Johnny Walker:** Aged 57. Now living in Derry. Separated from Theresa, his wife of 36 years, but they remain good friends. Seven children, seven grandchildren.

Mobile crane driver at GKN in Witton at time of arrest. Still thought to be on medication for nervous problems. Has trouble with an ulcer.

Billy Power: Aged 48. Now lives in east London. Remarried Nora in 1991 soon after his release, after they had been divorced the previous year. Four children. Four grandchildren. Unemployed painter at time of arrest.

Friends had been worried about how he would fare, but he is coping well.

Richard McKenny: Aged 59.

Married to Kate for 35 years. Six children, 17 grandchildren. Living in a cottage near Dublin. It was reckoned he would be the one most likely to adapt easily, but he is said to be struggling.

Millwright's mate at GKN, Witton, at time of his arrest.

Gerry Hunter: Aged 47. Now living in south-east London. Broke up with Sandra after 25 years' marriage, soon after he was released. "We had just grown apart." Generally refused to see anyone but his closest family when he was in prison.

He was badly affected when the first appeal was lost in 1988, but has impressed observers by how well he has coped since.

Paddy Hill: Aged 48. Now living in north London. Teetotal. Divorced in 1963 by Pat Hill, but they remain friends. Six children, seven grandchildren. Admits to finding it difficult to adapt on the outside. Told the Irish Times two months ago: "If I had a million pounds, I'd give it to go back to jail."

Like the others, has received £200,000 in two payments. The final settlement is expected this year.

The police walk free

WHO polices the police? An old question, still without adequate answer. The Home Secretary this week declared that the criminal justice system was too skewed in favour of the defence. But does this still apply when the defendants are the police? Is he as eager to act on this abuse? Yesterday's decision by an Old Bailey judge to stop the trial of three detectives allegedly involved in the wrongful prosecution of the Birmingham Six is the third major police corruption case to end without a conviction in the last 18 months. Chronologically, they demonstrate the hurdles that prosecution of police malpractice has to pass. Eighteen months ago the Director of Public Prosecutions declined to proceed with the prosecution of any of the officers of the disbanded and discredited West Midlands Serious Crime Squad. Despite the Appeal Court quashing convictions against 11 defendants because of suspect West Midlands police evidence, the DPP decided there was not sufficient evidence to proceed against the squad. In May of this year, an Old Bailey jury acquitted three Surrey detectives charged with corruption after the Guildford Four walked free because of police perjury. Now three suspect detectives in the Birmingham Six case walk free because the time that has elapsed and "saturation" coverage of police malpractice in the case denies them a fair trial.

Are any police officers successfully prosecuted? Yes, quite a few. Some in quite celebrated cases: the porn and drug squad officers in the 1970s after systematic bribery; the Met officers in the "Holloway Van" case — in which four black youths were beaten up — after their colleagues testified against them. Where other officers are ready to testify, conviction becomes more certain. There is a common theme in the three big police malpractice cases where convictions have not been secured: delay in persuading the authorities there was a case to answer, which created huge difficulties in gathering the necessary documentary evidence and put people's memory to a severe test. That is why the proposal from this year's royal commission for an independent review body to examine alleged miscarriages of justice is so important. It would allow the criminal justice system to admit its mistakes more readily — and rectify them more promptly. The reform is urgently needed but, shamefully, will be delayed by the Home Secretary's decision to exclude it from the forthcoming criminal justice bill. Mr Howard should not be allowed to pick and choose from the royal commission's proposals.

Hugh Callaghan recalls his ordeal at the hands of police interrogators after being accused of Birmingham blasts despite pleading innocence

“I WAS totally confused and frightened. I was still dumb-founded at the very idea of being taken in for questioning about crime, never mind such a dreadful one as this. My denials were strenuous, but I could hear my voice faltering.”

Why would I want to blow up Birmingham people? I was a family man living and settled in Birmingham since 1947. I had a 16-year-old daughter, a Birmingham girl like any other. The very thought of planting a bomb in a pub that could take the life of a young person just like her, or of any person, revolted me.

I told them over and over again where I was, and who I was with, but they refused to believe me. I was slapped across the face. Don't give us that shit, Callaghan. You were there and you're going to tell all about it.

I was asked about my movements on the evening of the 21st. I told them I went to New Street station to see off five people from home who were going to Belfast; that I went for a drink in a nearby pub, Yates's Wine Lodge, and met a friend I hadn't seen for a long time, John Fannon; and that the police came in to tell us there had been explosions in nearby pubs.

They had the names of the five men I left at the station. I was asked for details about them. At that stage I didn't know for certain that they had been arrested, though I guessed by now that they probably were. None of them were people I regularly met, I explained.

I was asked how I knew that he was a well-known singer and entertainer in the Irish pubs, and that I had grown up with older members of his family in Ardoyne.

I was initially afraid to tell them about the men going home to his funeral. I knew they would never understand that people would travel to another country just for the funeral of a friend or neighbour. However, I did tell them to Bel- fast that they had gone to Bel- fast for the funeral, and that I would be combined with visits to their families. I knew these minute I said it that these people didn't understand. "Come to bury their IRA man, are they?"

More questions followed. A lot of accusations were thrown at me about myself and the back briefly by the same offi-

other five being in the IRA ... They were 'going to get the truth' from me, however long it took. I wanted to scream, I felt helpless.

Throughout the whole process neither of them appeared to be taking notes. I wouldn't have minded, since I had nothing to hide. They never really seemed to be listening to my answers. It appeared to me that their minds were already made up. Everything I said was twisted around, and they kept calling me a liar, at one point suggesting that I could have killed my own daughter. I couldn't believe what I was hearing.

At some point a sheet of paper was flung down in front of me. "You're involved in all this, it says so here in Billy Power's statement. Read it." I wasn't up to reading anything. The piece of paper could have been blank. "I don't care what that says. It's not true. None of us had anything to do with those bombings." As they had already obtained one up to the hill, they told me, it was all straightforward. I should now make a statement, sign anything, I'm not signing anything, I had nothing to do with bombs, I shouted.

After a few hours of sheer terror, they eventually informed me that I was being moved to another station. I was hoping they would allow me some sleep first, but I was out of luck. In the small hours of Saturday morning I was taken to Sutton Coldfield, and I was placed in a cell underneath the station.

The cell door was left open. The only furniture was a bed, which I was not allowed to lie on. I was instructed to stand up right. If they saw me close my eyes they would shout at me. "No sleeping!" I tried a few times to sit on the bed; each time I did someone would yell. "What are you doing? Get up!" The last time I had slept was Thursday night, and this was now early Saturday morning. Outside the cell were two armed policemen. One of them kept clicking his gun and pretending to aim it in my direction. The second one was a dog handler. The Alsatian wandered in and out of the cell, and he encouraged it to come close to me, sniffing and growling. They warned me that if I moved or closed my eyes the dog would attack.

Around eleven o'clock on Saturday morning I was called off-



‘One law for the ordinary citizen and another where the police are concerned,’ Billy Power (left) and Paddy Hill protest at yesterday’s decision outside the Old Bailey yesterday

cers who interrogated me the night before. I felt like a compulsive, confused, and very, very tired. I kept wishing for sleep and a nice cold drink was taken to be swabbed by a forensic scientist.

I was then returned to the interviewing room to be confronted by my interrogators again. I sat opposite one of the officers at a table answering routine questions about my age and address that I had already answered several hours before. He kept kicking me hard on the shins.

The pain was excruciating.

Every time I flinched he kicked me again. I couldn't say any more. If I spoke I would be kicked, and I remained silent. I would be kicked.

BACK again to the interview room, this time with a fresh team of detectives. There were three or four men there, quickly gathered by their attitude and the emotion on their faces that this was the very mob, sent in to flush the job. Their very presence terrified me. But Christ, I was innocent, and I would keep saying it.

By now I desperately needed time to myself. I was losing control. I was losing my resolve not to admit anything. A few more hours with these men and I felt I would give up. I was sick, and weak from lack of sleep, food, and drink. I was told a strip, and I was left naked for several minutes; then I was told to

dress again, and strip again. The humiliation was unbearable. My embarrassment amused all of them ... When I had still just a blanket around me and was feeling very vulnerable and exposed, one of them raised his list to me. You will make a fucking statement or we will bash you around this cell. I begged him not to hit me. I pleaded with him to believe my story, which I kept saying I could prove. He wasn't interested; the only thing that was going to satisfy him was a confession.

At some point an exasperated officer grabbed me bodily and pinned me against the wall. Strange, animal-like noises emanated from him; his eyes were wild, like a man about to kill. My head hit the wall and bounced back. I was dizzy. I thought I was going to get sick. I really believed he was going to kill me — at least it would have

PHOTOGRAPH: GRHAM TURNER

been an escape from this terror. Another policeman realised that his colleague was going too far. He pulled him from me, rescuing me like an impartial referee. He put his hand on my shoulder and spoke very quietly. 'I'm not like him.' He was like a lamb. 'Come on, mate. You'll do it for me.' I had never experienced such terror or pressure in my life before. I knew before God that neither I nor any of the others had any part in planting bombs. I just couldn't take any more. I begged them once more to believe me, but I just wanted it over with and to be left alone. At my lowest ebb, they seized their opportunity, and I conceded. I agreed to sign a confession.

Extracts from *Cruel Fate* by Hugh Callaghan and Sally Millar, published this month by Faber Press, £5.99

Law changes to repair 'weaknesses'

Package tilts scales
in favour of police,
Alan Travis and
Clare Dyer report

THE Government's "second instalment" of its law and order package disclosed yesterday is designed to tilt the balance in the criminal justice system further against the accused and in favour of the police and prosecution.

The Attorney General, Sir Nicholas Lyell, has indicated that measures will be adopted to "repair the weaknesses in the criminal justice system".

Many of the measures arise from Lord Runciman's Royal Commission on Criminal Justice, which reported in July. They include:

- Abolition of the ban on police questioning of suspects as soon as they have been charged. Current rules say police must charge suspects as soon as there is sufficient evidence. Police say this prevents them following up other avenues of inquiry and involves the temptation to hold suspects much longer than needed before they are bailed or remanded, in case further information emerges.

Runciman backed the proposal on condition the caution was repeated and the accused was allowed to secure a solicitor to be present at further interviews.

- Introducing formal "plea bargaining" between judge and defendant. Under so-called "sentence canvassing" the defence will be able to ask both judge and prosecution the highest sentence likely if the defendant pleads guilty before the full trial. The pre-trial hearing would be the last chance for a defendant to get the full 30 per cent "discount" on sentence if he pleads guilty.

Sir Nicholas backs this recommendation and says it should be carried out in open court subject to reporting restrictions. He says he does not rule out full US-style plea bargaining where the defence negotiates charges and sentence directly with the prosecution before the full court hearing.

- In complex fraud trials "ar-

rangements to be adopted which ensure a better co-ordinated disposal of proceedings by prosecutors and regulators under the auspices of the court".

This adopts a Bar Council recommendation that defendants in borderline cases prepared to admit they acted wrongly but not dishonestly, should be disposed of by fines without a trial.

"With major fraud the public interest demands more than mere punishment," says Sir Nicholas, adding that prosecutors also need to recover any "ill-gotten gains" and distribute them to those who have lost.

- The "overcumbersome" burden on the prosecution to disclose all relevant documents to the defence is to be restricted. The rulings in the Judith Ward and Guinness cases on what it was necessary to disclose were so broadly construed that they did not meet all the interests of justice. In recent months cases have been dropped because disclosure rules have put at risk individuals involved in intelligence-based operations.

- Limit on right to silence will operate as it has done in Northern Ireland since 1988. Home Secretary gave no details on Wednesday. "Where there is already sufficient other evidence before the court on which it would be open to the jury to find the case proved against the defendant, it should be possible for the jury to take into account, if the judge rules that it is judicially proper to do so, the defendant's failure to give an explanation in the face of relevant questions fairly put," Sir Nicholas said. He added that the recent Northern Ireland "right to silence" test case of Regina v Murray is to go to the European Court of Human Rights in Strasbourg, where he said he believed it would not be found contrary to the European Convention on Human Rights.

In the case, a prisoner convicted of terrorist offences is claiming he was denied the right to a fair trial.

Liberty believes the proposed limit on the right to silence also contravenes the International Covenant on Civil and Political Rights, part of the UN charter, which guarantees protection against self-incrimination.

The organisation hopes to bring a test case if the legislation goes through.

GUARDIAN 8.10.93