

Britain: armed police demand immunity from prosecution

Mike Ingram
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In an unprecedented action, up to 130 officers of the Metropolitan Police SO19 armed unit in London staged a two-day protest in which they refused to carry weapons.

They were protesting a verdict of unlawful killing returned in the second inquest into the death of Harry Stanley, a painter and decorator shot dead by police in east London in 1999. The killers, Chief Inspector Neil Sharman and PC Kevin Fagan, have been suspended from duty and face possible manslaughter charges arising from the shooting.

The police action, which threatened to spread throughout the country, was only called off after supportive interventions by senior officers and conciliatory statements from Labour Home Secretary David Blunkett.

Outgoing Metropolitan Police Chief John Stevens said he had great "sympathy" for the protesting officers, but "they must come back to work." He agreed to review the suspensions and to seek legal protection for firearms officers from the Home Office.

In a statement following the calling off of the action Stevens said, "I am grateful to our officers for starting to resume their firearms duties and putting the safety of Londoners and their fellow officers ahead of their own concerns at this time.

"They do need more legal protection for the difficult job they do on our behalf.

"This cannot be achieved overnight but we are committed to working together to seek changes that will give them confidence to undertake their dangerous and demanding work."

The deputy commissioner and commissioner designate of the Metropolitan Police, Sir Ian Blair, issued a statement in Rupert Murdoch's *Sun* newspaper on November 3, which was published under the heading, "We must stand by our hero gun cops."

Blair said, "If the Government is to review murder

legislation then surely there must be a place for measures which protect armed police from the prospect of serious criminal charges and prosecution."

Glen Smyth of the Metropolitan Police Federation has said the organisation will consider a legal challenge to the inquest verdict.

Jan Berry, chairman of the Police Federation of England and Wales, said she was not surprised by the officers' reaction. "With the benefit of hindsight we can all say what we may have done but these two officers were required to make a split-second assessment and decision."

SO19 is, among other things, tasked with special duties to protect the capital from terrorist threats. In the present climate, this makes all the more remarkable the favourable response the police protest has received within the media and political circles.

One must recall the bitterly hostile response to strike action by firefighters last year, who were demanding a living wage. They were denounced from all quarters as agents of Saddam Hussein for striking while troops were engaged in Iraq. In contrast, no statement was issued by Downing Street on the police action. And far from condemning the striking officers, Home Secretary David Blunkett went out of his way to appease them. He said it was "deeply unsatisfactory" for both the Stanley family and officers that the case had gone on for so long and promised to review the way police shootings were handled, "including looking at how the law in this area operates, and the speed with which cases can be resolved."

He added, "Whilst there cannot be any question of police officers being exempt from the normal requirement that any force used must be lawful, we must remember what it is that we ask firearms officers to do.

"Uniquely among police officers, they find themselves in positions where they have to decide, in a split second, to shoot, and possibly kill somebody. Enquiries after an

incident need to give proper weight to this.”

In other words, the argument now being advanced is that any restraint on police officers’ ability to fire at will without fear of prosecution impinges on their ability to do their job. Others went further, opposing any and all criticism of the police.

The *Daily Mail* editorialised on November 3, “The problem is that this case—whatever the rights and wrongs—has to be set in the context of the way police have become everybody’s whipping boy. They are damned if they do and damned if they don’t.

“In these politically correct times, they are always assumed to be guilty: guilty of institutionalised racism and guilty of homophobia; guilty of over-reacting and guilty of under-reacting; and increasingly they are humiliated by chief constables who seem more interested in sociological box-ticking than catching criminals.

“Yes, police need to maintain the highest standards. The public demands no less. But when politicians and chief constables expect—and get—loyalty and support from their officers, wouldn’t it be refreshing if sometimes they offered just a touch of loyalty and support in return?”

For the *Mail* the argument is simple. Unfortunate incidents like the shooting to death of an innocent man must not stand in the way of the police doing their job. The vitriolic response to any semblance of accountability raises the question: exactly what job is being referred to?

Daniel Machover, the solicitor for Mrs. Stanley said, “Officers are told they should only use firearms—or lethal force—when they have lawful self-defence and if we take that requirement away we’re opening the door for a military dictatorship.”

This points to the real significance of the police reaction to the Stanley inquest verdict.

The police are not the impartial upholders of law and order whose sole purpose is to fight crime. They are the “armed bodies of men,” as Frederick Engels called them, whose purpose is to defend a system based upon private profit. The lives of innocent people such as Stanley are entirely secondary to the maintenance of the authority of the state over the working masses and the defence of the privileged few.

On one level, the police appear accountable to no one but themselves. But this means that they are in fact accountable to the ruling elite, who can mobilise them at will whenever necessary against the working class, as they have been during major social conflicts such as the 1984-1985 miners’ strike.

That is why there is no independent monitoring of

police activities and shootings are investigated by the police internally. Moreover, in eight cases in which a verdict of unlawful killing has been brought by a jury in the last decade, the Crown Prosecution Service (CPS) has refused to prosecute the officers responsible. The CPS itself is a state body that would be more aptly named the Crown Protection Service. In the last 10 years, only two prosecutions of police have taken place—in the case of David Ewin, who was shot dead in his car in South London in 1995 and in that of James Ashley, shot in January 1998. On both occasions the officers were acquitted.

In the case of Harry Stanley, the second inquest and its unlawful-killing verdict only came about because of pressure from the Stanley family. An initial inquest into the death held in 2002 returned an open verdict. Coroner Dr. Stephen Chan had refused to allow the jury the possibility of returning a decision of unlawful killing, and tried to direct towards a verdict of lawful killing. The jury rejected this and returned an open verdict. The family last year won a High Court battle that quashed the open verdict, and the judge ordered a new inquest.

The verdict of “unlawful killing” secured in the second inquest is a welcome tribute to the tenacity of the Stanley family in pursuing justice. But that it comes only after a five-year legal battle and immediately provokes such a hostile reaction shows that justice and democratic rights are incompatible with a society that is riven by such stark and growing disparities between the rich and the poor, between the ruling elite and those they govern.

The demands for immunity from prosecution and the favourable response this has won from Blunkett must be taken as a stark warning. A government that has consistently ignored the popular will has again shown how it is prepared to violate all democratic norms in order to protect the interests and impose the dictates of a super-rich financial oligarchy. Its leading representatives know full well that when it calls on the police to impose policies that have no popular mandate and that are detrimental to the majority of the population, then they must be able to do this “job” with impunity.



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