

LYNETTE WHITE – INDEPENDENT INVESTIGATION

COMMISSIONER'S FOREWORD

The trial of eight police officers involved in the original investigation into the murder of Lynette White in 1988 ended on 1 December 2011 when prosecuting counsel told the court that four files of documents had been shredded on the orders of South Wales Police senior investigating officer Detective Chief Superintendent Christopher Coutts. South Wales Police immediately referred the matter to the Independent Police Complaints Commission and an independent investigation started on 2 December 2011.

The terms of reference I set for the IPCC investigation were focused on establishing the date that each of the four files of documents came into possession of South Wales Police and then what happened to those documents. This also included the disclosure process and whether any decision had been made to destroy any of those files or individual documents. I was very clear that the IPCC investigation was not into the collapse of the trial, which is a matter for Director of Public Prosecutions Keir Starmer.

At the same time that the IPCC decided to investigate the 'missing' / 'shredded' documents, the DPP asked Her Majesty's Crown Prosecution Service Inspectorate to undertake an independent review of the whole disclosure process at the trial. This review has been undertaken by Michael Fuller and I agreed with him that both investigations would cooperate with each other. It was also agreed that if in the course of the CPSI investigation any issues of police misconduct came to light, they would be referred to the IPCC. No further referrals were made.

On 17 January 2012, the documents that the trial was told had been destroyed were found. The documents were discovered by Detective Chief Superintendent Coutts when he went to the St Athan office, accompanied by a member of police professional standards, to clear out his personal possessions prior to his retirement from the police. The IPCC were informed, oversaw the recovery of the files and verified the authenticity of these documents.

The IPCC investigation was concluded within six months, but as these two independent investigations related to the same trial I agreed with the Crown Prosecution Service to publish the results of both investigations once the HMCPSI investigation was completed.

The IPCC investigation report is a comprehensive account of what happened to these documents. The investigation not only took statements from all relevant key people but also independently interrogated the HOLMES computer system used to manage the Lynette White police investigation in respect of these particular documents.

The process of logging and properly recording each document is an important part of the disclosure process within the criminal justice system. This can be a demanding task, particularly where there is a large volume of material to be processed, as there was in this case, with over 800,000 pages of documents. The simple truth is that the copy documents were not correctly and immediately logged on the police major crime recording system (“HOLMES”) in the summer of 2009 when they first came into the possession of the Lynette White investigation. However, in February and December 2010, there were opportunities for the error to be corrected when it was discovered that the copy documents could not be found in their expected location, which were not acted upon.

These were errors by individual officers and we have recommended that three officers should receive management action regarding proper disclosure processes. However, I agreed in the circumstances that the mistakes made were not sufficient to warrant misconduct recommendations and therefore all police officers and staff were treated as witnesses. The IPCC notes that this incident highlights wider issues concerning the rules on disclosure which are addressed as part of the HMCPSI review of the collapse of the trial.

The IPCC investigation also found that conflicting accounts about whether documents had been destroyed were given to prosecution counsel Nicholas Dean, QC, by SWP officers before the trial was brought to an end. We have concluded that, on the balance of probabilities, no instruction was ever given by DCS Coutts, or any other officer, to destroy the copy documents. The finding of these documents proves the veracity of the two officers’ accounts that the documents were not destroyed.

I have passed the IPCC investigation findings to Chief Constable Peter Vaughan to consider learning for the police service. I also shared our report with Mr Fuller for his review of the trial disclosure process and have also arranged for the report to be published on the IPCC website.

Sarah Green
IPCC Commissioner

16 July 2013