

THE LEGACY OF THE STOKE NEWINGTON SCANDAL

Graham Smith: Faculty of Laws, University College London

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The Stoke Newington scandal hit the headlines in January 1992 with Scotland Yard's announcement of a Police Complaints Authority supervised anti-corruption inquiry code-named Operation Jackpot. For two years the saga figured prominently in the news.

At Snaresbrook Crown Court Pearl Cameron, a drug dealer who was assisting the police inquiry, alleged she paid an officer referred to in court as 'X' up to £2,000 a week for cocaine (*Guardian*, 11 July 1992). The officer, DC Roy Lewandowski, was later to receive an 18 month prison sentence for theft and misfeasance in a public office in connection with a manslaughter investigation in which he was the exhibits officer (*Guardian*, 21 November 1992). During the year three officers were suspended and the Jackpot inquiry went on to consider 24 cases totalling 134 complaints with regulation 7 notices served against 46 officers (PCA Press Release, 3 February 1994). In February 1993 the Court of Appeal commenced hearing cases which relied on the evidence of Stoke Newington officers. By the time Jackpot reported to the Director of Public Prosecutions a year later, 11 convictions had been quashed and a total of 14 were eventually overturned (11 for drug offences). In the process counsel for the Crown Prosecution Service named four officers to the Court of Appeal who's reliability as witnesses of truth had been undermined in proceedings – Lewandowski, DC Peter McCullough, PCs Mark Carroll and Terrence Chitty.

And then, the scandal quietly slipped from public view. In December 1995 two of the suspended officers were acquitted of conspiracy to pervert the course of justice and perjury, and it has not been placed on public record whether any officer faced disciplinary proceedings. Days after PC Ronald Palumbo was acquitted of perjury he was arrested by Customs and Excise officers and charged with conspiracy to import cannabis. He was convicted and sentenced to a 10 year prison term at Canterbury Crown Court in February 1997 (*Times*, 25 February 1997).

Although the scandal concluded with a whimper, events at Stoke Newington had important consequences for the manner in which the criminal courts treat allegations of police misconduct with far reaching repercussions for police management. This paper firstly considers the approach of the criminal courts to prosecutions which relied on the evidence of officers investigated by the Jackpot team. And then, the financial implications, as complainants who failed to achieve satisfaction through the complaint process turned to the civil courts to claim damages against the Commissioner.

Stoke Newington police station has a history of controversy (Benn, M. and K. Worpole 1986: Ch. 3). In the 1980s allegations of brutality, racism and even murder were rife. A High Court judge warned of the threat to race relations by officers violent behaviour when awarding £51.5k to a black couple in *White v. Commissioner of Police of the Metropolis* (1982) *Times* 24 April. Police community relations sank to rock bottom when the death of Colin Roach in the station foyer in 1983 was greeted with a series of street demonstrations calling for a public inquiry. The coroner's inquest finding that he shot himself failed to ease the tension, and the local authority declined to participate in the local police community consultative group (Independent Committee of Inquiry 1989). The situation had not improved when, in January 1987, Trevor Monerville had surgery to remove a blood clot from the surface of his brain following a period in custody. With Stoke Newington officers operating from neighbouring Dalston, pending rebuilding of the divisional station, Tunay Hussan died in custody from a drug overdose in June. Primarily in response to these two incidents, a group of individuals with personal experiences of police misconduct established a self-help group in the area called Hackney Community Defence Association. Such was the dissatisfaction of complainants with the police investigating themselves that they invariably declined to make formal complaints and opted to commence civil actions for damages for the torts of assault, false imprisonment and malicious prosecution. As a member of the Association between 1988 and 1994, the author assisted with the investigation of some 600 complaints against Hackney and Stoke Newington officers and attended court on many occasions to monitor proceedings.

Dilemma for the criminal courts

Difficulties inevitably arise when a complainant alleges wrongdoing against an officer in connection with criminal proceedings he or she faces. The standard procedure under the *sub judice* rule is for the complaint investigation to be delayed until the conclusion of proceedings. However, this is not always possible in circumstances where multiple complaints are made against a group of officers who work together suggesting a general pattern of misconduct. A striking feature of the Jackpot investigation was that the same officers featured in several cases. One officer featured in eight (one third of the total), one in seven, three in six, two in five, two in four, four in three and five in two (PCA Press Release, 3 February 1994). In addition to the problems this created for investigation of complaints, including the danger of a 'bandwagon' effect, the breadth of the allegations ensured that details of complaints were not limited to the complainant, officer complained against and complaint investigation officer.

Although news of Operation Jackpot was not released until January 1992, the inquiry started life as an undercover investigation which gathered pace following the arrest of Pearl Cameron for supply of class A drugs in January 1991. She had been arrested and cautioned by Lewandowski for possession of cocaine the previous year and he subsequently registered her as an informer with Scotland Yard. At that stage only a small number of officers attracted CIB's interest. However, a pattern was beginning to emerge in a series of drug trials at Snaresbrook Crown Court which widened the net appreciably. During the course of 1991 defendants were to come before the Court to allege Stoke Newington officers fabricated evidence against them, primarily by 'planting' drugs. The first formal complaint to be investigated by Jackpot was recorded in November 1991, when the team received a letter from a woman who had recently commenced a four year sentence for intent to supply heroin. At that moment it became evident to the complaint investigation that they were not considering the activities of a few 'rotten apples'. But, while the Jackpot team was restricted to investigating complaints as and when informed, other interested parties were independently taking notice.

Firstly, there was growing concern among judges hearing cases at Snaresbrook. On at least two occasions in 1991 Palumbo asked to be cautioned when giving evidence, the equivalent to asking for the Fifth Amendment in the USA. In December, the trial judge halted proceedings in a drug case and referred papers to the DPP after evidence of perjury emerged. (This was the alleged offence Palumbo was later acquitted of when the main prosecution witness failed to come up to proof and the prosecution withdrew.) In November 1992, Mr Justice Aglionby commented when ordering the jury to acquit a defendant ‘..a number of these police drugs raids come before the courts at Snaresbrook and a number of judges, of whom I am one, are getting increasingly concerned that conflicting evidence is put by the prosecution...’ (*Time Out*, 11 November 1992).

Secondly, persons who came into contact with those claiming to have been wrongly accused were struck by the similarity in cases and the emerging pattern of misconduct. In addition to the forum created by HCDA for complainants to discuss and publicise their grievances, members of the probation service and defence lawyers displayed increasing concern. An ad hoc group of defence lawyers met for several months to exchange information on their clients’ cases and the police officers involved. One case in particular was to assume primordial importance - the arrest of Anson King by DC McCullough and PC Carroll in January 1991. The officers claimed King threw away a rock of crack cocaine when approached. King alleged he was subjected to an unprovoked assault and knew nothing about cocaine until one of the officers presented a small package to the custody officer. The November 1991 trial proceeded without independent witnesses to the incident and the defendant’s case relied on his exemplary character as attested by several character witnesses. The jury took just 20 minutes to acquit, evidently disbelieving the evidence of McCullough and Carroll.

Thirdly, it was only a matter of time before the media would take an interest, and shortly before Scotland Yard’s press release the *Guardian’s* crime correspondent, Duncan Campbell, visited a complainant in prison and was briefed by the author on a number of Stoke Newington drug cases. (The *Guardian* was to successfully defend a libel action brought by five Stoke Newington officers for the resulting article printed on 31 January 1992 entitled ‘Police suspected of drugs dealing’, *Guardian*, 8

February 1997). *Time Out* magazine ran weekly reports on the ‘Stoke Newington Scandal’; and two television documentaries were broadcast in November 1992 by Granada’s *World in Action* and BBC’s *Newsnight*.

Unravelling the complex situation which existed in 1992 is not easy. Criminal proceedings and complaint investigations were at various stages of completion and different parties were aware of the factual details. For example, it took six months for the Jackpot team to learn of the case referred to the DPP in December 1991 involving Palumbo; and the complaint against McCullough and Carroll concerning King’s arrest was not investigated as part of Jackpot. Parallel to the internal police inquiry, the CPS was preparing cases to be tried in the first instance, and simultaneously considering a number of appeals against conviction which relied on the evidence of the same officers who were principal prosecution witnesses in the former. Under such circumstances it was inconceivable that criminal proceedings might be concluded to trial prior to the investigation of complaints. Particularly as several of the complainants were already serving prison sentences and there was a growing clamour for their release. Most importantly, the responsibility of CPS solicitors, and instructed counsel, to impartially prosecute prevented them from proceeding if they entertained doubts about the veracity of police witnesses. When news of the scandal first broke, cases were adjourned at various stages in proceedings, and, as the complexities of the Jackpot inquiry became evident, the Crown adopted a general policy of discontinuing prosecutions at Snaresbrook and not contesting cases before the Court of Appeal.

A Lesson from the West Midlands

Judgment by Lord Chief Justice Lane in *R. v. Edwards* (1991) 93 Cr. App. R. 48, involving West Midland Serious Crime Squad officers was relied on as authority in many of the Stoke Newington cases. Comparison can be made between the PCA supervised complaint investigation by West Yorkshire officers against members of the disbanded West Midlands Serious Crime Squad and the Jackpot inquiry. By the end of 1990 754 SCS arrests were under investigation and regulation 7 notices served on 198 officers (*Annual Report of the Police Complaints Authority for 1990* (H.C. 351), 1991, p.15). The investigation concluded in early 1993, with disciplinary proceedings

to follow against seven officers, (*Guardian*, 15 January 1993). By then the Court of Appeal had quashed 12 convictions (details of 11 cases given in the *Guardian*, 20 May 1992, and there was another successful appeal in *R. v. Bromell* (1992) unreported, 22 June), and to date more than 20 have been overturned.

Edwards' appeal against conviction for robbery and possession of a firearm was on grounds that officers had fabricated an admission, and since his conviction evidence had emerged that the same officers had fabricated statements against other suspects. In allowing the appeal Lord Lane ruled '...where a police officer who has allegedly fabricated an admission in case B, has also given evidence of an admission in case A, where there was an acquittal by virtue of which his evidence is demonstrated to have been disbelieved, it is proper that the jury in case B should be made aware of that fact' (*R. v. Edwards* (1991) 93 Cr. App. R. 48: 57). Two cases where the Crown had discontinued proceedings after scientific evidence revealed that interview notes had been rewritten to imply admissions were considered sufficiently similar to the police investigation against Edwards for the Court of Appeal to overturn the conviction as unsafe. The effect of the judgment was to allow for the outcome of criminal proceedings, whether by jury acquittal, CPS discontinuation or judicial direction, to serve as an alternative gauge of an officer's credibility to a disciplinary finding.

The implications of the *Edwards* ruling in the Stoke Newington context was to allow the defence to cross examine police officers where 'drug plant' was alleged about any previous case where a similar allegation had been made which resulted in an acquittal. The CPS prevented conditions arising by which cross examination under the ruling might be allowed by discontinuing cases which relied on the evidence of officers under investigation by the Jackpot team. The principal prosecutor instructed by the CPS in Operation Jackpot cases later revealed that it was policy to discontinue prosecutions to protect against possible miscarriages of justice (*R. v. Maxine Edwards* [1996] 2 Cr. App. R. 345: 350). The Crown employed similar criteria in appeal cases, deciding against contesting 13 of the 14 convictions eventually quashed, the exception being *Maxine Edwards* (*Ibid.*), which the Court of Appeal heard after the conclusion of Jackpot (see below).

Cross-examination of a police officer under the *Edwards* ruling was allowed in only one Snaresbrook trial. In October 1992 counsel for Michael Thompson, prosecuted for possession of crack cocaine, asked PC Carroll about the acquittal of King for the same offence, the defence of ‘plant’ being alleged in both cases. The jury duly acquitted Thompson, regardless of having been informed that he was a crack cocaine addict with previous drug convictions. As a consequence of these two acquittals, the Crown did not contest an appeal by Cyrus Baptiste against a conviction for possession of cocaine with intent to supply. It was stated in the Court of Appeal that if material from the trials of King and Thompson had been available before Baptiste’s trial the Crown would not have sought to proceed with the prosecution (*R. v. Baptiste* (1993) unreported, 24 May).

The one appeal investigated as part of Jackpot contested by the Crown also involved PC Carroll. By the time the Court of Appeal heard Maxine Edwards’ appeal against conviction for possession of cocaine with intent to supply in January 1996, the complaint investigation had concluded without disciplinary proceedings against any of the officers involved in the case against her. The Crown sought to establish that the exoneration of Carroll by the complaint investigation was sufficient grounds for the rehabilitation of the officer as a witness of truth and there was no reason to regard Maxine Edwards’ conviction as unsafe. Giving the judgment of the Court Beldam LJ disagreed and allowed the appeal. He stated: ‘..the fact remains that in 1993 the degree of suspicion of the trustworthiness of the evidence of Constable Carroll, and those with whom he was working from day-to-day was such that the Crown considered convictions based upon that evidence could not safely be supported’ (*R. v. Maxine Edwards* [1996] 2 Cr. App. R. 345: 350).

Financial implications of the scandal

The 1990s have seen a growing number of complainants turn to the civil courts in their attempts to achieve redress against police misconduct. The Metropolitan Commissioner, then Sir Peter Imbert, observed the trend for complainants to pursue actions for damages rather than make complaints when recording a 47% increase in actions in 1991/2 (*Report of the Commissioner of Police of the Metropolis for the year*

1991/2, MPS, p.97). Since then the numbers of actions against the Commissioner have continued to rise along with the sums paid to plaintiffs, either by settlement or court award. The table below shows the number of cases settled annually by the Commissioner, both before and after proceedings commenced, and the amount he has paid in settlements, and the number of cases taken to trial where the courts awarded damages against the Commissioner (legal costs are not included).

Civil action payments by the Commissioner of Police of the Metropolis; 1991/2 – 1997/8

	No. of settlements	Settlements £k	No. of awards	Awards £k	Settlements and awards	Total payments
1991/2	116	447	11	124	127	571
1992/3	108	1002	8	111	116	1113
1993/4	288	1708	7	53	295	1761
1994/5	271	1382	12	86	283	1468
1995/6*	218	1387	30	542	248	1929
1996/7*	269	1075	36	1529	305	2604
1997/8	350	2610	39	530	389	3140
Totals	1620	9611	143	2975	1763	12586

* Figures of awards reduced following appeal or mediation: by £185k in 1995/6 and £572k in 1996/7.

Source. Commissioner of Police of the Metropolis Annual Reports, 1991/2 – 1997/8.

Excepting the exceptional average payment per case of £9.6k in settlements and awards in 1992/3, the figures reveal a steady increase in average payments from under £5k in 1991/2 to over £8k in 1996/7 and 1997/8 along with a steady increase (albeit with some fluctuations) in the number of actions. It is argued here that actions against the Commissioner for incidents involving Stoke Newington police officers contributed to this trend, and that payments in Stoke Newington cases have been far above the MPS average. The author is aware of 27 actions concluded in favour of 32 plaintiffs between 1992 and 1998 at a sum total to the Commissioner of £942k (excluding legal costs). This gives an average of just under £35k per action compared to the MPS average for 1992/3 to 1997/8 of just over £7k. If actions arising from complaints also investigated by Operation Jackpot are considered on their own the difference is more pronounced; the author has information on 11 actions settled for a total of £566k giving an average of over £50k. The Commissioner has not defended one action connected with Jackpot at court and there has only been publicity of two settlements following statements in open court. Anson King accepted £70k for assault, false imprisonment and malicious prosecution, with the Commissioner denying liability (*Times*, 8 November 1994) and Rennie Kingsley accepted £76k for the same torts with the Commissioner failing to enter a defence (*Independent*, 12 December 1995).

Both King and Kingsley approached HCDA for assistance with their criminal cases and were represented in civil proceedings by the same solicitor and counsel. Sandwiched in-between the two settlements, the same civil team appeared before the Central London County Court on behalf of Claudette Thompson in June 1995 in an action involving neighbouring Hackney police officers. The jury awarded her damages of £51.5k for assault, false imprisonment and malicious prosecution. In February 1996 the same counsel appeared in the same court representing Kenneth Hsu, with the jury awarding record damages of £220k against the Commissioner for assault and false imprisonment. There followed a further eight awards of between £50k and £302k in the next six months and the Commissioner appealed against damages in ten cases. Lord Woolf MR giving judgment in the test case of *Thompson and Hsu v. Commissioner of Police of the Metropolis* [1997] 2 All E.R. 762, introduced judicial guidelines to assist juries when determining quantum in police actions with the effect of capping damages (Smith, G. 1997a, Dixon and Smith 1998).

The significance of the Stoke Newington scandal to the escalating costs of police actions lies primarily in the fact that the discrediting of officers in criminal proceedings placed the Commissioner at a considerable disadvantage when seeking to defend actions for damages. This was particularly the case with regard to King's action given the succession of cases involving Carroll. If the Commissioner had defended the action at trial he ran the clear risk of a jury awarding significant exemplary damages to a man of exceptional character up against a police officer operating from a scandal ridden police station. There was the additional likelihood that the amount of damages would be substantially higher on account of the Crown having effectively abandoned Carroll as a witness of truth followed by failure of the Commissioner to take disciplinary action against him.

Having negotiated a settlement of £70k for a plaintiff claiming assault, false imprisonment and malicious prosecution, who was acquitted of simple possession of a class A drug within one year of arrest, the Commissioner was liable to settle more serious claims for larger sums. The settlement of £76k to Kingsley reflects the fact he completed a four month prison sentence for two counts of possession of class A drugs and obstructing an officer in the execution of his duty under s.23 of the Drugs Act 1971, and waited over two and a half years for his convictions to be quashed. The

reason for the Commissioner's failure to enter a defence may have been due to the fact that Lewandowski and Palumbo participated in the plaintiff's arrest during a raid on his home.

The figure of £566k for Jackpot related settlements given above only includes five malicious prosecution actions where plaintiffs had to wait for the Court of Appeal to overturn their convictions. It can be assumed that similar amounts will have been negotiated to settle other actions, including cases where prosecutions were discontinued or concluded with acquittals, and that the total cost to the Commissioner of the scandal ran into more than £1m for settlements alone.

Recent developments

Sir Paul Condon commenced as Commissioner in January 1993 when Operation Jackpot was in full swing. Interviewed by Duncan Campbell one year into office he predicted the soon to be concluded inquiry would reach an 'unsatisfactory conclusion', with some believing management had failed to act and others blaming malicious slurs for the scandal (*Guardian*, 12 January 1994).

The 'police management' view may never be known, but recent developments point to a determined effort to improve police community relations. That is, since the death of Oluwashijibomi Lapite on his arrest by Stoke Newington officers in December 1994, the coroner's inquest finding that he was unlawfully killed by a neck hold with asphyxia as the cause of death (*Guardian*, 26 January 1996). Although the arresting officers have not been charged, the decision has been subjected to judicial review proceedings (*Times*, 24 July 1997; Smith, G. 1997b), and an application by the deceased's widow to the European Court of Human Rights under Article Two of the European Convention of Human Rights is currently in progress.

On the positive side, management at Stoke Newington has been comprehensively reorganised (*Sunday Times*, 12 April 1998). An area complaint unit investigation into allegations of violence against a group of officers ended with one officer being imprisoned for assault in November 1997 (*Times*, 18 November 1997), and a handful

of officers have been quietly dismissed or required to resign since in connection with other complaints.

By way of conclusion it is suggested that events at Stoke Newington have made a positive contribution to the gathering momentum for reform of the police complaint and discipline processes. In the summer of 1997 the Chief Constable of the West Midlands Police, Edward Crew, sparked off debate on the inadequate disciplinary powers available to chief officers for dealing with misconduct (*Independent*, 10 July 1997). Sir Paul Condon unceremoniously stoked the controversy by declaring there were a significant number of corrupt officers serving in the Met. to the Police Federation annual meeting in the Autumn (*Guardian*, 7 October 1997). Both officers have since played a leading part in the Association of Chief Police Officer's campaign for greater disciplinary powers (Home Affairs Select Committee, *Police Disciplinary and Complaints Procedures: Minutes of Evidence and Appendices* (H.C. 258), 1997, vol. II.). It is, perhaps, of more than symbolic significance that the two chief officers responsible for the forces subjected to the most damaging police scandals in recent years have led police calls for reform. Most fundamentally, Stoke Newington serves as a salutary lesson to police managers that failure to take community criticisms of the police seriously can cause major financial damage.

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