

Britain: Open verdict on man shot by police

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The jury at a hearing into the death of Harry Stanley, who was shot dead by armed police, has returned an open verdict on his killing. The coroner, Dr Stephen Chan at St. Pancras coroner's court in London refused to allow the jury the possibility of returning a decision of unlawful killing. In his summing up he tried to direct the jury to find that it was a lawful killing. The jury rejected this option. It took nearly three years for the inquest to be held and the open verdict is only the second such judgement to be made in a case such as this.

Irene Stanley, widow of Harry Stanley, said, "I came here for justice having waited two and a half years for this inquest. To me it was unlawful killing as my husband was an unarmed man. I am going to carry on fighting for justice for Harry. Despite the coroner, the jury, who were members of the public and ordinary people, did not decide that the two officers who shot Harry killed him lawfully."

Harry Stanley, 46, was shot dead by two armed police officers in Hackney, London while walking home from the pub. He had been released from hospital a few days earlier, after undergoing a successful operation for colon cancer. He was carrying a coffee-table leg in a blue plastic bag.

The two police officers were acting on a call made by Clifford Willing, a regular drinker at the Alexander pub, who said that an "Irishman" with a sawn-off shotgun had just left the pub. The inquest heard the transcript of the call he made to the police. Willing is clearly telling police that he actually saw the gun in Stanley's hand and the gun was sawn off and he even saw the trigger. Nothing was made of Willing's false claim.

Harry Stanley was shot twice by Inspector Neil Sharman and PC Kevin Fagan from the SO19 armed response unit.

All through the week-long inquest, the coroner made

clear his determination to see the police exonerated. In an attempt to persuade the jury that Stanley was a dangerous man and had been in the past involved in armed robbery, Dr. Chan allowed his previous convictions to be read to the jury—something that is not allowed in a criminal prosecution. The convictions dated back to 1968 and were for possession of drugs and robbery. The police who shot Stanley would not have known anything of his background.

The decision caused uproar, provoking Irene Stanley to say, "This is outrageous. We never claimed that Harry was an angel. It's bad enough that Harry, an innocent man, was shot by police, but then to blacken his name after he is dead is unforgivable."

The coroner offered no reason for allowing the past convictions to be read and was challenged by the family's solicitor, Tim Owen, who asked, "What is the relevance of this to what the jury have to consider here. How can this help the jury to decide the issues they have to decide? There are guidelines and procedures concerning the relevance of spent convictions. The normal rules are for us to make submissions to you away from the jury and then for you to consider and make your ruling."

The only possible reason for revealing Harry Stanley's past conviction was to make him out to be a dangerous man who was lawfully shot. This theme was continued by the two police officers who shot Stanley. In their statements they made the strange claim that Stanley had grasped one end of the table leg into his body and pointed it at the police, making it look like a gun. The coroner made this the central theme of his summing up to the jury. "A person who is attacked or believes that he is about to be attacked can use such a force as is reasonably necessary to defend himself. If that's the situation, then his use of force is not unlawful," he argued.

Far from Harry Stanley facing down the police with a

table leg held like a gun, forensic evidence from a Home Office pathologist proved that Stanley was turned away from the police when he was shot. He had just come out of hospital after major surgery on his stomach and his wife had said that he could not even bend down to tie his own shoe laces.

The forensic evidence that Stanley was shot in the back of the head was ignored by Dr Chan and was not referred to in his summing up; provoking the family's solicitor into saying that he had committed a "blatant error of law".

Deborah Coles, co-director of INQUEST, who has been working with the Stanley family and their legal team, said, "In rejecting a verdict of lawful killing, the jury have clearly also rejected the evidence of the two police officers who shot Harry that they acted in self-defence. The Coroner gave a biased and one-sided summing up, which ignored crucial forensic evidence that Harry Stanley was shot from behind. The failure of the Coroner to give the jury the opportunity to decide if this was an unlawful killing is a gross error of law, which the Stanley family and their lawyers will be taking to judicial review. The procedures which follow a death in custody, from the police investigation to an inquest, has failed yet another family.

"This inquest and the biased and insensitive conduct of the coroner once again brings the whole inquest system in relation to deaths in custody into disrepute. We have always believed that this case should have been tried before a jury in a criminal court. Where police officers kill members of the public, they must be held to account openly and transparently. The rule of law must be seen to apply equally to all citizens, including those in police uniform."

The family has said they will now sue the Metropolitan Police. They will make a formal complaint about the coroner and will seek a judicial review of the inquest into Harry Stanley's death.



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