

# Britain: police officers face murder charge over killing of Harry Stanley

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The two police marksmen who shot dead 46-year-old Harry Stanley in Hackney, London, in 1999 have been arrested on suspicion of murder, gross negligence, manslaughter and conspiracy to pervert the course of justice.

Stanley was shot dead on September 22, 1999, just 600 yards from his home as he was returning from a pub. The two officers, Chief Inspector Neil Sharman and PC Kevin Fagan, told initial investigations that they opened fire from 15 yards away. Fagan shot Stanley in the hand, while Sharman shot him in the head. Armed police were reportedly called by a bystander who mistook Stanley's Scottish accent for Irish and told police he was carrying a shotgun in a plastic bag. In fact, Stanley was carrying a leg from a coffee table that had been repaired by his brother.

For almost six years, the controversy surrounding the killing of Harry Stanley has refused to go away. In June 2002, an inquest jury returned an open verdict after being told they were not allowed to consider possible verdicts of unlawful killing or gross negligence manslaughter. This was challenged by Stanley's family, who in February 2003 were given permission to apply at the High Court for a fresh inquest on the grounds that withholding a verdict of unlawful killing from the first inquest was wrong. In April 2003, Mr. Justice Silber ruled in a High Court hearing that there had been an "insufficient inquiry" into the killing and ordered a fresh inquest.

In October 2004, an inquest jury returned a verdict of unlawful killing, and the two officers of the SO19 firearms unit were suspended from duty.

That verdict provoked a furious reaction from the Metropolitan Police. In November 2004, SO19 officers staged an unprecedented two-day protest in which they refused to carry weapons. The action was met with

supportive interventions from senior officers and conciliatory statements from the home secretary at the time, David Blunkett. The protest was only called off after both officers were allowed to return to work on "non-operational duties."

In May 2005, an appeal by the officers resulted in the High Court quashing the unlawful killing verdict. Justice Brian Leveson ruled that there was "insufficient evidence" to support the verdict of the previous inquest. He admitted that he was prepared to accept there was sufficient material "for the jury to be able to conclude that the very detailed account provided by the officers of Mr. Stanley's precise movements was not accurate (and perhaps not honest)." But, he added, a properly directed jury could not safely conclude "beyond reasonable doubt that they [the officers] were not acting in self-defence."

The June 2 arrest of Sharman and Fagan is said to follow the discovery of new forensic evidence, which apparently calls into question the account of the killing made by the two officers in statements.

According to the *Independent* newspaper, "At an inquest in 2004, a Home Office forensic scientist who examined the bullet wounds to Mr. Stanley's head and hand, said the position of entry and exit wounds contradicted the statements given by the two officers.

"The officers had told the inquest that Mr. Stanley had turned around 'in a slow, deliberate, fluid motion' and pointed his wrapped-up table leg at PC Fagan, adopting a classic firing posture, which prompted Chief Insp. Sharman to open fire, hitting him in the head."

The *London Evening Standard* reported that the arrests were the result of a computer-generated reconstruction of the shooting, stating, "A reconstruction of the shooting is believed to have shown a version of events that differed from the

account given by the firearms officers.”

The arrests are the result of an inquiry by Surrey Police’s serious crimes unit, which was prompted by the verdict of the second inquest held last October. The *Independent* quotes a statement from Surrey Police who said, “The review has led to the discovery of new forensic evidence.

“As a result, two Metropolitan Police officers aged 38 and 42, were today arrested on appointment on suspicion of murder, gross negligence, manslaughter and conspiracy to pervert the course of justice by Surrey Police officers in relation to the death of Harry Stanley.

“The officers have been bailed to return to a Surrey police station on 16 June 2005, pending further inquiries.”

The two officers remained at work, on non-operational duties, as the Crown Prosecution Service considers whether to bring any criminal charges against them.

*Times Online* reports a “furious reaction from fellow police marksmen, who are threatening to lay down their weapons in a rebellion which could hamper security plans for the G8 summit of international leaders. Some members of the Yard’s elite SO19 firearms unit are already refusing to carry guns, saying that these arrests have shattered morale.”

The Metropolitan Police has condemned the action by detectives from Surrey. Surrey Police had obtained a court injunction to prevent the Met from telling the officers what the new evidence was before they were questioned. By all accounts, the new evidence places a huge question mark over the official version of the killing presented at the time.

Daniel Machover, the lawyer representing the Stanley family, said, “The family has noted today’s development and is awaiting an early decision on criminal charges. They are again calling for the officers to be suspended from all duties.”

The arrests in the Stanley case and the nature of the allegations are unprecedented. In the last decade, 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 eight cases in which a jury has returned a verdict of unlawful killing in the same period, the

Crown Prosecution Service has refused to prosecute the officers responsible. If the new forensic evidence is as strong as reports suggest, it may prove difficult to avoid a prosecution in the Stanley case, though any action against the officers is likely to provoke open conflict within the police force.

The *Times* of June 4 reported that Scotland Yard is drawing up plans to ask the army for soldiers to replace police marksmen if officers once again refuse to carry weapons in protest at the arrest of Sharman and Fagan.



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