

# Britain: attorney general prevents prosecution of police who killed Harry Stanley

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Britain's Attorney General Lord Peter Goldsmith has prevented attempts to prosecute police marksmen who shot dead painter and decorator Harry Stanley in 1999.

Goldsmith, who attends Tony Blair's cabinet meetings as the government's chief legal advisor, claimed there was insufficient evidence to bring criminal charges against the two officers from the Metropolitan Police firearms unit, SO19.

As the *Independent* newspaper has pointed out, Harry Stanley's shooting was one of 30 killings by the police over the past 12 years, six of which have occurred this year. However, 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.

Stanley's widow Irene, who has carried out a six-year campaign to establish the truth about her husband's killing, called the decision not to mount a prosecution an "injustice." She said, "I am devastated by it, though I half expected it. I am going to keep fighting but can't say more until I receive legal advice."

"Shoot-to-kill has existed for years, but you just can't get people prosecuted.... I've no faith in the system. English law is terrible and it needs to be changed," she added.

The Justice for Harry Stanley campaign said, "The Crown Prosecution Service (CPS) and the Attorney General have illustrated very clearly that the police not only have the right to shoot to kill, but they will be afforded total immunity from prosecution. This is clearly the most serious attack not just on the Stanley family but a warning to all the other families whose loved ones are shot dead, while going about their everyday business."

Daniel Machover, who represents the Stanley family, said he was genuinely concerned that Lord Goldsmith "may have influenced or determined the final decision" and added, "What we know is that there was dialogue between the Director of Public Prosecutions (DPP) [the head of the Crown Prosecution Service] and the Attorney General and a lot of to-ing and fro-ing before the family and police were told of the decision."

Deborah Coles of Inquest, a legal advocacy group, said, "You must ask whether or not there is a political policy at play in these cases and whether there was a political context in which this particular decision was made."

A spokesperson for the attorney general denied there was any political pressure to drop the case, saying, "The decision not to prosecute was taken by an experienced CPS lawyer on the advice

of leading counsel and was reviewed and approved by the DPP. The Attorney General was consulted and agreed with the CPS decision. It is absolutely wrong and misleading to suggest that there was any political influence."

Harry Stanley was shot dead by Chief Inspector Neil Sharman and Police Constable Kevin Fagan. He was returning to his home in East London carrying a repaired table leg. He had stopped in a pub, where a customer is said to have mistook his Scottish accent for Irish and the table leg for a sawn-off shotgun and called the police. The officers approached Stanley from behind and claimed they shouted, "Stop, armed police!" twice. They said he turned around "in a slow, deliberate, fluid motion" and pointed the table leg at them, at which point they shot him.

Irene Stanley was not informed of her husband's death for more than 24 hours, despite the police finding his passport in his pocket.

As with the killing of Jean Charles de Menezes at Stockwell Underground station in London on July 22 this year, the Stanley shooting was deliberately clouded with lies from the start. The media tried to smear Stanley's character by portraying him as a violent, drunken criminal. One story claimed that he deliberately set out to get himself killed by the police in a "suicide by police" attempt. Despite the Surrey Police stating that they found no evidence of this claim, the right-wing *Sunday Telegraph* dragged up the story again after the attorney general's recent decision.

After Harry Stanley was killed, the then Police Complaints Authority ordered Surrey Police to investigate. In December 2000, the CPS announced that the evidence in the Surrey Police report "may provide some support for the conclusion that the police officers may have been inaccurate or even lied about their respective positions in the street" when Stanley was shot.

The CPS also concluded that there was sufficient evidence to show the officers' "haste and lack of planning led them to breach their duty of care to Stanley and cause his death." However the CPS refused to proceed with a prosecution, claiming that there was "insufficient evidence to afford a realistic prospect of conviction" against a plea of self-defence by the police officers.

Following a campaign by the Stanley family, the CPS agreed to conduct a further review of the evidence, but in December 2001 the organisation again concluded that there was insufficient evidence to mount a prosecution.

In June 2002 the jury at the inquest into Harry Stanley's death returned an open verdict. But Amnesty International for one stated that it was "concerned that the coroner explicitly prevented the

jury from returning a verdict of unlawful killing” and that the trajectory of the fatal bullet suggested that Stanley had his back to the officers at the time of the shooting.

In October 2004 the CPS was forced to review the case again, after a second inquest jury returned a verdict of unlawful killing. The forensic evidence presented to the jury showed that Harry Stanley had only just begun to turn his head and that the fatal entry wound was at the back left side of his head and not the front right of his skull, as would be expected if the officers’ story were true.

The two officers were suspended from duty after the inquest, provoking a furious reaction from up to 130 officers in the SO19 firearms squad, who threatened to lock up their weapons. The then Metropolitan Police deputy commissioner, Sir Ian Blair, who is now the head of the Metropolitan Police, called for the law to be changed to give the police immunity from prosecution. Labour’s then home secretary David Blunkett also made conciliatory statements. The protest was only called off after both officers were allowed to return to work on “non-operational duties.”

In January 2005, as part of the CPS review following the unlawful killing verdict, investigators were reported to have discovered “significant” new forensic evidence—two bullet holes to the top left shoulder of the jacket that Harry Stanley was wearing when he was shot.

The CPS admitted that the evidence “appeared to indicate that Mr. Stanley may have been shot as he began to turn towards the officers, in contradiction to the statements provided by them.”

On this basis, Surrey Police arrested the two officers on suspicion of murder, gross negligence manslaughter, perjury and conspiracy to pervert the course of justice—a few days after High Court Judge Justice Leveson overturned the inquest jury verdict of unlawful killing and refused Irene Stanley’s leave to appeal.

During the CPS reinvestigation, the police officers’ defence produced two “independent forensic experts” who said the evidence did not prove that the officers were lying.

Professor Bill Lewinski, a psychologist who heads the Force Science Research Center at Minnesota State University, provided key testimony. According to the US Police Policy Studies Council of which he is a member, Lewinski “has pioneered a more universal understanding of why suspects are often shot in the back by officers who claim to have fired in response to an immediate deadly force threat.”

According to the BBC, Lewinski was at a British Police Federation conference in early October where his more universal understanding appears to boil down to the conclusion that “‘not a lot’ goes through an officer’s mind when they make the decision to shoot.” He added, “It would be the equivalent of you driving down the road and suddenly having a car pull out in front of you—what would go through your mind?”

Lewinski says, “Eighty percent of the riots in the US are connected to a perceived use of excessive force by a law enforcement officer. Some of those I know directly are because of a misunderstanding of human behaviour in lethal force encounters.”

After receiving such “expert evidence,” the CPS concluded that “the forensic evidence based on the bullet holes in Mr. Stanley’s jacket, which might have gone some way towards showing the

officers may have lied in their detailed account, is now insufficiently persuasive” and refused to proceed with a prosecution.

The Stanley ruling comes three months after the cold-blooded murder of Jean Charles de Menezes that exposed for the first time publicly that a shoot-to-kill policy known as Operation Kratos had been established in secret two years earlier.

The decision by the CPS and attorney general not to prosecute Harry Stanley’s killers is a graphic illustration of Tony Blair’s declaration that the police must be allowed to implement “summary justice.” Blair has promised that the police will be given whatever additional powers they demand, whether to supposedly combat terrorism or deal with rising crime and anti-social behaviour.

The decision in the Stanley case has indeed encouraged the police to extend their repressive powers. On October 24 Steve House, assistant commissioner at the Metropolitan Police, said that the shoot-to-kill powers allowed by Operation Kratos to deal with alleged terrorist threats have been extended to cover other offences such as kidnapping, stalking and even domestic violence.

These measures—along with the draft Prevention of Terrorism Bill, which abrogates the right to free speech, protection from unlawful detention and the presumption of innocence—cannot be explained away as simply the product of an illiberal and arrogant prime minister.

The Labour government has presided over a widening of the gap between rich and poor. It has made clear its intention to significantly expand over the next period the inroads made by private capital into all areas of the public sector, including health and education.

Blair has consistently ignored the popular will and is prepared to violate all democratic norms in order to protect the interests and impose the dictates of the ruling elite. As his government loses popular support and becomes more isolated it depends upon the suppression of growing political and social dissent. It is this that accounts for the politically motivated decision to exonerate Harry Stanley’s killers.



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